Legislative Assembly of Alberta

Title: **Tuesday, December 4, 2007** **8:00 p.m.**
Date: 2007/12/04
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 46
Alberta Utilities Commission Act

The Chair: When we adjourned, the hon. Member for Grande Prairie-Wapiti had started speaking. Did you have other comments to continue on?

Mr. Graydon: Yes, Mr. Chairman. Thank you.

The Chair: The hon. Member for Grande Prairie-Wapiti.

Mr. Graydon: Well, thank you. Over the break I had many hon. members approach me and say they were anxious to get back in to hear the balance of my comments, so I will continue now. The new Energy Resources Conservation Board will focus on the responsible development of Alberta's resource wealth, ensuring that the production of our province's oil and gas, oil sands, coal-bed methane, and other resources occur safely and in the public interest. The new Alberta utilities commission will oversee the distribution and sale of electricity and retail natural gas to Alberta consumers and will make decisions on new transmission facilities.

Mr. Chairman, it has been said before but it bears repeating: under Bill 46 hearings must – must – be held on all infrastructure applications where the rights of an individual may be directly and adversely affected. All interested parties have the right to be notified of the facts, to participate in a hearing, to be represented by counsel if they wish, and to appeal questions of law or jurisdiction to the courts.

I would like to use the balance of my allotted time to focus my comments on the mandate of the Alberta utilities commission, specifically section 17. A summary of section 17 states that where the commission conducts a hearing, it shall give consideration to whether construction or operation of the proposed development is in the public interest having regard to the social and economic effects of the development. This means that Bill 46 explicitly requires the Alberta utilities commission to consider whether a proposed development is in the public interest and to take into account its social, economic, and environmental effects. It will not only maintain the current rights afforded to landowners and intervenors but adds an additional layer of consideration. Section 17 expands on the checks and balances currently in place.

Mr. Chairman, in developing Bill 46, government has carefully considered the concerns of all stakeholders, including those raised by landowners, consumer groups, various associations, and municipalities. The Minister of Energy has listened and responded with amendments to Bill 46. These amendments and the addition of section 17 will ensure that Albertans have the opportunity to be heard when the regulator considers the need for major infrastructure projects, such as transmission lines, and allows all intervenors to be eligible for funding in regulatory hearings.

Mr. Chairman, Bill 46 strikes a balance between the need to ensure there is enough power for Albertans and ensuring that development is carried out in a responsible manner. We will ensure fairness and efficiency when it comes to regulating Alberta's electricity marketplace. I am confident that Bill 46 will preserve the rights of affected individuals and intervenors while ensuring that the interests of all Albertans are met. For those reasons I'm pleased to offer my support for Bill 46.

Thank you, Mr. Chairman.

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

Mr. MacDonald: Thank you very much, Mr. Chairman. It's interesting to listen to all the discussion here at committee. When we look at these amendments in the time that we have left, certainly I for one am not convinced that this is adequate or necessary. It's not an adequate or necessary debate on this bill nor are the reasons put forward by the government members as to why we should go ahead with this bill at this time. There is just too much wrong with this legislation for us to proceed.

Now, the hon. member previous talked about public interest in section 17, but certainly that section should be amended, Mr. Chairman. In fact, I'm really disappointed that that wasn't one of the long list of amendments that was provided by the government. A portion of this that should be removed and replaced would be the last portion of section 17, which reads, "is in the public interest, having regard to the social and economic effects of the development, plant, line or pipeline and the effects of the development, plant, line or pipeline on the environment." I think we should consider tightening that up, that entire section.

Section 18 – and we're obviously not going to have time – should be amended, and we should give due consideration to section 18(2), which talks about the giving of contradictory evidence. We still don't have an explanation for that. I see the Minister of Energy in the House, Mr. Chairman, with his coat off. He must be very excited after carrying in all the regulations that go along with this bill. He had to remove his coat because of that hard, diligent work. I'm certain at the end of this debate he must be going to table all the regulations.

Now, an amendment that certainly should be made is section 24. I'm very disappointed that section 24 isn't going to be amended. In fact, it should not be amended; it should be just deleted in its entirety. This bill as we allow it to continue in the Assembly in this form controls landowners and consumers, but it doesn't control generators of electricity nor the transmission organizations, and that is wrong. That's wrong. There are two sides of this to have a good regulatory system that's in balance, and this is not the proper balance. Certainly, we talked about this before. There should be an amendment to the period of 10 days from which one has time to make an appeal. It should be increased to 90 days. The appeals from the commission, section 29(2), should be amended as well from 30 days to 90 days.

When we use closure, we don't have time to even try to improve this flawed legislation. The exclusion of the judicial review: people have talked about this, previous speakers. Part 5 is going to be amended, and I for one think it should be. We can go through this. Part 6 is the Market Surveillance Administrator. This whole section hasn't even been touched in the limited discussions that we have had on the role of the Market Surveillance Administrator. I for one think that the Market Surveillance Administrator should come under the Auditor General Act, but it doesn't, and I'm puzzled as to why. I know the government is sensitive about the Auditor General since the report came out on the royalties and how they are or are not handled by the department, but I for one would certainly like to have seen that section amended to put the Market Surveillance Administrator and his department under the watchful eye of our Auditor General.

Certainly, I cannot understand why our Auditor cannot review and audit the financial statements of the Market Surveillance Administrator. Also, when they report in section 53, Mr. Chairman, that the Market Surveillance Administrator shall make available to the minister – the Minister of Energy in this case – reports on market events or conditions or other records, and the Market Surveillance Administrator shall, in my view, subject to regulations and rules under section 74 make public any report or records referred to it in subsection (3) or (4). Not may; not the Market Surveillance Administrator may. If we're really concerned and we're really sincere about the role of the Market Surveillance Administrator, then the Market Surveillance Administrator shall do those things. It's not discretionary. It's not may; it's shall. And that, Mr. Chairman, has not been done yet.

8:10

Now, certainly, we looked earlier at the Gas Utilities Act and its relationship to the Electric Utilities Act. I don't think our questions were answered. Maybe they were not understood. We're still not going to get to the court orders that are under the Market Surveillance Administrator, whenever that administrator may apply to the court by originating notice for an order under subsection (3). It's quite interesting, Mr. Chairman, because there was an originating notice, as I understand, initiated by the Market Surveillance Administrator in a case involving Enmax and the importing into this market of electricity that was uneconomically priced, whatever that means.

I just don't understand why, as other members have stated, we're so anxious to rush this bill through the Assembly. There are many things in here that we have not discussed like section 65(2), which in my view should be amended.

The Chair: Hon. member, we are debating amendment A1.

Mr. MacDonald: Yes. We certainly are, Mr. Chairman. With amendment A1 there are 24 amendments in there, and these are some of the ones that should be added to that list.

An Hon. Member: We listen. We care.

Mr. MacDonald: I'm afraid you don't listen and you don't care, hon. member.

Now, the administrative penalties. We talked a little bit about that, Mr. Chairman. Some of these sections under part 7 have been suggested to me to be struck out.

The Public Service Act in part 8: "The Public Service Act does not apply to the Commission or to the Commission's employees or persons providing services to the Commission." Why not? We know that Mr. Kellan Fluckiger was a contractor, and I'm told that he was not part of any of the rules or regulations that govern public servants in this province. So is that why the Public Service Act does not apply to the commission or to the commission's employees? Surely we can get answers to these questions. Surely we can.

Mr. Chairman, we talked about part 9, the rules and regulations and the commission's rules. This is one that's not part of the hon. Member for Whitecourt-Ste. Anne's amendments, but 91(1)(c) should be amended.

The Chair: I hesitate to interrupt the hon. Member for Edmonton-Gold Bar, but pursuant to Government Motion 38, agreed to December 4, 2007, which states that after three hours of debate all questions must be decided to conclude debate on Bill 46, Alberta Utilities Commission Act, in Committee of the Whole, I must now put the following questions to conclude debate. We will be voting on amendment A1 on each part individually unless I get instructions from the House leaders otherwise at some point in time.

[The voice vote indicated that the motion on amendment A1A carried]

[Several members rose calling for a division. The division bell was rung at 8:14 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Marz in the chair]

For the motion:

Abbott	Fritz	Mitzel
Backs	Graydon	Oberle
Brown	Groeneveld	Ouellette
Cao	Haley	Prins
Cardinal	Hancock	Renner
Coutts	Horner	Rodney
Danyluk	Knight	Rogers
DeLong	Lougheed	Stevens
Doerksen	Magnus	Strang
Dunford	McFarland	VanderBurg
Forsyth		

Against the motion:

Agnihotri	Hinman	Miller, R.
Blakeman	Macdonald	Pannu
Cheffins	Martin	Pastoor
Eggen	Miller, B.	Taylor
Elsalhy		

Totals:	For – 31	Against – 13

[Motion on amendment A1A carried]

The Chair: Now we'll have the vote on amendment A1B.

[The voice vote indicated that the motion on amendment A1B carried]

[Several members rose calling for a division. The division bell was rung at 8:27 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Marz in the chair]

For the motion:

Abbott	Fritz	Mitzel
Backs	Graydon	Oberle
Brown	Groeneveld	Ouellette
Cao	Haley	Prins
Cardinal	Hancock	Renner
Coutts	Horner	Rodney
Danyluk	Knight	Rogers
Delong	Lougheed	Stevens
Doerksen	Magnus	Strang
Dunford	McFarland	VanderBurg
Forsyth		

The Chair: Hon. members, I believe everyone is supposed to be in their seats while the votes are taking place.

Against the motion:

Agnihotri	Elsalhy	Miller, R.
Blakeman	Hinman	Pannu
Cheffins	MacDonald	Pastoor
Eggen	Martin	Taylor

Totals:	For – 31	Against – 12

[Motion on amendment A1B carried]

The Chair: Now on amendment A1C.

[The voice vote indicated that the motion on amendment A1C carried]

[Several members rose calling for a division. The division bell was rung at 8:40 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Marz in the chair]

For the motion:

Abbott	Forsyth	McFarland
Backs	Fritz	Mitzel
Brown	Graydon	Oberle
Cao	Groeneveld	Prins
Cardinal	Haley	Renner
Coutts	Hancock	Rodney
Danyluk	Horner	Rogers
DeLong	Knight	Stevens
Doerksen	Lougheed	Strang
Dunford	Magnus	

Against the motion:

Agnihotri	Elsalhy	Miller, R.
Blakeman	Hinman	Pannu
Cheffins	MacDonald	Pastoor
Eggen	Martin	Taylor

Totals:	For – 29	Against – 12

[Motion on amendment A1C carried]

The Chair: Now we have amendment A1, part D. The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Chairman. Given that we've now had three divisions – the bells have been rung – I suspect that all members that are in the vicinity will have had an opportunity to join us in the voting. There is a provision within our Standing Order 32(3) that allows for the House on unanimous consent to shorten the time between division bells to one minute or to what can be determined. I would request at this time that with unanimous consent we reduce the time on division to one minute. I think that members have had an opportunity to be here.

I recognize that there are some concerns that have been expressed by the opposition. Clearly, there is an opportunity for them to express those concerns; however, I think we do have to think about wise use of taxpayers' resources and move on to the business of the House.

[Unanimous consent denied]

The Chair: The next item for voting is amendment A1D.

[The voice vote indicated that the motion on amendment A1D carried]

[Several members rose calling for a division. The division bell was rung at 8:55 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Marz in the chair]

For the motion:

Abbott	Fritz	Oberle
Backs	Graydon	Ouellette
Brown	Groeneveld	Prins
Cao	Haley	Renner
Cardinal	Hancock	Rodney
Coutts	Horner	Rogers
Danyluk	Knight	Stevens
DeLong	Lougheed	Strang
Doerksen	Magnus	VanderBurg
Dunford	McFarland	Zwozdesky
Forsyth	Mitzel	

Against the motion:

Agnihotri	Elsalhy	Miller, R.
Blakeman	MacDonald	Pastoor
Cheffins	Martin	Taylor
Eggen		

Totals:	For – 32	Against – 10

[Motion on amendment A1D carried]

The Chair: The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Chairman. My colleagues advise that although my argument was compelling last time, it obviously wasn't particularly persuasive, so I will again ask for unanimous consent pursuant to Standing Order 32(3) to reduce the time between the bells to one minute.

[Unanimous consent denied]

The Chair: Back on the amendments. We're dealing with amendment A1E.

[The voice vote indicated that the motion on amendment A1E carried]

[Several members rose calling for a division. The division bell was rung at 9:09 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Marz in the chair]

For the motion:

Abbott	Fritz	Oberle
Backs	Graydon	Ouellette
Brown	Groeneveld	Prins
Cao	Haley	Renner
Cardinal	Hancock	Rodney
Coutts	Horner	Rogers
Danyluk	Knight	Stevens
DeLong	Lougheed	Strang
Doerksen	Magnus	VanderBurg
Dunford	McFarland	Zwozdesky
Forsyth	Mitzel	

9:20

Against the motion:

Agnihotri	Elsalhy	Pannu
Blakeman	MacDonald	Pastoor
Cheffins	Martin	Taylor
Eggen	Miller, R.	
Totals:	For – 32	Against – 11

[Motion on amendment A1E carried]

The Chair: The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Chairman. My mother always taught me that if you want to learn to do something properly, you need to practise. So in the interest of learning to do it properly, I would move, subject to Standing Order 32(3), that the committee give unanimous consent to reducing the time between the bells to one minute.

Point of Order
Division Bell Interval

The Chair: The hon. Opposition House Leader.

Ms Blakeman: Thank you very much for recognizing me. I am mindful of the comments made this afternoon by the Speaker in the Assembly in which he said: "The Government House Leader asked for unanimous consent to waive the time between bells. The Assembly said no." He would draw it to the hon. member . . .

The Chair: Hon. member, this is not debatable.

Ms Blakeman: Well, I'm calling a point of order on him for repeatedly doing this when we had instructions from the Speaker this afternoon that it could be done once and perhaps once again, but not repeatedly. He is violating the instructions that were given to us by the Speaker in this House this afternoon, according to what's in *Hansard*.

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

Mr. Hancock: Thank you, Mr. Chairman. This afternoon, of course, we were in the Assembly, and I was asking the Speaker to make a ruling prior to all of this. Now we're in committee, and Standing Order 32(3) clearly applies. It says:

> Subject to suborder (3.1), when a division is called in Committee of the Whole or Committee of Supply, a Member may request unanimous consent to waive suborder (2) to shorten the 10 minute interval between division bells.

There's clearly no limitation on that standing order, and it's quite in order to ask because one might want to have one division or maybe two divisions or perhaps three divisions, but they may not intend to carry out 10 or 15 divisions. So one doesn't know until one asks when one has reached the point where any member of the Assembly might feel that the point has been made and feel that it's prudent now to act to suggest that the point having been made, we should no longer waste the resources of the public of Alberta on continuing to have 10-minute intervals between votes. So it is quite in order under Standing Order 32(3) to ask for each division, each time, because the circumstances may have changed.

The Chair: Anyone else on the point of order?

Ms Blakeman: That is contravening – the Speaker said you shouldn't do this every three minutes. There has to be some order in the Assembly, and he was referring directly to Standing Order 32(3).

The Chair: Anyone else on the point of order? The hon. Member for Edmonton-Manning on the point of order.

Mr. Backs: Thank you, Mr. Chair. I'm speaking to 32(3). I'm looking to order in the Assembly, and I believe that not allowing this and allowing the division bells just to continue for 10 minutes in a subsequent and a repeated way is actually creating disorder in the Assembly. I think that in order to get into the debates of important questions tonight, we should be proceeding and having this go forward.

The Chair: The hon. Member for Drayton Valley-Calmar, on the point of order.

Rev. Abbott: Yes. Thank you, Mr. Chairman. Referring to Standing Order 32(3), I would also agree that if we were to limit division bells to one minute, then perhaps we could have more time for debate.

The Chair: I'm calling for comments on the point of order. If there is no one else, I'm prepared to make a ruling on this.

It's true that the Speaker did give some direction on the division in Assembly, but we are in committee right now. Standing Order 32(3) is quite clear, and I will read it.

> Subject to suborder (3.1), when a division is called in Committee of the Whole or Committee of Supply, a Member may request unanimous consent to waive suborder (2) to shorten the 10 minute interval between division bells.

It doesn't put any other restrictions on how many times this can be called for, so there is no point of order.

Debate Continued

The Chair: Now, on the request by the hon. Deputy Government House Leader. I don't believe your request differs from the time before, so I'll put the question to the Assembly.

[Unanimous consent denied]

The Chair: Now we are dealing with A1F.

[The voice vote indicated that the motion on amendment A1F carried]

[Several members rose calling for a division. The division bell was rung at 9:26 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Marz in the chair]

For the motion:

Abbott	Fritz	Oberle
Backs	Graydon	Ouellette
Brown	Groeneveld	Prins
Cao	Haley	Renner
Cardinal	Hancock	Rodney
Coutts	Horner	Rogers
Danyluk	Knight	Stevens
DeLong	Lougheed	Strang
Doerksen	Magnus	VanderBurg
Dunford	McFarland	Zwozdesky
Forsyth	Mitzel	

Against the motion:

Agnihotri	Elsalhy	Pannu
Blakeman	MacDonald	Pastoor
Cheffins	Martin	Taylor
Eggen	Miller, R.	

Totals:	For – 32	Against – 11

[Motion on amendment AIF carried]

The Chair: The next amendment is amendment A1G.

[The voice vote indicated that the motion on amendment A1G carried]

[Several members rose calling for a division. The division bell was rung at 9:40 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Marz in the chair]

For the motion:

Abbott	Forsyth	Mitzel
Backs	Fritz	Oberle
Brown	Graydon	Prins
Cao	Groeneveld	Renner
Cardinal	Haley	Rodney
Coutts	Hancock	Rogers
Danyluk	Knight	Stevens
DeLong	Lougheed	Strang
Doerksen	Magnus	VanderBurg
Dunford	McFarland	

Against the motion:

Agnihotri	Elsalhy	Pannu
Blakeman	MacDonald	Pastoor
Cheffins	Martin	Taylor
Eggen	Miller, R.	

Totals:	For – 29	Against – 11

[Motion on amendment A1G carried]

The Chair: The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Chairman. Pursuant to Standing Order 32(3) I seek unanimous consent to reduce the time between the division bells to one minute.

[Unanimous consent denied]

The Chair: The hon. Minister of Energy.

Point of Order
Separating Amendments

Mr. Knight: Mr. Chairman, if I could. Clarification, please. In the Standing Orders, Proceedings in Committee of the Whole, 81(2)

> Where the Chair receives an indication that comments, questions or amendments will be offered with respect to any sections of the Bill, the committee shall consider every such section [of the Bill], with the title and preamble to be considered last.

Mr. Chairman, I submit to you that as we proceed through the sections – when we get to amendment M, it's section 95 in the bill. N is section 95 in the bill, and then from O I think there are five in a row that deal with section 96. I submit to you, Mr. Chairman, that they should be dealt with as one section of the bill.

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

Ms Blakeman: Thank you very much. According to several rulings by both the chairperson and by the Speaker, these particular amendments were to be voted individually. I don't see why there would be a need to not do that at this point. We were not actually allowed to debate them individually. We weren't even afforded enough time to do that, and we will certainly take the time now by voting them one at a time.

Thank you.

The Chair: Hon member, we're not dealing with the bill at this particular time. We're dealing with amendments to the bill. I received indication from the House leaders earlier that we would be dealing with each part of the amendment in alphabetical order as they appear on the amendment A1 sheet. That's what we've been doing, and unless I get indication from the committee to deal with this otherwise, that's how I will continue to deal with it.

Mr. Knight: Mr. Chairman, if I may. With all respect, if we read section 81(2), it very clearly states that questions or amendments – questions or amendments – "offered with respect to any sections of the Bill, the committee shall consider every such section." The Standing Orders there are very clear.

Ms Blakeman: At this point we're dealing with the voting of the amendments, not with the content of the amendments. It's the voting of the amendments that's on the floor, and that was the ruling that was given by both the Speaker and the chair.

The Chair: We've already ruled that this is the way the committee was agreeable to doing it. Unless I get an indication from the committee, we'll continue doing it this way. That was the indication to the chair when that was asked for earlier in the day, and that was agreed upon. Unless you want to take it up with the House leaders and change that indication to me.

Mr. Knight: Well, thank you very much. I have one last comment.

The Chair: Sure.

Mr. Knight: Very clearly, again, Mr. Chairman, up to this point in time we have only been dealing with one section of the bill at a time. As we move forward, there are a number of areas in this A1 package of amendments, a number of amendments dealing with one section, and that was what I was trying to bring to your attention.

The Chair: Hon. Government House Leader, you have some comments on this?

Mr. Hancock: Yes, Mr. Chairman. If the hon. member is correct that a number of these lettered items that you've broken it down into amend the same section, I believe that the hon. member has a point. We were led to believe that it was broken down into sections. That wasn't an agreement of the House leaders. That was your ruling because the standing procedure of the House is that we deal with the bill clause by clause, and if any member wants it voted on separately, then you don't vote on it as a package. But that presumes that each of the sections broken down, the A to G or whatever it is, are dealing with sections. If, in fact, they've been broken down into subs of sections, I believe the hon. member has a point.

The Chair: Well, if we are going to change the process from this point on, I would ask for a vote of the committee to do it, or else we'll proceed the way we have been going.

Hon. members, at the very outset this evening it was indicated to me, the chair, that by an agreement of the House leaders we would be proceeding the way we have, by alphabetical part at the time. I asked if there was any change in that, I would get that change from those House leaders at that time. I have not got that indication yet. Unless I do, we will be continuing the way we have. I would suggest that members take it up with their House leaders to indicate that change to me.

Mr. Hancock: There's never been a House leaders' agreement on this point. It's up to members of the House to request if they want to proceed section by section, and if they request, we must acquiesce. It's not been a matter of a House leaders' agreement.

10:00

Ms Blakeman: We did in fact request a number of times on the record that these amendments be severed, and what we were told in response was that it would be debated as a package and voted separately by each differential section here. The amendments are identified alphabetically, A through X I believe, and that was how they were to be voted.

The Chair: Well, I've ruled on this, and we will proceed the way we have been going about this in the past.

Debate Continued

The Chair: The next section we're dealing with is A1, part H.

[The voice vote indicated that the motion on amendment A1H carried]

[Several members rose calling for a division. The division bell was rung at 10:01 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Marz in the chair]

For the motion:

Abbott	Forsyth	Mitzel
Backs	Fritz	Oberle
Brown	Graydon	Ouellette
Cao	Groeneveld	Prins
Cardinal	Haley	Renner
Coutts	Hancock	Rodney
Danyluk	Horner	Rogers
DeLong	Knight	Stevens
Doerksen	Lougheed	Strang
Dunford	McFarland	VanderBurg

Against the motion:

Agnihotri	Elsalhy	Pannu
Blakeman	MacDonald	Pastoor
Cheffins	Martin	Taylor
Eggen	Miller, R.	

Totals: For – 30 Against – 11

[Motion on amendment A1H carried]

The Chair: The next part is amendment A1I.

[The voice vote indicated that the motion on amendment A1I carried]

[Several members rose calling for a division. The division bell was rung at 10:14 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Marz in the chair]

For the motion:

Abbott	Graydon	Oberle
Backs	Groeneveld	Ouellette
Brown	Haley	Prins
Cao	Hancock	Renner
Cardinal	Horner	Rodney
Coutts	Knight	Rogers
DeLong	Lougheed	Snelgrove
Doerksen	Magnus	Stevens
Dunford	McFarland	Strang
Forsyth	Mitzel	VanderBurg
Fritz		

Against the motion:

Agnihotri	Eggen	Miller, R.
Blakeman	Elsalhy	Pastoor
Chase	MacDonald	Taylor
Cheffins	Martin	

Totals: For – 31 Against – 11

[Motion on amendment A1I carried]

The Chair: The next amendment for consideration is amendment A1J.

[The voice vote indicated that the motion on amendment A1J carried]

[Several members rose calling for a division. The division bell was rung at 10:26 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Abbott	Graydon	Oberle
Backs	Groeneveld	Ouellette
Brown	Haley	Prins
Cao	Hancock	Renner
Cardinal	Horner	Rodney
Coutts	Knight	Rogers
DeLong	Lougheed	Snelgrove
Doerksen	Magnus	Stevens
Dunford	McFarland	Strang
Forsyth	Mitzel	VanderBurg
Fritz		

Against the motion:

Agnihotri	Eggen	Miller, R.
Blakeman	Elsalhy	Pastoor
Chase	MacDonald	Taylor
Cheffins		

Totals:	For – 31	Against – 10

[Motion on amendment A1J carried]

The Deputy Chair: Hon. members. We'll now vote on part K of amendment A1.

[The voice vote indicated that the motion on amendment A1K carried]

[Several members rose calling for a division. The division bell was rung at 10:39 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Abbott	Fritz	Oberle
Backs	Graydon	Ouellette
Brown	Groeneveld	Prins
Cao	Haley	Renner
Cardinal	Hancock	Rodney
Coutts	Horner	Rogers
Danyluk	Knight	Snelgrove
DeLong	Lougheed	Stevens
Doerksen	Magnus	Strang
Dunford	McFarland	VanderBurg
Forsyth	Mitzel	

10:50

Against the motion:

Agnihotri	Eggen	Miller, R.
Blakeman	Elsalhy	Pastoor
Chase	MacDonald	Taylor
Cheffins	Miller, B.	

Totals:	For – 32	Against – 11

[Motion on amendment A1K carried]

The Deputy Chair: Hon. members, we'll now vote on section L of amendment A1.

[The voice vote indicated that the motion on amendment A1L carried]

[Several members rose calling for a division. The division bell was rung at 10:51 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Abbott	Fritz	Mitzel
Backs	Graydon	Oberle
Brown	Groeneveld	Prins
Cao	Haley	Renner
Cardinal	Hancock	Rodney
Coutts	Horner	Rogers
Danyluk	Knight	Snelgrove
DeLong	Lougheed	Stevens
Doerksen	Magnus	Strang
Dunford	McFarland	VanderBurg

Against the motion:

Agnihotri	Eggen	Miller, R.
Blakeman	Elsalhy	Pastoor
Chase	MacDonald	Taylor
Cheffins	Miller, B.	

Totals:	For – 30	Against – 11

[Motion on amendment A1L carried]

The Deputy Chair: Hon. members, we'll next vote on section M.

[The voice vote indicated that the motion on amendment A1M carried]

[Several members rose calling for a division. The division bell was rung at 11:04 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Abbott	Graydon	Oberle
Backs	Groeneveld	Pham
Brown	Haley	Prins
Cao	Hancock	Renner
Cardinal	Horner	Rodney
Coutts	Knight	Rogers
Danyluk	Lougheed	Snelgrove
DeLong	Magnus	Stevens
Doerksen	McFarland	Strang
Dunford	Mitzel	VanderBurg
Fritz		

Against the motion:

Agnihotri	Eggen	Miller, R.
Blakeman	Elsalhy	Pastoor
Chase	MacDonald	Taylor
Cheffins	Miller, B.	

Totals: For – 31 Against – 11

[Motion on amendment A1M carried]

The Deputy Chair: Hon. members, we'll next vote on section N.

[The voice vote indicated that the motion on amendment A1N carried]

[Several members rose calling for a division. The division bell was rung at 11:16 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Abbott	Dunford	McFarland
Ady	Fritz	Mitzel
Amery	Graydon	Oberg
Backs	Groeneveld	Oberle
Brown	Haley	Pham
Cao	Hancock	Prins
Cardinal	Horner	Renner
Cenaiko	Johnston	Rodney
Coutts	Knight	Rogers
Danyluk	Liepert	Snelgrove
DeLong	Lougheed	Strang
Doerksen	Magnus	VanderBurg

Against the motion:

Agnihotri	Eggen	Miller, B.
Blakeman	Elsalhy	Miller, R.
Chase	Flaherty	Pastoor
Cheffins	MacDonald	Taylor

Totals: For – 36 Against – 12

[Motion on amendment A1N carried]

The Deputy Chair: Hon. members, we will now vote on section O of amendment A1.

[The voice vote indicated that the motion on amendment A1O carried]

[Several members rose calling for a division. The division bell was rung at 11:29 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Abbott	Haley	Melchin
Ady	Hancock	Mitzel
Amery	Jablonski	Oberg
Backs	Johnson	Oberle
Boutilier	Johnston	Pham
Cao	Knight	Prins
Cenaiko	Liepert	Renner
Coutts	Lindsay	Rodney
Goudreau	Lukaszuk	Snelgrove
Griffiths	Magnus	Strang
Groeneveld	McFarland	

11:40

Against the motion:

Agnihotri	Eggen	Miller, B.
Blakeman	Elsalhy	Miller, R.
Chase	Flaherty	Pastoor
Cheffins	MacDonald	Taylor

Totals: For – 32 Against – 12

[Motion on amendment A1O carried]

The Deputy Chair: Hon. members, we will next vote on section P of amendment A1.

[The voice vote indicated that the motion on amendment A1P carried]

[Several members rose calling for a division. The division bell was rung at 11:42 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Abbott	Hancock	Oberg
Ady	Jablonski	Oberle
Amery	Johnson	Pham
Backs	Johnston	Prins
Boutilier	Knight	Renner
Cao	Liepert	Rodney
Cenaiko	Lindsay	Snelgrove
Goudreau	Magnus	Strang
Haley	Melchin	

Against the motion:

Agnihotri	Eggen	Miller, B.
Blakeman	Elsalhy	Miller, R.
Chase	Flaherty	Pastoor
Cheffins	MacDonald	Taylor

Totals: For – 26 Against – 12

[Motion on amendment A1P carried]

The Deputy Chair: Hon. members, we'll now vote on section Q.

[The voice vote indicated that the motion on amendment A1Q carried]

[Several members rose calling for a division. The division bell was rung at 11:54 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Abbott	Haley	Melchin
Ady	Hancock	Oberg
Amery	Jablonski	Oberle
Backs	Johnson	Pham
Boutilier	Johnston	Prins
Cao	Knight	Renner
Cenaiko	Liepert	Rodney
Goudreau	Lindsay	Snelgrove
Griffiths	Lukaszuk	Strang

Against the motion:

Blakeman	Eggen	Miller, B.
Bonko	Elsalhy	Miller, R.
Chase	Flaherty	Pastoor
Cheffins	MacDonald	Taylor

Totals:	For – 27	Against – 12

[Motion on amendment A1Q carried]

The Deputy Chair: Hon. members, we will now vote on section R. We are voting right now, hon. Member for Edmonton-Manning.

Mr. Backs: I'm rising to request unanimous consent to reduce the amount of time for the bells.

The Deputy Chair: To one minute?

Mr. Backs: Under 32(3) of the Standing Orders, Mr. Chair.

[Unanimous consent denied]

The Deputy Chair: Section R.

[The voice vote indicated that the motion on amendment A1R carried]

[Several members rose calling for a division. The division bell was rung at 12:08 a.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Abbott	Jablonski	Melchin
Ady	Johnson	Oberg
Amery	Johnston	Oberle
Boutilier	Knight	Pham
Cenaiko	Liepert	Prins
Goudreau	Lindsay	Renner
Griffiths	Lukaszuk	Rodney
Haley	Lund	Strang
Hancock		

Against the motion:

Blakeman	Eggen	Miller, B.
Bonko	Elsalhy	Miller, R.
Chase	Flaherty	Pastoor
Cheffins	MacDonald	Taylor

Totals:	For – 25	Against – 12

[Motion on amendment A1R carried]

12:20

The Deputy Chair: Hon. members, we will now vote on section S of amendment A1.

[The voice vote indicated that the motion on amendment A1S carried]

[Several members rose calling for a division. The division bell was rung at 12:21 a.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Abbott	Jablonski	Oberg
Ady	Johnson	Oberle
Amery	Johnston	Pham
Boutilier	Knight	Prins
Cenaiko	Liepert	Renner
Goudreau	Lindsay	Rodney
Griffiths	Lukaszuk	Snelgrove
Haley	Lund	Strang
Hancock	Melchin	

Against the motion:

Blakeman	Elsalhy	Miller, B.
Bonko	Flaherty	Miller, R.
Chase	MacDonald	Pastoor
Cheffins	Mason	Taylor
Eggen		

Totals:	For – 26	Against – 13

[Motion on amendment A1S carried]

The Deputy Chair: Hon. members, we will now vote on section T of amendment A1.

[The voice vote indicated that the motion on amendment A1T carried]

[Several members rose calling for a division. The division bell was rung at 12:33 a.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Abbott	Johnson	Oberg
Ady	Johnston	Oberle
Amery	Knight	Pham
Boutilier	Liepert	Prins
Cenaiko	Lindsay	Renner
Goudreau	Lund	Rodney

Haley	Marz	Snelgrove
Hancock	Melchin	Strang
Jablonski		

Against the motion:

Blakeman	Elsalhy	Miller, B.
Bonko	Flaherty	Miller, R.
Chase	MacDonald	Pastoor
Cheffins	Mason	Taylor
Eggen		

Totals:	For – 25	Against – 13

[Motion on amendment A1T carried]

The Deputy Chair: Hon. members, we'll now vote on section U of amendment A1.

[The voice vote indicated that the motion on amendment A1U carried]

[Several members rose calling for a division. The division bell was rung at 12:45 a.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Marz in the chair]

For the motion:

Abbott	Jablonski	Oberg
Ady	Johnson	Oberle
Amery	Johnston	Pham
Boutilier	Knight	Prins
Cao	Liepert	Renner
Cenaiko	Lindsay	Rodney
Goudreau	Lund	Snelgrove
Haley	Melchin	Strang
Hancock	Mitzel	

Against the motion:

Blakeman	Eggen	Mason
Bonko	Elsalhy	Miller, B.
Chase	Flaherty	Miller, R.
Cheffins	MacDonald	Pastoor

Totals:	For – 26	Against – 12

[Motion on amendment A1U carried]

The Chair: Hon. members, the next amendment is A1V.

[The voice vote indicated that the motion on amendment A1V carried]

[Several members rose calling for a division. The division bell was rung at 12:57 a.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Marz in the chair]

For the motion:

Abbott	Jablonski	Oberg
Ady	Johnson	Oberle
Amery	Johnston	Pham
Boutilier	Knight	Prins
Cao	Liepert	Renner
Cenaiko	Lindsay	Rodney
Goudreau	Lund	Snelgrove
Haley	Melchin	Strang
Hancock		

Against the motion:

Bonko	Eggen	Miller, B.
Chase	Flaherty	Miller, R.
Cheffins	Mason	Pastoor

Totals:	For – 25	Against – 9

[Motion on amendment A1V carried]

The Chair: The next amendment is amendment A1, part W.

[The voice vote indicated that the motion on amendment A1W carried]

[Several members rose calling for a division. The division bell was rung at 1:10 a.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Marz in the chair]

For the motion:

Abbott	Jablonski	Oberg
Ady	Johnson	Oberle
Amery	Johnston	Pham
Boutilier	Knight	Prins
Cao	Liepert	Renner
Cenaiko	Lindsay	Rodney
Goudreau	Lund	Snelgrove
Haley	Melchin	Strang
Hancock		

1:20

Against the motion:

Bonko	MacDonald	Miller, R.
Chase	Mason	Pastoor
Cheffins	Miller, B.	Taft
Flaherty		

Totals:	For – 25	Against – 10

[Motion on amendment A1W carried]

The Chair: The next amendment is amendment A1X.

[The voice vote indicated that the motion on amendment A1X carried]

[Several members rose calling for a division. The division bell was rung at 1:22 a.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Marz in the chair]

For the motion:

Abbott	Jablonski	Oberg
Ady	Johnson	Oberle
Amery	Johnston	Pham
Boutilier	Knight	Prins
Cao	Liepert	Renner
Cenaiko	Lindsay	Rodney
Goudreau	Lund	Snelgrove
Haley	Melchin	Strang
Hancock		

Against the motion:

Bonko	Hinman	Miller, R.
Chase	MacDonald	Pastoor
Cheffins	Mason	Taft
Flaherty	Miller, B.	
Total	For – 25	Against – 11

[Motion on amendment A1X carried]

[The voice vote indicated that the clauses of Bill 46 as amended were agreed to]

[Several members rose calling for a division. The division bell was rung at 1:34 a.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Marz in the chair]

For the motion:

Abbott	Jablonski	Oberg
Ady	Johnson	Oberle
Amery	Johnston	Pham
Boutilier	Knight	Prins
Cao	Liepert	Renner
Cenaiko	Lindsay	Rodney
Goudreau	Lund	Snelgrove
Haley	Melchin	Strang
Hancock		

Against the motion:

Bonko	Hinman	Miller, B.
Chase	MacDonald	Miller, R.
Cheffins	Mason	Taft
Flaherty		
Totals:	For – 25	Against – 10

[The clauses of Bill 46 as amended agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? That's carried.
The hon. Government House Leader.

Mr. Hancock: Well, Mr. Chairman, I would move that the committee rise and report Bill 46.

[Motion carried]

[The Deputy Speaker in the chair]

Mr. Johnson: Mr. Speaker, the Committee of the Whole has had under consideration a certain bill. The committee reports the following bill with some amendments: Bill 46. 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: Are you agreed with the report?

Hon. Members: Agreed.

The Deputy Speaker: Opposed? So ordered.

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

Bill 46
Alberta Utilities Commission Act

The Deputy Speaker: The hon. Minister of Energy.

Mr. Knight: Thank you very much, Mr. Speaker. It's a pleasure for me to move third reading of Bill 46 after the stimulating debate that we had with respect to the amendments that were brought forward to in fact strengthen this bill for the protection of all Albertans and to provide for Albertans a utility commission that will in the future I'm very sure provide an excellent opportunity for Albertans not only to have the protection and the service of a strong utility structure but also to be very much engaged in that process as it moves along.

Mr. Speaker, a key area that was entrusted to me as the Minister of Energy for the province of Alberta includes the continuing effective operation of Alberta's electricity system to meet Albertans' growing needs, and it's a responsibility that I don't take lightly. I think that all hon. members here would agree with me that the intent of Bill 46 to create two entities out of the EUB is, indeed, something that is required and is a positive move for Alberta.

1:50

Mr. Speaker, I'd like to say in the context of that that some hon. members might suggest that it's an attempt to act against the interests of Albertans. However, the AUC, like the EUB, has an obligation to approve what's in the public interest, and I think that, in fact, what we've done here is to address exactly that.

I'm pleased that we're able to start the final debate with respect to Bill 46 here in third reading. Mr. Speaker, at this point in time I would like to move to adjourn debate.

[Motion to adjourn debate carried]

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

Bill 57
Miscellaneous Statutes Amendment Act, 2007 (No. 2)

The Deputy Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I would move Bill 57, Miscellaneous Statutes Amendment Act, 2007 (No. 2) for second reading.

[The Speaker in the chair]

As was indicated in first reading when it was introduced, miscellaneous statutes usually is a statute which does not have much debate because it only gets introduced after all parties have agreed that the contents thereof are, in fact, miscellaneous. I will adhere to that concept, Mr. Speaker, and not debate it further and would at this time move that we adjourn debate on Bill 57.

[Motion to adjourn debate carried]

head: **Government Motions**

The Speaker: The hon. Government House Leader.

Time Allocation on Bill 46

39. Mr. Hancock moved:
    Be it resolved that when further consideration of Bill 46, Alberta Utilities Commission Act, is resumed, not more than one hour shall be allotted to any further consideration of the bill at third reading, at which time every question necessary for the disposal of the bill at this stage shall be put forthwith.

Mr. Hancock: Thank you, Mr. Speaker. We've spoken to this motion twice. I won't speak to it further.

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

Mr. R. Miller: Thank you very much, Mr. Speaker. Although the hon. Government House Leader might not wish to speak to it further, I certainly think it's important that we speak to it further. This is now I believe the fourth time in just the last few days that we've seen this government invoke closure on debate in this Legislature. Yes, the fourth time. I think it's shameful, quite frankly, that we see this sort of thing happening.

You know, we've been through an exercise in democracy and parliamentary rules over the last six hours. I know that there are some members of the House who question the tactic. Quite frankly, there isn't a member on this side of the House who would not have rather spent the last six hours debating Bill 46 as opposed to doing the votes that we went through, but the government put the opposition in a situation where we weren't allowed to debate over the last six hours, unfortunately, and I think it's fair to say it's unfortunate for the people of this province. They lost six hours of debate on Bill 46 as a result of the government. In fairness, Mr. Speaker, as they with Government Motion 39, they are using the standing orders to their full advantage.

I think it's fair to say that the opposition used the standing orders to their full advantage, for whatever that might be worth. It can be questioned what it's worth, but nevertheless that is the way it works. Both sides of the House have shown tonight that they're willing to use the rules as they are to the best of their abilities and for the purposes as they best see fit; that is true. I hear the President of the Treasury Board agreeing with me. I'm glad that he sees some merit in my argument.

To speak specifically to Government Motion 39, clearly the opposition is going to vote against this motion, and clearly, if need be, there will be another standing vote on this. It is simply a matter of principle, Mr. Speaker, and I think it's an important principle.

Mr. Liepert: You don't have any.

Mr. R. Miller: I hear the hon. Minister of Education suggesting that I don't have any principles. If he's looking for a point of order, he's dangerously close to finding one because, Mr. Speaker, as has been said by many members of this House many times – many times – we have nothing if we don't have our own dignity and our own honour. For that minister to sit there and question my dignity and my honour and suggest that I don't have any principles is not funny. It is not funny.

Mr. Speaker, I'm ashamed. It's 2 o'clock in the morning, and duly elected members of this Assembly are here to do a job on behalf of the people of this province. The smugness that comes from that side of the House is absolutely shameful. I have said this before, and here we are again: a black day for democracy in this province. The fourth time in only a handful of days that the government has invoked closure. They are denying the people of this province their rights in terms of having their voices heard.

The hon. Minister of Education should know that I tabled a letter in this House this afternoon that came from a constituent, totally unsolicited, suggesting that Bill 46, even as amended, is a terrible piece of legislation and in the letter asked me to vote against the amendments. He was suggesting in this House yesterday that that doesn't happen, that the only way that any members of this House are getting letters from constituents suggesting that they vote against Bill 46 is if they're solicited. Well, clearly that's just not the case. There are many people across this province that are incredibly concerned. [interjection] I certainly did not solicit a letter from the mayor of Calgary. I'm going to suggest that the Minister of Education probably didn't solicit that letter either.

Mr. Rodney: Can we go back to a division?

Mr. R. Miller: Oh, we will in a very short time, hon. Member for Calgary-Lougheed. We will very definitely be back to a division in no time, I'm sure.

As I said, a black day for democracy. Here we are once again being forced into a closure motion by the government for whatever reason. You know, Mr. Speaker, I do not understand. This is the fifth week in this House in the fall sitting, and we could have started this debate five weeks ago. [Mr. R. Miller's speaking time expired]

The Speaker: I'm sorry, hon. member, but under Standing Order 21(3) there are only two speakers permitted.

[The voice vote indicated that Government Motion 39 carried]

[Several members rose calling for a division. The division bell was rung at 1:58 a.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abbott	Jablonski	Oberg
Ady	Johnson	Oberle
Amery	Johnston	Pham
Boutilier	Knight	Prins
Cao	Liepert	Renner
Cenaiko	Lindsay	Rodney
Goudreau	Lukaszuk	Shariff
Griffiths	Lund	Snelgrove
Haley	Marz	Strang
Hancock	Melchin	

Against the motion:

Bonko	Hinman	Miller, B.

Chase	MacDonald	Miller, R.
Cheffins	Mason	Taft

Totals: For – 29 Against – 9

[Government Motion 39 carried]

head: *2:10* **Government Bills and Orders**
Third Reading

Bill 46
Alberta Utilities Commission Act
(continued)

The Speaker: Hon. Minister of Energy, are you continuing?

Mr. Knight: Well, thank you very much, Mr. Speaker. I think for the purposes of third reading I would like to just say again that I hope that we have an opportunity here in the next something less than an hour to indicate to Albertans the concerns that some people have raised with respect to this issue and also, I believe, the opportunity to indicate how we've addressed those concerns to the greatest degree. With that, I think I would like to just allow the debate in third reading to continue.

Thank you very much.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. Certainly, when we think of this hour and we think of the lack of proper time in committee that was used or in the absence of time to try to repair this bill, the 24 amendments, it's remarkable that this government would invoke closure again on this bill. There are, again, so many outstanding issues and so little time, and if this government continues with this pattern of closure, the citizens of this province are apt to invoke closure on this government.

Now, specifically with this bill and in third reading we have to ask ourselves: have we done enough? Obviously, hon. members, we have not. We have not done enough with this bill to improve it and to satisfy the concerns and the issues that have been brought forward. The 24 amendments are simply a reflection of how it was so poorly drafted in the first place.

Now, when we look at this series of amendments – I won't call them improvements to this bill – no one on the government side in the limited time we had at committee stood up and said that the proposed amendments, the changes in the intervenor funding, provided the Alberta utilities commission the discretion to provide funding to a local intervenor or other intervenors in a hearing or any other proceeding. I didn't hear that, Mr. Speaker, and when we look at some of the other attempts to satisfy the concerns of Albertans, they're not addressed here either.

Certainly, whenever we're looking at the administrative penalties, we clarified that the administrative penalties that the Alberta utilities commission can impose on a person are either a fine or other terms and conditions or both – and we talked about this earlier – but there's been really no satisfaction here where we're moving some officers' and directors' joint liability issues. I could go on and on, but I think what we need to do here with this bill in third reading is give it one more chance.

Now, with the time that we have, I think we should consider bringing this bill back to committee because we have not finished the work that needed to be done. [interjection] I'm sure the Minister of Energy is excited about that. We look at the regulations, which we have been patient for and we've been asking for. I'm very disappointed that we have not had a chance to review them.

Mr. Speaker, I have an amendment to the bill here, a notice of amendment. I would ask if the pages could please come by. We have lots of copies for everyone here, including the signed original on the top. If that could be distributed, please, I would be grateful.

The Speaker: Hon. member, I'm assuming that this is a committal amendment, so just proceed. It'll be circulated right now.

Mr. MacDonald: Thank you very much.

Now, Mr. Speaker, my notice of amendment. I will read it into the record for the benefit of the hon. Member for Drayton Valley-Calmar. I move that the motion for third reading of Bill 46, Alberta Utilities Commission Act, be amended by deleting all the words after "that" and substituting the following: "Bill 46, Alberta Utilities Commission Act, be not now read a third time but that it be recommitted to Committee of the Whole for the purpose of reconsidering sections 3 to 24."

Now, there's a lot in sections 3 to 24 that we haven't had the time to address because of this government's habit of invoking closure. Mr. Speaker, I would urge all hon. members to consider this amendment at this time and for these very reasons. If we were to go back to Committee of the Whole and we were to deal with sections 3 through 24, these are some of the things that we could consider. In section 3(1) we could consider an amendment, and we could discuss changing the composition of the commission, eliminating the appointment of nine members chosen by the Lieutenant Governor in Council, changing it to better reflect the needs of Alberta consumers. This is done by adding five consumer appointees. Let's put the consumers first, not last. [interjection] The hon. Member for Calgary-Buffalo has spoken. Unfortunately, I could not hear that. Perhaps it's better that I did not.

Now, if we were to adopt this amendment, it would also give us time to look at section 6(1)(a) in committee. If we were to have a look at section 6(1)(a) – and that's under Duty of Care, Mr. Speaker – we could discuss the idea and consider a change in language to broaden the concept of best interest. Defining the public interest can be done narrowly; for instance, the economic interest. This means that other concepts will be considered. If we have a look at this, we could consider the environment, for example.

If we were to go down here to section 8(1) – again, I would remind all hon. members that the approach, if we were to amend this, is based on limiting the powers of the commission and the extent to which it could exercise powers that are not contained or enumerated within Bill 46. I'm sure the Minister of Energy is having doubts about Bill 46, and he must be having doubts about the discretionary powers of the commission.

Mr. Knight: You don't get to determine when I have doubts.

2:20

Mr. MacDonald: I don't get to determine when the hon. Minister of Energy has doubts. I'm relieved to hear that, hon. member.

Now, section 8(5). This will give us an opportunity to have a look at this. If we were to do the right thing, we would rein in the power of the commission to ensure that only matters that are essential to the performance of the commission's mandate are dealt with during any proceeding. Without this, any matter could come into the mandated power of the commission.

We could also have a look at section 8(7). I think, again, that we would be better off without section 8(7).

Mr. Knight: There are a few things around here I think we'd be better off without as well.

Mr. MacDonald: Well, why didn't you say that in committee?

Now you're getting the chance, so I would encourage you to please support this proposal.

Now 9(1). You know, the Minister of Energy may be confident that section 9 is fixed, but Albertans are not. If we were to strike out section 9(1), this would ensure that the commission is unable to convene, make orders, or issue a decision without providing notice or holding a hearing. This ensures that some measure of accountability and due process remains for Albertans.

We can have a look at section 11. Again, we need to have a look at the powers of the commission, ensuring that it takes its powers from the act and not some expansive concept of the powers that a Queen's Bench justice wields. If we were to look further here, Mr. Speaker, we all know that Queen's Bench judges have a great deal of power. The amendment to this section spells out the powers of the commission, stopping short of granting them similar powers and immunities that are vested in a Queen's Bench justice. This is a very important limitation. The provision of these immunities could have broad, very serious implications.

Now section 12. If we were to use that, we've gotta be very careful. When we look at this section, if we were to change this and allow for greater civil enforcement of a finding that a contempt of the commission has occurred, it gives teeth to the powers to find persons who have been contemptuous and allows for real chances for the recovery of costs.

In section 15 we could consider some changes as well, Mr. Speaker. When we're discussing this, we cannot but remember that a few months ago, going back to May and June, specifically June, Albertans learned that the government had hired private investigators to spy on landowners and other concerned citizens who attended public hearings of the Energy and Utilities Board on a transmission line, to be specific, a transmission line hearing in Rimbey, and at a hearing in Redwater on the northwest upgrader.

The EUB spy scandal has made it clear that there are big problems with Alberta's energy and utilities regulatory system. Again, when the government spies on its own citizens, citizens who are only trying to express their concerns with regard to proposed power lines in their backyard and other utilities that could impact the quality of their life, the system is badly broken. Public confidence has been eroded by this government in the electric utility regulatory system. The government knows it, the Minister of Energy knows it, and Bill 46 is not going to fix it.

Mr. Boutilier: Bill 46 is going to serve Albertans well.

Mr. MacDonald: Bill 46 is not going to serve all Albertans, hon. Member for Fort McMurray-Wood Buffalo.

Now, instead of fixing the problem, the government has drafted, hastily I might add, this bill. Hastily.

Mr. Boutilier: Diligently.

Mr. MacDonald: Not diligently. Kellan Fluckiger has certainly been involved in the drafting of this, and if it was drafted really well, you wouldn't have had to hire this $500-an-hour consultant to try to help out, throwing lifelines to $500-an-hour consultants and then at the same time having the gall to say that this side of the House is wasting taxpayers' money. Shame on you. Shame on you after spending an additional $26,000 on another propaganda campaign in 133 newspapers to try to convince rural Albertans that Bill 46 is the right thing to do. Shame on this government, Mr. Speaker. Shame on this government.

We still haven't satisfied with Bill 46 all the outstanding questions and all the outstanding concerns that Albertans have had. In the time that I have left, Mr. Speaker, I would like to suggest regarding our amendment here to move this bill back to Committee of the Whole for the purpose of reconsidering sections 3 to 24. Let's have a look at, specifically, section 15, the absence of commission members. Here I think the interests of Albertans would be better served if we were attempting to limit anyone who has not taken part in any part of the proceeding from delivering any opinion or decision based on evidence that they had not been presented. We have to amend section 15.

We also have to have a look again at section 17 because this government has failed to do that, Mr. Speaker. We had a little chat about this earlier. This is the section about public interest. A lot of these suggestions have been made by many fine citizens from central Alberta, including Joe Anglin. I know the minister said in an e-mail: no to Joe. I can't believe it. We should be very pleased that we have a gentleman like that living in this fine province, and we should listen to him whenever he points out ways to improve this bill. You wouldn't have to pay him $500 an hour. You wouldn't even have to pay him $75 an hour, like you paid the spies. That's what the spies got in Rimbey: 75 bucks an hour plus expenses.

Mr. Knight: How much was his bill that he sent to the EUB?

Mr. MacDonald: I can certainly answer that for the hon. gentleman.

The Speaker: Please. Please. The hon. Member for Edmonton-Gold Bar has the floor.

Mr. MacDonald: Thank you very much.

The Minister of Energy can check this out. It's $600. Six hundred dollars is what Mr. Anglin's bill is, and he donated it, like the rest of the Lavesta group, into the pot – yes, into the pot – to pay their legal fees. Six hundred bucks. Six hundred bucks. Those allegations have been made against that gentleman by Conservatives throughout central Alberta. They have been dismissed as not true, and the minister knows that. The minister knows that. That's typical. I'm disappointed to say: that's very typical.

Now, when we look at public interest, section 17, Mr. Speaker, there are two amendments to this section that should be made. We're not going to just delete it.

An Hon. Member: Only two?

Mr. MacDonald: Only two. Two would fix this up. But the aim with both of them is the same: to keep this bill from narrowly defining what is in the interests of Albertans. These amendments aim to protect those who raise environmental concerns, et cetera, because section 17 as it stands now is dedicated to economic benefits.

We have a look at section 22, Mr. Speaker, and again we're talking about the local intervenor costs. I think the government should take some guidance from Joe Anglin. [interjections] Yes, I think they should. I think they should listen to him to try and broaden the term "local intervenor" by including those who have environmental concerns. It's just unacceptable that we have this narrow definition of local intervenor.

2:30

Now, section 22(2). This is the one that: oh, well, we're not to worry; things are going to work out. Intervenors may or may not get their costs covered. How can people trust the process when the process in the past has implemented a covert spy operation against them? How can they trust this system? How can they trust the

system when the system was spying on them? Again, I'm so disappointed in the government members across the way because you had an opportunity here with this bill to try to fix the problem, and I'm sad to say that you're determined to make it worse. Now, if we were to look at an extension of the provision to provide costs to intervenors to ensure that (a) they can get legal representation if they want it and to ensure that (b) lawyers are encouraged to act in the public interest instead of turning parties to the proceedings away because they can't . . . [Mr. MacDonald's speaking time expired]

The Speaker: I'm afraid, hon. member, I recognize the following order. We're on the amendment. The hon. Member for Edmonton-Highlands-Norwood, then Cardston-Taber-Warner, then the President of the Treasury Board.

Mr. Mason: Thank you very much, Mr. Speaker. I'm pleased to rise to the amendment that has been put forward by the hon. Member for Edmonton-Gold Bar. This amendment is very similar, in fact it's identical, to an amendment that the NDP opposition put forward at second reading on this bill. We continue to believe . . .

Dr. Taft: We enthusiastically support it.

Mr. Mason: Yes, and I support this, too. Maybe I won't be as ecstatic as you are, but I'll certainly support this motion.

Mr. Speaker, one of the things which the government is quite proud of and which we are prepared to give some grudging credit to them for . . .

Mrs. Jablonski: Thank you.

Mr. Mason: Wait for it, hon. member.

. . . is the establishment of permanent all-party standing committees which have the opportunity to hear from the public on important pieces of legislation. That's something that we have been calling for for years, and we were pleased to see that the government actually put that in place. But the government is being very selective about what use these committees will be put to and which pieces of legislation they're prepared to forward for public consideration.

The government has some flagship bills, Bill 1 and Bill 2, that they're prepared to take out because there's not very much in principle that's very controversial about them. Although the government did manage to create a controversy in some of the applications, nevertheless, they were prepared to have discussion and input from the public as was the intention. But on a very important piece of legislation and a very contentious piece of legislation, like Bill 46, the government is unprepared apparently to allow these committees to do their work and legislators from this Assembly from all parties to openly solicit input from the public on this bill. This has been by far the most controversial bill, and there's obviously a great deal of input that the public would like to provide, yet the government has refused, at least so far, to permit the standing committee to hear from it.

In this particular case the recommendation is to the Committee of the Whole. That's where this is different from our amendment. We wanted it to go to one of the standing policy field committees and have public input. But I think that it's still worthwhile to go back to Committee of the Whole. I think it's been really unfortunate that the government, in this particular case, has kept this bill out of the Assembly for most of the session. It has seemed to me, Mr. Speaker, that there would have been plenty of time to debate this bill without closure.

Mr. MacDonald: Do you think they're embarrassed?

Mr. Mason: I'm asked by the hon. Member for Edmonton-Gold Bar whether they're embarrassed. No. I think that they were divided, confused, and disorganized, and they were unable to get their act together on how they were going to handle the public opposition to this bill.

Mr. Knight: They've figured us out.

Mr. Mason: You know, it's written all over you, hon. minister.

The problem is that the government was really unprepared to bring this forward and make it a central focus of debate in this Legislature. They kept it off the table for most of the Assembly's time in the session, and then they brought it forward for committee under conditions of closure. Of course, our friends in the Liberal opposition were openly threatening to prolong the debate and keep it going on, so they in a sense goaded the government into the action they've taken, but there's still no excuse for what the government has done.

I think this is an important bill, a serious bill, and a bill that Albertans have a great deal of concern about, and the amendments that the government has brought forward, which we've just spent so many hours voting on, don't deal with the concerns that people have. They continue to weaken the regulatory process and weaken the capacity of the public and concerned parties to have input into that process. It's better than the original bill, but it's still not as good as what we had before, and that's the bottom line as far as I'm concerned, Mr. Speaker.

The government's intention was to split the functions of the EUB into two, one to deal with oil and gas and one to deal with electrical utilities, and there's nothing wrong with that. It makes a great deal of sense. But they've tried to slip in at the same time changes that allow the EUB to restrict public input.

We've seen what's happened. We've seen what's happened with the EUB, where they began to take actions on their own, at least as far as we know, and interfered in their very own process. I've never seen anything like it, Mr. Speaker. Here it is, a quasi-judicial body appointed by the government, responsible for regulating very important parts of our economy, and they interfere in their own process and, effectively, take sides against the landowners, who are legitimate intervenors in the particular case, and they do that by violating, in my view, the civil rights of those individuals by spying on their activities.

Of course, we called immediately for the cancellation of the hearings. The government resisted that, and I heard the hon. Minister of Energy and other members of the government saying that that was absolutely ridiculous, but in the end that's exactly what they had to do. It was the equivalent of a mistrial because the process had become so tainted and so flawed that it had to be cancelled altogether, and they had to start over.

It's unfortunate that that happened, but that was the right thing to do. I just wish the government and the EUB would have taken the Alberta NDP's advice weeks before they actually did. It's pretty clear to us that that EUB has not been properly reformed because there's a fundamental culture that's going to be passed along to the next body through this bill, which is support for large private interests like utility companies and gas and oil companies over the interests of the public. The weakening of the provisions for public input in this bill I think is its fatal flaw, its Achilles heel, Mr. Speaker.

2:40

I think we have not got to the bottom of what went on in the EUB. We haven't even come close. The Perras report was a whitewash.

The terms of reference and the appointment of the person doing the investigation were entirely under the jurisdiction of the Minister of Energy. So, of course, certain questions weren't asked or addressed in the report, like: who on the EUB itself knew of or had approved a covert spying operation? Justice Perras just didn't ask that question. It's not in his report. He fingered the director of security, but he went no higher. We need to know, Mr. Speaker, who gave the director of security his marching orders. Was it the executive director of the organization? There were other officials of the EUB that were copied on that e-mail, which proves that they knew about the covert spying operation. They didn't get fired. The minister finally got around to quietly sacking three members of that board and called it a retirement, but that's like, you know, senior officials in the Kremlin all of a sudden announcing their retirement, and nobody really believes that they actually retired. In fact, they're just happy that they're still alive.

Mr. Speaker, we haven't got to the bottom of that. Of course, the real question, the $64,000 question, that wasn't asked by Justice Perras is: what did the minister know about this? The minister has never said what he knew. We've asked him. We've asked him in question period to tell the House what he knew and what he did. What did he know, and when did he know it? We haven't got an answer to that, and we certainly haven't got that answer from Justice Perras because it was, of course, conveniently outside of his terms of reference.

Mr. Speaker, I think the culture of secrecy and collaboration with the oil and gas and utilities industry and hostility to legitimate citizens' concerns: that culture of the EUB is going to be transposed into the new Alberta utilities board. I'll tell you why I think that. I went today on the EUB website, and I found that they have drafted all of the rules which will govern the new AUB, and they've posted them on their website. They call them draft rules, but of course the jurisdiction to do that will only be provided when Bill 46 is passed into law, and here we are debating it. Obviously, it has not passed into law, yet the EUB has already generated the rules.

There are a dozen or two dozen documents up on their website that deal with the operation of this organization, which has no jurisdiction at all. I think it's a clear signal from the government that not only did they take the passage of Bill 46 for granted, but in fact the same gang is going to be running the show, and the culture of that organization, which is a horribly undemocratic culture, is going to continue. We're going to see the same kind of culture: the suspicion of environmentalists, the fear of landowners standing up for their rights, the motivation and the overwhelming desire to help big oil companies, big utility companies get their projects through. That's the culture of the EUB.

It shouldn't be a surprise because that's the culture that this government wanted. If you look at the mandate of the organization, its job is to get the energy and get the raw materials out of the ground and get them to market as quickly as possible, which is very consistent with this government's plan.

Unlike my friends in the Liberal Official Opposition I do believe that this government has a plan, but that plan is to extract the tremendous natural resources of this province, particularly hydrocarbon resources and energy resources, as quickly as possible, with as little regard for the interests of people who live in the vicinity or the environment or the effect on the economy and get it to the United States just as fast as they possibly can. Of course, they have a further plan, and that's to take as little as possible in terms of the royalties for those resources. I think the government does have a plan. It's just a plan that's unacceptable. I think that if all Albertans fully understood this government's plan, they would be shocked, frankly, Mr. Speaker.

I want to just indicate that we will support this. We think that we should go back to Committee of the Whole. We recognize that we're running out of time. Mr. Speaker, we have set fixed dates for this fall session, and all parties accepted those dates. So all parties I think have an obligation to make that system work. The government hasn't done that because they deliberately withheld this bill from active consideration of this Assembly. What we've just seen earlier tonight on the part of the Liberal opposition, wasting over five hours of time just ringing bells, is also something that . . .

The Speaker: I hesitate to interrupt the hon. member, but the time has now left us.

As strange as this may be, we still have an opportunity for Standing Order 29(2)(a). The hon. Minister of Energy.

Mr. Knight: Mr. Speaker, if I might. Thank you very much. I would like to just ask the member opposite if he would clarify for me, please, if he has some shred of proof that I somehow was involved in some particular piece of business that he seems to be, you know, just sort of accusing me of without really accusing me. I find it a bit distasteful. As a matter of fact, I would suggest that those kinds of accusations made in other quarters, perhaps not here, you know, might be met with a different result. I think that the types of things that they do that they get into *Hansard* and then pass around for other individuals to read – they puff their chests all out and say: that guy did something. I would like to ask the member, if he has a shred of proof with respect to those allegations, if he wouldn't mind sharing it with the rest of the members of this Assembly so we could deal with it.

The Speaker: The hon. leader.

Mr. Mason: Thank you very much, Mr. Speaker. There was no allegation. There was a direct question to the minister, and I asked him this question in question period: what did he know, and when did he know it? He dodged the question. So I took this opportunity to ask it again, and I'm going to ask it again. Mr. Minister, what did you know, and when did you know it?

Mr. Hancock: Mr. Speaker, I would like the hon. member to perhaps elaborate on what he was saying just at the end of his comment about what productive work can be done in a session when all parties come to the table ready to work rather than wasting hours and hours of time ringing bells with 10-minute intervals.

The Speaker: The hon. member.

Mr. Mason: Well, thank you, hon. minister. It really seems to me that both the Conservatives and Liberals have done a disservice here. The Conservatives haven't brought this bill forward in a timely fashion and allowed a debate. Instead, they waited till the end and imposed closure. The repeated ringing of the bells and the wasting of time I think consumed a great deal of time. I think that it was worthwhile to have recorded votes on some of those amendments of the government, but we could have agreed to shorten the bells and saved time. It was a colossal waste of the Assembly's time, in my view.

2:50

The Speaker: The hon. Member for Edmonton-Gold Bar, 29(2)(a).

Mr. MacDonald: Yes. To the hon. member: why then, if it was considered a waste of time, did the other members of your caucus support us on those votes earlier this evening?

Mr. Mason: On the votes we agree that the amendments are wrong. I think that they probably stood for a vote for the first one or two and after that didn't.

Mr. Hinman: I just wanted to ask the hon. Member for Edmonton-Highlands-Norwood regarding the House leaders: could they not have come to an agreement – I'm not part of those – to say, you know: we're going to take the five hours; why don't you allow us to have the debate, have it opened up? It just makes sense to me. They put it out to them, but it seemed like a refusal from the government. But I don't know. I wasn't part of that. Do you know from your caucus if that was not part of the session to say, "We're going to take the five hours; let's utilize it," and the government refused to accept that?

Mr. Mason: I really have no idea, Mr. Speaker.

The Speaker: Others?

Then we'll proceed. The hon. Member for Cardston-Taber-Warner, followed by the hon. President of the Treasury Board, followed by the Leader of the Official Opposition.

Mr. Hinman: Thank you, Mr. Speaker. It's a privilege to stand and to discuss the amendment to consider sending this Bill 46 to the Committee of the Whole. I stand to speak in support of it. We discussed it earlier. Once again we're in the dilemma here where this is a major turning point for the property owners of the province and what the repercussions are going to be for not just one generation but many generations of Albertans going forward from this because it's very difficult to undo things once government has done them up. It's just, like I say, one step forward, three steps back, and we continue losing ground on a continual basis.

In the history of this province, Mr. Speaker, we've been very successful, for the most part, and the reason, I believe, is because of the respect for individual rights and property rights here in the province. If we limit those property rights, as the hon. Minister of Energy seems to have said so many times, in the public interest – those are the famous words of dictatorships and tyrannical countries around the world where they put forward this idea that it's going to be in the public's interest when it isn't. Those things need to go to committee, the all-party committee, so that they can really be opened up and discussed.

I will quote from Ayn Rand's crucial work, *Atlas Shrugged*: "Just as man can't exist without his body, so no rights can exist without the right to translate one's rights into reality, to think, to work and keep the results, which means: the right of property." In other words, all the other rights that we hold dear are in jeopardy if we allow the rights of Alberta landowners to be taken away. This just isn't right, Mr. Speaker.

You know, another thing, if it went back to the Committee of the Whole, is the discussion on the question of whether or not we really do need to split the EUB. It's been a disaster. It's been a disaster for a long time. We call it a quasi-judicial court. Perhaps it would be more appropriate to call it a kangaroo court. When the members go there and they speak and they try to address the concerns of their land, it's like talking to a brick wall. They can spend all day talking to this appointed judicial court, only to be told at the end, much like we've been told at the end on the royalty review: well, maybe the facts are wrong, maybe we don't understand the picture, maybe the future is in jeopardy, but we're not going to commit political suicide on this; we must go ahead with it. It's basically the same thing at the EUB, the same results: they listen, and then at the end they give their famous words, "This is in the public's interest." We need the landowners to be able to stand up and say no.

It's very interesting with the transmission line from Pincher Creek to Lethbridge that there are some property owners – and I guess that maybe we can't call them that, but there are some groups that do have the ability to say no. They can refuse entrance until they receive the compensation they want. That's the First Nations. We had a great example of this in the south where they said no to the transmission lines from Pincher Creek over to Lethbridge. Businesses just said: well, we're going to go north, and we'll go around it. There was a tremendous effort on the part of the landowners, and when there is a joining together of landowners, the strength comes forward. They were saying no to the crossing because there was a better way to go: directly through a less populated, less intense agriculture area, through the First Nations area. Finally, with enough resistance they went back and then with fair market price and agreement, both sides coming together. We understand that in a court of law, if we are going to look at contract law, it covers where both parties come in willingly and make an agreement. This isn't common law that we have in this quasi-judicial court. This is Her Majesty's court, and they dictate that this is what will come forward. It's not in the best interest.

When people lose their ability to say no and to defend their property, it escalates to a position where there is unrest. Then this government seems to think that the answer to that is: "We'll get spies. We have insurrection coming up. This is going to do damage to society." All of these thing we continue to struggle with because this government won't open up and have an open and full-scale debate.

There are many other areas that are problems that need to be fixed before we ever consider changing the board, such things as the land agents, the monopoly that they have on the industry, the appointment of those people sitting on that court. There never has been a landowner representative. It's inappropriate to say that they have a knowledge and they have sensitivity to the landowners when it's in their mandate to say: "Well, it's for the oil and gas. It's for the power lines to go through. We can say that it's going to go through in the public interest." In fact, it really isn't. If it's in the public interest, we'll respect contract law. We'll be able to have two willing parties come together.

It's interesting when that event takes place even in rural Alberta, one neighbour will say: I really don't want that transmission line coming through here. Yet when the company has to bargain in good faith, all of a sudden the other neighbour says: "Well, you know what? At $3,000 a kilometre it's worth it for me to have it over on my property." All of a sudden because there is real debate and a real contract where both parties are coming together, we get a consensus to let it go through. When you're told that you're just going to be expropriated and we're going to put it on your land, there isn't a good feeling, and therefore we start to have these battles. We're having more and more in Alberta. It's because of the way we're going about it. The landowners feel that they do not have a say.

I just want to say once again that this is an opportunity for the government. Because of poor planning on their part, it doesn't make it an emergency that has to be shoved through. It isn't right. It needs to go for more discussion, which would be much more open and beneficial for society.

On top of all the other things, you know, they've been overloaded at the EUB. There's no doubt that we've had a boom economy, but I have faith that the royalty framework is going to slow that down. The need will not be there. The growth will not come forward in this province. They can hire a few extras under the current system until they get this right. They will continue. It's not a crisis. We can have a proper debate, inform the public so that they really understand it. We could wait for that.

I speak in favour of this motion and one more time plead with the government to think of the people of this province ahead of their political careers.

An Hon. Member: Oh, give me a break.

Mr. Hinman: I'll give you a break all night. You can leave any time. I believe there are enough members over there that you don't have to sit in here if you don't want to. You don't want to listen and talk to the people. You don't want to be in here. It's evident. You don't want to have an open debate. That's why you invoked closure. There was no necessity for it. It was just poor planning or, maybe, excellent planning, as the Member for Edmonton-Highlands-Norwood puts it.

We need to go to committee on this. The people need to have an opportunity to absorb this and feel comfortable with it. I would hope that all members would vote in favour of this motion.

Thank you.

3:00

The Speaker: Hon. members, 29(2)(a) is available. The hon. Member for Peace River, then Calgary-Varsity.

Mr. Oberle: Thank you, Mr. Speaker. Of the many, many questions that one could ask of the hon. member after that wide-ranging dissertation, I would refer him to his comments early in his speech in which he was talking about the Alberta royalty review. He said something to the effect of: as with the royalty review where we were told that maybe the facts are wrong and maybe the future is in jeopardy, intimating I think that the government informed him of such. I would like to know when anybody from this government informed him of any such ridiculous notion.

The Speaker: The hon. member.

Mr. Hinman: Well, thank you, Mr. Speaker. There have been several investment advisers and industry leaders that have met with this government, and they've spoken openly that when they've sat down with the Minister of Finance, when they've sat down with the deputy leader, they told them in that discussion that they understood those flaws, that they were a problem. As they left, though, they responded to industry, these individuals, by saying: we're not going to do anything about it. If the hon. member would like to discuss it outside, I'd be happy to discuss it further with him because of time allocations.

An Hon. Member: You want to discuss it outside?

Mr. Hinman: Oh, I could allow him.

There have been many discussions by the different, like I say, investment advisers that this government has gone to talk to. You could talk to your Deputy Premier. He could inform you of those that he talked to, and perhaps if he's open and honest, he will tell you the responses that he gave in those closed meetings, because I've talked to the individuals, and they've shared it publicly.

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

Mr. Chase: Thank you. To the hon. Member for Cardston-Taber-Warner: being a rural landowner I'm sure you've had to do some carpentry in your past life, and in carpentry the rule is measure twice, cut once. I'm just wondering if the Member for Cardston-Taber-Warner would see these 24 amendments as 24 cuts without any measurement ever having taken place.

Mr. Hinman: Well, thank you for the question. I guess I would have to say that I don't know that they had a full plan, but they maybe had 24 masterminds who came forward each one wanting to say: well, put this in the puzzle and put this in the puzzle. It doesn't come together, it doesn't make a whole picture, and it's very fractioned. I do not believe that they had a plan that was put together properly, let alone a measuring tape to measure it to see how it would perform for the landowners of this province.

The Speaker: Others on 29(2)(a)?

Then I'll recognize the hon. President of the Treasury Board, followed by the Leader of the Official Opposition.

Mr. Snelgrove: Thank you, Mr. Speaker, and thank you for the latitude you've shown. Obviously, this bill has a far-ranging perspective from the other side, so I do appreciate that the amendment has been allowed to wander, and I will try to be more direct if I can. We may have spent several hours here tonight in what might be considered a procedural thing, ringing the bells, but the one thing I will say for the bells ringing is that at least they were consistent.

The opposition started in second reading by spending most of their time in dissertations about previous royalty structures or events that had happened with the EUB or other hearings and never seemed to really want to focus on the actual bill that we were dealing with. It became very clear, Mr. Speaker, that their intent was not to help the bill or to promote the bill to Albertans; it was to stop it. That's their job, and that's fine.

It is the position of the government that you need to have an open discussion about the bills, Mr. Speaker, though it becomes very obvious that the discussion, as has happened on the amendment, soon becomes: you guys are bad, you did this wrong, you're not doing what we want, so we're going to talk about procedures and not about the bill. So that's their opportunity. There is a certain amount of amount of time, and it can be spent constructively debating the bill or it can be on the red herring issues that surround it.

One of the things the mover of the amendment talked about was the office of the Utilities Consumer Advocate. Mr. Speaker, it's as if somehow that office hadn't been accomplishing anything and that by reopening the bill in committee, it would. The fact is that we have one of the most expensive utility rate regulatory regimes in Canada, one of the most expensive in North America. As a matter of fact, one individual consultant managed to bill the Alberta ratepayers $1.1 million over two years, with no review of any effectiveness or oversight. Even though most of the professional intervenors received $200,000 to $400,000 per year from the cost-recovery process, they do not and are not willing to participate in any of the unfunded policy or collaborative processes. It's very clear that the intervenor process as it was set up allowed special interest groups and people to come in to apply for money that the consumer pays for. It would be naive to suggest that if the utility company pays, somehow the consumer doesn't. It all gets back to: when you turn on the light switch, you pay.

Mr. Speaker, the cost to the user – I'm not saying the taxpayer – to the person turning on the switch, last year from the total utility things was between $50 million and $60 million because we pay the legal costs of the utility companies, too. The opposition would like to portray to the outside source there that they are willing to commit Alberta taxpayers' money to groups like the Sierra Club, groups like Greenpeace to come to Alberta and intervene in every hearing they choose.

There are around 60,000 applications a year around facilities, and there are less than 30 actual hearings. So a huge portion, Mr. Speaker, of the business of moving Alberta along goes very

smoothly. Occasionally, as would be in any circumstance where there are that many thousand applications for utilities or for energy growth, you are going to have differences. It's absolutely essential in those times where there are very serious concerns that they be addressed and that the real people involved have a chance to present and to be funded. It's essential. It's part of this legislation that if anyone wants to be heard, there'll be a hearing.

Now, I'm not sure what the strategy is on the other side, and I wouldn't want to speculate, but it's surprising that in second reading many of the things they demanded were presented in the amendments, and rather than deal with the amendments so that they could even deal with their amendments, they chose to filibuster about royalty structures and other events rather than deal with the amendments that they were asking for. They chose to ignore it. They got all wrapped up in the fact that there is a certain amount of time that we can spend on bills, and they lost their focus. So they have decided that if it's not their way, it's the highway.

Mr. Speaker, democracies aren't always pretty. It's like making sausage: maybe you don't want to see it being made. But there is an obligation on both sides to present their case. It comes in here. The opposition is quite willing to forget the bill. Let's not even talk about the bill. Let's talk about: you're going to put closure on it; we don't have time to talk. We can spend six hours in this building ringing bells. I have to again say that the bells were consistent. We knew what the bells were going to do, and they stopped occasionally. And what a pleasant sound when the bells stop. The other side doesn't quite get that out of their ears yet.

To turn this back, to go back into stages of a bill that they don't want to talk about – they're not prepared to deal with the issues. Like a *Mad* magazine they would rather talk about spies: spies are here; spies will be everywhere soon, Mr. Speaker, if we pass this bill. They question the credibility of judges who go out there with an impartial focus and they bring the facts forward, and because the facts don't suit their story, then it's bad: it can't be right because it doesn't suit our story. This isn't about stories. The legislation that we're passing is printed. The world can see it.

Now, that's not what they want. They would have liked to stay in second reading until we close this session so that they could continue to stand up around Alberta and spread falsehoods about what was in the bill.

3:10

This government listened to Albertans, they listened to the users, and they brought in appropriate amendments that will keep the lights on in Calgary and the rest of Alberta in an orderly manner, Mr. Speaker. That's what the people of Alberta elected us to do. They didn't elect us to ring the bells. They didn't elect us to spread falsehoods. They didn't allow us to impugn the motives of a minister, and a darn fine minister, too. They asked us to work with the industry, to work with consumers, and to put together a plan that will keep Alberta working. That's exactly what the bill has done.

We have gone through stages. Has it been productive? Not very from their side, Mr. Speaker. I would really appreciate if relevance were a part of this session around this bill. It would have made it better for all.

The Speaker: Hon. members, I must now proceed to the calling of decisions with respect to this.

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

[Several members rose calling for a division. The division bell was rung at 3:11 a.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Blakeman	Hinman	Miller, B.
Bonko	MacDonald	Miller, R.
Chase	Mason	Taft
Cheffins		

Against the motion:

Abbott	Johnson	Oberg
Ady	Johnston	Pham
Amery	Knight	Prins
Boutilier	Liepert	Renner
Cenaiko	Lindsay	Rodney
Goudreau	Lukaszuk	Rogers
Griffiths	Lund	Shariff
Haley	Marz	Snelgrove
Hancock	Melchin	Strang
Jablonski	Mitzel	

Totals:	For – 10	Against – 29

[Motion on amendment to third reading of Bill 46 lost]

The Speaker: Hon. members, on the motion for third reading of Bill 46.

[The voice vote indicated that the motion for third reading carried]

[Several members rose calling for a division. The division bell was rung at 3:24 a.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abbott	Johnson	Oberg
Ady	Johnston	Oberle
Amery	Knight	Pham
Boutilier	Liepert	Prins
Cenaiko	Lindsay	Renner
Goudreau	Lukaszuk	Rodney
Griffiths	Lund	Shariff
Haley	Marz	Snelgrove
Hancock	Melchin	Strang
Jablonski	Mitzel	

Against the motion:

Blakeman	Hinman	Miller, R.
Bonko	MacDonald	Pastoor
Chase	Mason	Taft
Cheffins	Miller, B.	

Totals:	For – 29	Against – 11

[Motion carried; Bill 46 read a third time]

Mr. Renner: Mr. Speaker, as we are about to proceed to further business on the Order Paper, I would like to suggest that should division be requested by members of the House, we give unanimous consent of the Assembly to reduce the time between the division bells to one minute.

[Unanimous consent granted]

head:

Government Bills and Orders
Committee of the Whole
(continued)

[Mr. Marz in the chair]

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

Bill 50
Health Professions Statutes Amendment Act, 2007 (No. 2)

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

Ms Blakeman: Thanks very much, Mr. Chairman. I'm pleased to be able to speak briefly in Committee of the Whole to Bill 50, the Health Professions Statutes Amendment Act, 2007 (No. 2). This is an act that essentially is extending liability protection to members of the health professions that are willing to assist with competency exams for internationally trained medical graduates. Certainly, in Alberta we are all looking forward to more doctors and health professionals to assist us, and since this is a bit of a roadblock in our way, we're certainly willing to support the intent of Bill 50 and what it's trying to do to protect other health professionals. On behalf of my colleagues in the Liberal opposition I'm happy to support this in committee.

3:40

The Chair: The hon. Member for Red Deer-North.

Mrs. Jablonski: Thank you, Mr. Chairman. I'm pleased to have the opportunity to speak in debate on the Health Professions Statutes Amendment Act, 2007 (No. 2). The bill is worded broadly enough that the amendment applies to any person that a college determines is qualified to conduct assessments. I think this is a very good bill, that will give us more opportunity to have more health care professionals, so at this time I urge all members to join me in supporting Bill 50, the Health Professions Statutes Amendment Act, 2007 (No. 2).

Thank you.

The Chair: Are you ready for the question?

Hon. Members: Question.

[The clauses of Bill 50 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? That's carried.

Bill 47
Livestock Commerce and Animal Inspection Statutes Amendment Act, 2007

The Chair: Are there any comments or questions or amendments with respect to this bill? The hon. Member for Cypress-Medicine Hat.

Mr. Mitzel: Thanks, Mr. Chairman. It's my pleasure to rise in Committee of the Whole to present Bill 47, the Livestock Commerce and Animal Inspection Statutes Amendment Act, 2007. The bill would amend the Livestock Identification and Commerce Act and the Animal Health Act. Amendments to the Livestock Identification and Commerce Act will clarify the requirements and refine the legal language pertaining to security interest disclosure and directing of payment for the sale of livestock. The amendments to the Animal Health Act will add inspection authority over livestock marketing facilities.

I appreciate the support received in second reading of the bill, and I encourage all members of this House to give their full support to Bill 47.

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

Mr. R. Miller: Well, thank you very much, Mr. Chairman. It's my pleasure to respond to Bill 47, the Livestock Commerce and Animal Inspection Statutes Amendment Act, 2007, on behalf of my colleague from Edmonton-Gold Bar, who serves in the Official Opposition as the shadow minister for agriculture.

I would only like to echo his comments from second reading, when he indicated that this is a good bill and will have the support of the Official Opposition caucus. I recall hearing the Member for Edmonton-Gold Bar congratulate the mover of the bill, the Member for Cypress-Medicine Hat, for the good job that he did in preparing this bill and, in particular, the great job he did in consultation with various stakeholder groups. I remember specifically the comparison that the Member for Edmonton-Gold Bar drew with the work that was done by the Member for Cypress-Medicine Hat and comparing that to the lack of consultation that was done by the Minister of Energy on Bill 46 and the stakeholder groups who wanted to be heard.

Having echoed the comments of my colleague from Edmonton-Gold Bar that this is a good bill, a timely bill, and the Member for Edmonton-Gold Bar having assured me he doesn't have any specific concerns as this bill moves through the committee stage, Mr. Chairman, I'm happy to advise that we will be supporting it as it is without amendments. We will look forward to further discussion in third reading.

Thank you.

The Chair: Are you ready for the question?

Hon. Members: Question.

[The clauses of Bill 47 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? That's carried.

Bill 49
Traffic Safety Amendment Act, 2007

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

Mr. R. Miller: Well, thank you very much, Mr. Chairman. It's my pleasure to rise on behalf of my colleague from Calgary-Varsity, who is the shadow minister responsible for Infrastructure and Transportation. I have the opportunity and the honour, as it were, to be responding to Bill 49, the Traffic Safety Amendment Act, 2007, in committee stage.

Now, Mr. Chairman, I think there are a number of things that this bill is attempting to do. For the most part members of our caucus are supportive of it, but there are a couple of specific areas in the bill that do cause some concern and one, in particular, that causes me a great deal of concern. When I get to that particular stage, I will be moving an amendment to address that.

A number of things here that this bill is doing. Probably the most notable, the one that has caught the public's attention, is the speed-on-green system. I think that when my colleague from Calgary-Varsity spoke to this bill in second reading, he discussed the fact that those of us in the Official Opposition certainly have concerns that some have viewed this as a cash cow. I believe the leader of the third party discussed the idea of robocops. I'm not prepared to go quite that far.

I certainly do have concerns that we're not targeting the cash that is going to be raised by the speed-on-green cameras into traffic safety programs. I would be much, much more comfortable with this bill and with the idea of speed-on-green were we to in fact be targeting that cash into some sort of accident reduction or traffic safety programs. Right now the way the bill reads, there is no guarantee that that would happen.

As I was reading through the bill, it caused me to think back to the number of times that I've had photoradar tickets. [interjections] It's only been twice. Both stories are anecdotal, but it's kind of interesting, Mr. Chairman. The first time that I had a photoradar ticket, I was actually on my way to a Rotary meeting in order to hear the chief of police of the city of Edmonton speak about the merits of photoradar. Of course, I didn't know at the time that I had received a photoradar ticket on the way to hear the chief speak, but I certainly found out some time later. I was late for Rotary, and of course being a committed Rotarian, I really wanted to be there on time to hear the chief speak. So that was a lesson. You know, as they say, if you don't want the ticket, don't speed. So that was a good lesson.

Mr. Elsalhy: You got fined twice because you got fined for Rotary.

Mr. R. Miller: Well, I didn't get fined for Rotary, because I was actually there on time. I paid a bigger fine.

The second time, Mr. Chairman, that I received a photoradar ticket was actually the morning that my father-in-law passed away. He had already passed, and we had a phone call from the hospital. Of course, you know, you jump in the car. It's 5 o'clock in the morning, and you're quite concerned to get there. Quite frankly, your head probably isn't in the space where it should be. I was quite distressed, I have to admit, some weeks later to get this thing in the mail and look at the time and date on it and realize that we were actually on the way to the hospital after my father-in-law had passed away. To learn that I had been speeding by a small margin – it wasn't a lot. Nevertheless, I was speeding. So there you go.

Now, I guess the reason for relating those two stories, Mr. Chairman, is that it always causes a lot of concern for citizens when they think about these cameras, whether or not they would be more effective if, in fact, there was a real policeman speaking to them at the time and giving them perhaps the opportunity to explain away why they were speeding but probably, more importantly, giving the officer that would be investigating the opportunity actually to . . .

3:50

An Hon. Member: Sass him out.

Mr. R. Miller: I wasn't going to say: sass him out.

. . . lecture or educate the motorist as to the dangers of speeding or the dangers of running through a red light. That, of course, is not available when it's a camera that does that and it's only a piece of mail that comes into the mailbox some weeks later. So certainly a lot of questions about the effectiveness of the program given that there are no demerit points attached to this violation ticket when it comes in the mail but, rather, simply a fine.

I would be much more supportive of this bill were there to be a section in here that would deal specifically with technology that would identify the driver of the vehicle and thereby allow us to attach demerit points to the violation. From what I understand, that technology is currently available. Of course, we don't currently demand that all vehicles have a front licence, but were that to be the case and were the technology to be used, I think this would be a more effective program in terms of reducing accidents and encouraging traffic safety. That's another change that I would have liked to have seen in here to in fact accomplish more of what is claimed to be the government goal, and that is a reduction in traffic accidents and traffic violations.

The one section in particular that causes me the most concern, however, is section 14. I'm just going to go to section 14 here and read some of it into the record, Mr. Chairman. It's the sort of thing that a lot of citizens may not glom on to initially, but when one pauses to think about it, it causes untold concern not just to myself but to anybody whom I've discussed this with. Section 14 on page 10 of the bill that we have in front of us contemplates the following. It says that the Insurance Act is amended in section 650 by adding the following after subsection (3):

> (4) Despite subsection (1), the Lieutenant Governor in Council may make regulations.

The Lieutenant Governor in Council, of course, is the cabinet.

> (a) respecting the priority of payment of insurance held by a lessor . . .

And it goes on to describe that.

> (b) defining terms for the purposes of this section;
> (c) where regulations are made under clause (a) or (b), modifying any provision of this Act to the extent that the Lieutenant Governor in Council considers necessary in order to carry out the purpose and intent of this section.

Now, the concern here is that what this really is saying is that despite whatever the legislation in subsection (1) of section 650 of the Insurance Act says, despite any of that, Executive Council, i.e. the cabinet, can in the backrooms – once again outside of public debate, public scrutiny, public consultation – pass regulations that would supersede the Insurance Act. Now, we saw a similar section in Bill 46, and it caused a great deal of concern for those of us in the opposition. It caused a great deal of concern for people like Mr. Anglin and others whereby regulation is trumping legislation.

This may be too fine a point for some members of the government to fully appreciate, Mr. Chairman, but in my mind it's unconstitutional. It's certainly undemocratic, and it certainly goes against all of the tenets of this Assembly. This is to be the final word on laws that govern activities that take place in this province. Here we have for the second time today a piece of legislation in front of us that says: "Oh, yeah. It doesn't really matter what this says. What we the cabinet decide in the backrooms, outside of public scrutiny, outside of public debate, outside of public consultation, is superior to anything that the legislators of this province should choose to pass in this Assembly."

I'm sure that somebody on the other side is going to get up and explain away the reasons why this is necessary, but I'm here to

submit to you, Mr. Chairman, that this is never necessary. This is always wrong. This should never happen. There is no plausible explanation that could be provided to me that would make this an acceptable clause in this bill, and for that reason I do have an amendment that I would like to pass to the table. It has with it the original copy and, as well, the appropriate number of copies to be handed out. So I'll just wait for a minute while that happens.

Thank you.

The Chair: We will refer to this amendment as amendment A1.

Mr. R. Miller: Mr. Chairman, can I begin now?

The Chair: Yes, you may proceed.

Mr. R. Miller: Mr. Chairman, the amendment reads as follows: "Mr. Rick Miller to move that Bill 49, Traffic Safety Amendment Act, 2007, be amended by striking out section 14." I think I've given the reasons for moving that amendment. In my mind I cannot in good conscience allow a piece of legislation to pass through this Assembly reading such as it does, that Executive Council would have the authority to pass regulations that would supersede legislation passed by this House. I'm recommending to all members that we strike section 14 from the legislation altogether and allow it such that Executive Council would no longer have the authority to supersede the Insurance Act, the way that this currently reads.

As I said, I think it's wrong. I think it's irresponsible for us to even contemplate such legislation. I do believe it's probably unconstitutional and certainly in my mind would leave the government in a position where they may face a court challenge, perhaps even a Supreme Court challenge, if they were to proceed with this the way it is.

I look forward to further debate on the amendment, Mr. Chairman, and I thank you for the time.

The Chair: Are there others on amendment A1? The hon. Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Chair. I will be brief. I definitely wanted to make sure that I was on the record as supporting this amendment to Bill 49, the Traffic Safety Amendment Act, 2007. Not for a minute do I believe that this isn't a cash cow bill that's coming forward.

I'll be very brief here. At the 100th anniversary of the Legislature, in 2006 I believe it was, I can clearly remember Peter Lougheed standing up at that dinner and giving an address. At that time he used the words, if I recall correctly: always remember that the House takes precedence over the government. I don't believe that anybody that was elected after '93 truly understood what he was saying, and what he was saying is referring to this section 14. It is a very, very dangerous precedent when we actually can have the government take precedence over the House.

I am totally in support of removing 14 and putting it back the way it's supposed to be, in the hands of the people who elected us to make the rules, not with some of us making the rules but with all of us making the rules.

The Chair: Others? Are you ready for the question?

The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much. I'd like to support my colleague in this amendment, and I am quite distressed that this is the second time this evening that such a clause has been brought before this Assembly. It was also included in Bill 46. Unfortunately, we were not able to get amendments from our side up for debate and for voting, but one had been prepared to strike the corresponding section out of Bill 46, and here it is again in Bill 49. You know, my colleagues are right: it is unconstitutional. I'm sure it will end up being challenged. I hope this isn't another sign of what this new Premier views as democracy. Being able to go behind closed doors with cabinet and make regulations that trump legislation and trump the powers and privileges we enjoy in this Assembly would not make him a more democratic Premier, I would argue. It would put him at the back of the line. So I'm quite upset to see this come forward. I think it's very wrong.

4:00

Every other time I've predicted that something was unconstitutional and would be challenged, indeed it has been, and it's cost the taxpayers a heck of a lot of money. Considering that the government is supposed to know what they're doing and has lots of lawyers to tell them, I'm very disappointed to see this because they're basically putting before us something that is going to cost us a lot of money when it ends up at court. So I think the government would be wise to support this amendment and get rid of this before it does cost us more money.

Thank you.

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

Hon. Members: Question.

[Motion on amendment A1 lost]

The Chair: Are there others that wish to speak on the bill? The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you. I'm pleased to speak to Bill 49. I just want to express some concerns about some of the trends which are exemplified in Bill 49. One is the movement away from community policing and hands-on policing and real police officers. This is a concern that I have. We've called for an increase in the number of police officers in the province and, particularly, help for the larger cities to increase their financial capacity to have real policing.

Someone whom I've followed for some time since I was involved with city council, Mr. Chris Braden, who is now a consultant but was formerly an inspector with the Edmonton Police Service and helped pioneer some of the theories behind community policing, has actually gone to court to oppose photoradar. He has some interesting ideas about why he does that. It's because if you get your picture taken with photoradar, they know that the vehicle was speeding, but they don't necessarily know who was driving it. Nobody stops the driver, so nobody is able to observe whether or not there are outstanding warrants or whether or not that driver might be intoxicated or impaired in some way or might have some serious problem. They may have, you know, a medical problem, and they're trying to get to a hospital. That's also a possibility.

There are a number of good things that come from having a real police officer stop a vehicle that's speeding. They can observe the driver and may actually be able to provide assistance, if it's needed, or to apprehend somebody that has outstanding warrants or may be impaired.

We're seeing an extension of this kind of technology. As the technology develops more and more, policing, especially traffic policing, is taking place through these electronic methods with no personal interconnection between a police officer and members of

the public. It's advantageous to the government or the city for a couple of reasons. First of all, it's a lot cheaper than hiring real police officers and paying them, and it brings in lots of revenue for very little outlay. You know, we used to have a joke in Edmonton city council whenever we were faced with a cash crunch and were afraid that we might have to raise property taxes in the city. The joke was: just hire another photoradar van. It's not really a very funny joke, but it certainly exemplifies how both the police service and the city viewed photoradar; that is, as a cash cow. Now we're extending this principle even further with these speed-on-green lights and the red-light cameras. I think that there are some serious problems with this approach.

The other concern that I have, Mr. Chairman, is that we're increasingly becoming a surveillance society. We're increasingly getting to the point where individuals' actions are under surveillance at all times and not just by police forces or by governments but by private interests as well. In fact, there's product-tracking technology that's now being introduced where products purchased at a grocery store will actually be able to be traced all the way through. So there's a real risk, and I think privacy commissioners in this country and in other countries have talked about the erosion of people's personal privacy and the extension of the state, in particular, in its surveillance of individuals and tracking individuals on what they're doing and so on at all times. I think this is a legitimate concern.

Of course, it has to be balanced. It has to be balanced against the safety of the people in the community. But I think that we're not getting enough balance in that debate. The focus is much more on safety and, you know, people's fear of crime, kind of a very hard-nosed approach, and I think we're losing sight of some of the other aspects that need to be balanced.

I was interested to hear the hon. Member for Edmonton-Rutherford's comments about taking pictures of people with a front licence plate and then tracking down what they're doing. That just increases the intrusion and the surveillance of people a lot more even than this bill envisages. To me, it's really getting to be intrusive.

Mr. Chairman, I think those are the two aspects. I would rather see funding for more police, more live police, and of course a community-policing approach, which I fully believe in and in my experience as a municipal councillor for 11 years began to see great value in it. I really think that it's unfortunate that police services are moving away from it. It's kind of like a passé thing. It has kind of gone out of style. I actually think that it was one of the most effective ways of deterring crime and providing safety in the community. As Mr. Braden said: peace in the hood. That's the objective of policing.

In general I don't like the approach. I don't want us to become like Britain, where there are thousands of cameras, one on every corner, and people are observed going about their daily business in lots of ways. I think that kind of Big Brother approach is not necessary. I think that if you get enough police and they get connected and involved with their community and they know the people and they know what's going on in the neighbourhoods and so on, it is the most effective way of deterring crime.

Certainly, I think that having some real, live speed traps, good old-fashioned speed traps – I'm not going to tell stories about speeding offences, as the hon. Member for Edmonton-Rutherford did, but I can tell you that getting a photoradar – Mr. Chairman, this is what people tell me. When you get a photoradar ticket in the mail, you may or may not slow down, and if you do, maybe for a little while. But when you have to face that cop and he's 15 or 20 years younger than you are and he gives you a ticket and says "Please slow down," then I understand that this often has a more significant effect on people's tendency to speed. That's what people tell me, Mr. Chairman, and I believe that. I believe that actually getting a ticket from a real, live police officer is a far greater deterrent against future speeding than just getting some ticket in the mail.

4:10

In conclusion, Mr. Chairman, I just want to indicate that I do have some serious concerns about the direction here. I do believe that we need to deter speeding; we need to deter crime. The best way to do that is with real, live police officers and not with additional electronic surveillance equipment and technology.

Thank you, Mr. Chairman.

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

Mr. Bonko: Thank you, Mr. Chairman. I believe, speaking with regard to the bill, that there are some pros and some cons with regard to cameras. I can go into both of them. First and foremost, I don't believe that having more cameras on the road is going to deter people from speeding, especially at the red light. I've got young kids, and occasionally they do get letters in the mail. I know exactly what these are: "You know what, Dad? I don't know. Maybe I was speeding; maybe I wasn't." They pay the bill, but the problem is that it's not a deterrent.

As the Member for Edmonton-Highlands-Norwood was saying – and I agree with that as well – there's no substitute for having a constable right there in front of you, pulling you over, and writing you the ticket. I know that for a fact. If I was pulled over, that does make you think twice. I've not been pulled over for an awful long time because – you know what? – they don't do that job anymore. Their job is doing something else. They leave it up to their photoradar vans. You never see a police officer. Rarely do you see them behind the cameras, jumping out and pulling you over except for bus lane infractions, maybe, on 97th in the morning. Quite frankly, that doesn't happen very often anymore either because it's cold, and they'd rather not be out writing tickets. They'll let the van do it because it's easy, it's nice, and they've got the ability to sit there, have their feet up like some of the members here right now. But you know what? Like I said, Mr. Chairman, I don't believe that that is, in fact, a replacement for police officers.

Where I do see the cameras working as a positive is if there is, in fact, a serious accident, and it's trying to determine exactly who was at fault. You'd be able to use that camera for court purposes to determine liability for individuals who are injured if a case is in fact going for serious court costs. You'd be able to go back and find out exactly who was at fault, not taking a person's word for it. You'd be able to use the camera.

A case where a camera was used was with regard to the murder that took place in Castle Downs with Michael White. It had shown the spot in Castle Downs from a convenience store where the individual had gone past once or twice. It did show him, and that was used in court and that was used with one of these cameras in a surveillance, so there is a pro to having the cameras out there, in fact, for this exact instance. They couldn't corroborate his story as to his whereabouts. It actually had him going back and forth. In that case I would be supportive of cameras, but for the fact of slowing down speeders, I don't see it. Even at the red lights I don't see it making a difference. There's no substitute, like I said, for having the constables right there and more police officers on the street.

I had a motion – at least, it was placed on the Order Paper, but it hasn't come forward – that we would in fact see an increase in policing for all communities with an increase in their population, so it would be on a comparison. If the population went up 10 per cent, the police force should go up 10 per cent. That would be perfect.

This hat-in-hand sort of thing, begging, basically, for more money all the time, I think is a disservice to the citizens who expect the police to be there doing their job.

That's what I have to say with regard to the photoradar, basically. That's what it is. I don't support that. Thank you, Mr. Chairman.

The Chair: Are you ready for the question on Bill 49, Traffic Safety Amendment Act, 2007?

Hon. Members: Question.

[The clauses of Bill 49 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 52
Corrections Amendment Act, 2007

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

Mr. Elsalhy: Thank you very much, Mr. Chairman. This is the first opportunity I have to speak to Bill 52, the Corrections Amendment Act, 2007. I will try to walk you through my concerns and what I feel about this bill.

Bill 52, first of all, is not doing something that is unique to Alberta. It is actually emulating or copying things that are done and have been tested in other jurisdictions. I think it was basically put together, a piece from here and a piece from there, to achieve three distinct and clear outcomes. The outcomes that I'm referring to are basically, number one, that we are trying to give some information and, quite frankly, some peace of mind to victims of crime – and I'm going to actually speak about the definition of a victim – but information about the offender, information about the crime the offender has committed, information about the sentence, and information about release.

The first area is trying to grant access to some information to the victim in terms of the offender and the offence.

The second part is dealing with electronic monitoring and recording of inmate communications. Again, this is not unique. It has been tried. Recently, in particular, we find ourselves talking about this more and more because sometimes the offenders in our correctional institutions use the phone to either harass their victims or further harass their victims. Sometimes they threaten or intimidate witnesses or sometimes even use the phone to conduct their illegal activities from within the institution, dealing with their partners and their friends and, you know, if it's a gang, their gang members outside of the institution. Then sometimes our corrections officers themselves get harassed or intimidated through these phone calls.

The third part is dealing with hearings and disciplinary matters in terms of an inmate, you know, causing trouble or doing something that warrants discipline inside the institution: how we do the initial hearing and then, should there be an appeal, how we actually deal with the appeal.

Mr. Chairman, I'm going to tell you that, as worded, I don't find the bill too offensive or too objectionable. I'm going to offer, maybe, some qualifiers initially in the area where we're releasing information to the victim. As I said, we're basically defining what a victim is. The victim is the person against whom the crime was committed, and now we're expanding this to their family and their spouse, for example.

4:20

I think that makes sense because – you know what? – you might come to me and say: "Well, you know, why do I need to tell the victim the name of the offender who actually did the crime? They should know. Why should I tell the victim what crime had happened? They should know." Yes, you're right. Sometimes the spouse doesn't know this, or with the passage of time may have forgotten. Sometimes, you know, the siblings of the victims, sometimes the sons and daughters of the victim, and so on, probably don't know the information. They don't know where the offender is housed. They don't know any conditions of release, and so on. Maybe sometimes it is prudent and advised to release that kind of information to them.

Think about the sexual offenders registry, for example. When someone is about to be released, be it on a temporary basis or actually even on a permanent basis, well, people need to know. That is why we have this registry, and that is why people – definitely the victims are notified, but then sometimes even the community to which that person is going to be released is also notified. I think that makes sense. It probably makes more sense. The more serious the crime, the more information that needs to be made available so people can either avoid that person, avoid potential harassment and intimidation, and so on.

You remember, Mr. Chairman, that there was that murder of that lady, Stephanie Butler, in Edmonton. Well, Mrs. Butler was actually killed by someone she knew. She was killed by her brother-in-law. I remember quite clearly how disturbed and how angry and sad and mad her husband was when he learned that his brother was basically released, I think, on bail, and he wasn't notified, and his wife wasn't notified. That person, before committing that crime, actually assaulted a cab driver, and then went on to break into that family house and kill the lady.

A simple phone call when that person was released on bail to the lady to alert her or to the gentleman to alert him that his brother had been released could have probably averted that tragedy, so Mr. Butler came to me and we actually worked together on a petition. His petition was basically just that: asking the law enforcement community to update their policies manual in terms of somebody who is known to police, somebody who is likely to reoffend, that there should be some notification. I think it makes sense. I agreed with it.

Now, one area here where I always have a question is basically where it says: subject to regulations. That's in the area talking about disclosure of information, 14.3(1), and then 14.3(2). In (2) it says "subject to the regulations." We see this more and more now, where regulations take a front seat, if you will, Mr. Chairman. Well, I need to know, you know: how tight are these regulations and how frequently do they change, and what are the criteria?

In that section (2) if you go all the way to (b)(iii), it talks about "conditions attached to the offender's release." So my question is: would that be in terms of a restraining order, for example, and so on? It's talking about a "temporary absence that relate to the victim." Part (iv) is talking about "the municipality or area," as I mentioned, "where the offender proposes to reside on temporary absence or while under court-ordered community supervision." Well, my question, then, is: and how about final release? What happens when

that offender is released finally into the community after they serve their time?

Subsection (3) is also talking about the regulations being sort of paramount, and I need to know, you know, what the regulations are and how we actually arrive at them.

Part 2 of this act is talking about recording and monitoring electronic communication, or phone calls. Now, I am not one who would go to great lengths to defend the rights of offenders. Mr. Chairman, I agree that when they committed a crime, they actually forfeited some of those rights, and now we're dealing with them as an offender who is hopefully being rehabilitated, you know, punishment being one part and rehabilitation being another. I don't want to see the monitoring or the recording of conversations or the restriction of access to the phone system as further punishment. I don't think this should be used as a tool to further punish inmates. I think that when there is a definite concern that this offender is likely to cause more trouble or to perpetrate a crime or to intimidate or harass someone, including our correction officers, then yes, definitely let's do this. I know that it's done now. People can currently record or monitor or intercept phone calls.

It talks about "subject to regulations." Again, I want to seek clarification with respect to this, and I want some qualifiers to be put in place. I want some assurances to be put in place that this is being used for what it's being used for.

The one question and the one area that I have to highlight is the distinction that has to be made between an inmate and an offender. An inmate is somebody who is actually housed in a correctional institution. Let me tell you that I actually found the definition of inmate defined in the Corrections Act itself, the current act, as follows:

> "inmate" means a person lawfully detained or confined in a correctional institution or otherwise held in lawful custody but does not include a young person, as defined in the Youth Justice Act or the Youth Criminal Justice Act (Canada) in respect of whom no order has been made under sections 72 and 73(1) of the Youth Criminal Justice Act (Canada).

So an inmate is, basically, somebody who is housed in that facility, and it could very well be someone who's awaiting trial, someone who has not been convicted yet, versus an offender who is someone who was convicted.

Now, to offer this clarity and to offer this assurance, Mr. Chairman, I seek your permission to move amendment A1 to Bill 52. I've actually delivered it to the table, and they should have it.

The Chair: Okay. We'll just give the pages a moment to deliver it, and we will be referring to that as A1.

I believe you can proceed, hon. member.

Mr. Elsalhy: Thank you. I'm not sure if you remember, Mr. Chairman, but back in 2004 there were attempts made to monitor and intercept calls from the Edmonton Remand Centre, and it was actually deemed by the courts to be a Charter violation of the rights of those people awaiting trial. We don't want to be inviting Charter scrutiny. I think limiting it to offenders, leaving that discretion to the warden or the jail administration to do it when it's an offender, somebody who has been convicted, somebody who is tried and sentenced, makes sense. But if it's somebody awaiting trial, you know, that distinction has to be made. Then there is nothing to prevent the jail administration and the corrections people from actually obtaining a warrant and doing it. That's what they do now.

I'm not really taking anything away from them. I'm just saying that maybe an offender has to be dealt with more, you know, diligence and with more scrutiny, and I am allowing this flexibility and room to manoeuvre for that warden to make those decisions. But I think the same does not apply to an inmate, again, somebody who has not been tried and sentenced yet, and it definitely would attract Charter scrutiny and potentially even waste a lot of taxpayers' money trying to defend those decisions one by one and then likely losing those decisions one by one as well, as we did in 2004.

4:30

I know that people say: "You know what? Well, these need to be dealt with, and we need to be going towards being tough on crime and being seen to be tough on crime." Yes. But I also draw your attention, Mr. Chairman, to the fact that a person is innocent until proven guilty. Inmates in the strict definition, as I told you, from the Corrections Act itself are not proven guilty yet, so till then they are treated as if they were innocent. If there is compelling evidence that there is something unsavoury going on or that they are posing a threat either to corrections officers or to people out there, then definitely. You know, the burden of proof rests with the state, rests with the Crown.

In terms of offenders it's a different story, and that distinction has to be made, and that's what this amendment is trying to do. It is basically amending section 2 in the proposed section 14.4 as follows: by striking out "inmate" and substituting "offender" and then in clause (c) by striking out "inmates" and substituting "offenders". I think it makes sense. I had a very brief discussion with the Solicitor General earlier today. I know we're still Tuesday, except it's actually Wednesday now and it's 4:30.

Mr. R. Miller: It's Tuesday in here.

Mr. Elsalhy: It's Tuesday in here.

I know he understands where I'm coming from, and I'm hoping that he would find this not too objectionable, to his liking. I'm hoping that colleagues and members of this Assembly are going to support this amendment as well.

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

Mr. Bonko: Well, thank you, Mr. Chairman. I rise to speak in favour of the Corrections Amendment Act, 2007, and the amendment that was put forward by the Member for Edmonton-McClung. I think it does make sense. Quite often we're trying to defend our honour, not only in the House but outside, and when someone is wrongly accused, it sometimes sticks with you for a while. In this case it makes perfect sense: is the person considered to be an inmate, or are they considered to be an offender? I think there is a distinct difference here because the charge has not been laid, and, as he said, everyone is presumed innocent until proven guilty. I would have no problem in supporting this. I think it does make perfect sense, and it would be something that we should all be able to support.

Thank you.

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

Dr. B. Miller: Thank you, Mr. Speaker. I just want to remind the House of a discussion we had previously, when I asked the former Solicitor General, the Member for Calgary-Buffalo, about the remand centre. The comment that he made was that if you're in the remand centre, you must be there because you did something wrong. You know, there wasn't a recognition that people in remand are awaiting trial and should be presumed innocent before they're proven guilty, if that's the case. So I respect this motion to change the word "inmate" to "offender." It's difficult in the current

circumstances when we have so many people in the remand centre, and quite a few people waiting in remand are actually at the Fort Saskatchewan Correctional Centre. There's a kind of confusion of people who are offenders or inmates.

In looking at this whole section, electronic monitoring and recording – this doesn't pertain so much to the amendment – it's saying that "the director of a correctional institution may direct that telephone calls made by or received by an inmate be electronically monitored [if] the director believes on reasonable grounds" that such-and-such is the case. If the director has reasons to suspect that telephone calls are being misused, in a way that's too late because the abuse has already been made. I would think that probably there is a system already in place, an inmate telephone system or an offender telephone system, and that the director already has people appointed to monitor telephone calls and that there's a list of telephone numbers that an offender can phone, like his or her family and so on, that is kept track of and that there are already electronic recordings. I find this is just a curious way of putting the issue.

I hope that section 14.4(2), that "telephone calls that are or will be the subject of a privilege shall not be monitored or recorded," refers to attorney/client privilege, although it doesn't say that. I might even wish that it might include chaplain/client privilege since I have in the past done some chaplaincy work in correctional centres. To be able to have conversations with an inmate without being listened in on might be an important thing. But that probably doesn't cover the role of the chaplain and his relationship in counselling with an offender.

Those are some of the points that I have. I support the amendment to change the word "inmate" to "offender." Thank you, Mr. Chairman.

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

Mr. R. Miller: Thank you, Mr. Chairman. I appreciate the comments that have been made so far on this particular amendment. I just have one brief comment to add. One of the more interesting correspondences I've had in my constituency office came just a few short weeks ago from a gentleman who was discussing exactly this situation; you know, the difference between an inmate, someone who's being held but not necessarily convicted, and an offender, someone who would have been convicted. He posed the question to me as his MLA. The question was: if a person were to have been held in the remand centre and found to be not guilty, would they then be eligible for the same 2 for 1 or 3 for 1 credit that inmates who are found guilty are given credit for on their next offence, as the minister of health just suggested? He was quite careful to point out that he wasn't asking this of himself. In fact, he was actually asking it in a facetious sort of way, but it does raise an interesting question, and it's entirely relevant to this particular amendment and the debate around an inmate and an offender.

As members of this House will know, because of the deplorable conditions in the Remand Centre in Edmonton right now, upon conviction many offenders are often given a 2 for 1 credit. I've heard, for sure, of 3 for 1 credits on occasion, depending on the situation in which they were held. So now we've got this situation. Although it was perhaps asked of me somewhat facetiously, I do believe it raised a serious question that perhaps my colleague the shadow minister for the Department of the Solicitor General – and the Solicitor General himself may want to contemplate it – and that is: what do you do with someone? There is this assumption, I think, by many people that someone who is in the remand centre must be guilty. In fact, we know that that's not necessarily true, and oftentimes people who are held in remand are found not to be guilty and then released.

Is there any recognition whatsoever for those inmates for the time that they've served and the conditions under which they were held? We certainly do recognize and give credit to offenders for that, but I'm not sure that we do anything for inmates, for those that might be held and ultimately found to be not guilty, and perhaps we should. I'm not so sure that I would necessarily suggest a credit that they could bank for their next offence, but I think it's a very relevant question and one that I would encourage all members of this House to contemplate. In light of that, I will be supporting this amendment.

Thank you, Mr. Chairman.

4:40

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

Ms Blakeman: Thanks very much, Mr. Chairman, for the opportunity to speak to this. I'm going to speak to it because of some of the issues that have already been raised. I have spoken in this House a number of times about the number of people with mental illness that are constituents of mine in Edmonton-Centre. We now, I think, have collected enough statistics across the country and here in Alberta and here in Edmonton to understand that in a number of cases people that are in remand centres and further incarcerated after sentencing in fact have mental illnesses. But I'm most concerned about those with mental illnesses who are in remand centres because they may have committed a crime. They may not have, whatever. They are not guilty at the time they're there.

I think we have created a situation where remand centres become de facto shelters for the mentally ill. I think that when we start using a term like "inmate" and don't distinguish between someone who actually has been found guilty and sentenced – in other words, someone who is serving time in an institution. That I would define, certainly, as an offender. But when we mix the language between inmate and offender, we are capturing a population that I believe is inappropriate to capture. We need to do far more work in filtering out the people with mental illness that have found themselves in our judicial system and in our corrections system. What's in this act right now, because of the choice of wording, is not helping us to make that distinguishment.

You know, we do have some programs that are running, like the court diversion program for example, that are a step in the right direction, but I think there are parts of this act and this part in particular, 14.4, that are a step in the wrong direction. They're not helping us move toward that.

There aren't many people who will speak on behalf of the mentally ill. I'm one of them because they're my constituents, and I recognize that. I will speak on their behalf and try and defend them and actually try, when I see bills like this, to help them not get into trouble. This is what we're setting up here. By using the term "inmate" instead of "offender," we are capturing a population that we shouldn't be. We are not only not helping them, but we're punishing them, and that is my concern about this.

I would ask members of the government caucus to please have a look at what has been done here. I think what is intended is that we really want to direct this towards offenders and not inmates because that does in fact capture those that are in a remand centre, and they're not offenders. They haven't been proven guilty yet.

This monitoring of the phone calls – well, no. Sorry. Let me just stick to the amendment that's in front of us, and that is striking out "inmate" as it appears in section 14.4 and substituting "offender." I'm supporting this amendment. I think it's the right way to go and the right thing to do.

Thank you very much, Mr. Chairman.

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

Mr. Elsalhy: Yes. Thank you, Mr. Chairman. I'm going to highlight two other points for everybody's consideration, maybe even add a little ripple to this pond. Sometimes people are held in the remands in protective custody. Sometimes people are actually put in the remand to protect them. You know, sometimes we do this. Do we treat them as somebody who is within that general population?

I was actually going through some of the other jurisdictions and what they do. Alabama, for example, has made that distinction in terms of people who are in protective custody and, you know, if we need to limit their access to telephones and people that they can contact. Well, they made that distinction that people in protective custody are not even sometimes, maybe even most of the time, accused of anything. They're basically just there to protect them and to protect their identity or ensure their safety and so on. So protective custody is one area.

The other thing is that this bill on page 1, under Disclosure of information, for example, is talking about an offender and what "offender" means. It says here under 14(3)(1)(c) that "'offender' means a person who has been found guilty of an offence, whether on acceptance of a plea of guilty or on a finding of guilt." The act defines what an offender is, but it doesn't tell us what an inmate is, so I think, as my hon. colleague from Edmonton-Centre was saying, the net is being cast too wide here, and it is catching people that maybe we're not intending to catch.

Again, I remind people that I'm not disallowing or denying this tool for the warden or the jail administration to use, but in terms of an inmate they can actually still do it the same way they do it now and get a court order or a warrant, versus an offender who has been found guilty, again be it by a plea or be it through a finding of guilt, that we deal with them, you know, more strictly or even with a little more free way of determining this. The warden can make those decisions on his or her own. So I think this makes sense. I repeat that we don't want to attract Charter scrutiny and then potentially lose these court challenges and then potentially even cost taxpayers money as we defend them one by one and lose them one by one. We're not denying that tool. We're not removing that tool, but we're making it extra clear and offering that assurance that an inmate is not what an offender is.

The Chair: Hon. member, if you want to cross the floor, you have to do it by different means.

Mr. Elsalhy: For the benefit of people who are either watching or listening or reading the *Hansar*d later, the chair was not referring to me crossing the floor; he was referring to the hon. leader of the third party crossing the floor, and that's definitely up to him.

You know, Mr. Chairman, I think this makes sense, and I am going to speak to the issue of recording and intercepting phone calls in more depth, but for the time being, unless there is further comment from members of the government, I would invite the question on amendment A1.

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

Hon. Members: Question.

[Motion on amendment A1 lost]

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

Mr. Elsalhy: Yes, Mr. Chairman. Thank you very much. I am definitely disappointed because, you know, the government sometimes dismisses these ideas offhand, and they don't at least even make the attempt to debate the merit of these ideas and tell us why they think it is not warranted or not necessary. I find this quite frustrating. However, moving on.

When we're talking about electronic monitoring and recording of telephone conversations, I need to ask: communicating by phone is one way, but what about actual visits that happen in the corrections institute? I mean, inmates or offenders get visits. They receive visits either in the group setting, or sometimes they even receive one-on-one visits. So if one person is going to potentially perpetrate a crime or potentially make arrangements for somebody to be harassed or threatened or intimidated, well, they can do it there. They can do it in those one-on-one meetings, or they can do it in that group setting, in those visits, you know, once a week or once every two weeks or whenever they are. What are we going to do to monitor that type of communication as well?

Other jurisdictions, Mr. Chairman, have made the distinction or have made the determination that sometimes there is something called conference calling, there's something called three-way calling. How are we going to monitor this? I could be monitoring a certain inmate, and that certain inmate has sort of a predetermined contact list. That's hopefully what the regulations are going to do: each inmate is going to be given a blank piece of paper, and he's going to list the phone numbers and the names of the 15 or 20 people that he's likely to call. That becomes part of the record for that particular inmate.

4:50

Well, I can be the inmate and I can call you as my partner in crime, Mr. Chairman, and you from your own home can actually dial a third person, and then we have three-way calling or conference calling. Well, then the effort that is done at the correctional institution is futile. It is not useful anymore. So what efforts and what initiatives is the government investigating in terms of three-way calling and conference calling?

I also have a question in terms of the pre-approved contact list, if it's in regulation. How many names and numbers are going to be allowed on that list? And then, also, how frequently could that list be updated? Again, some other jurisdictions restrict the frequency of updates to every three months or every six months or, you know, every month or whatever. So we need to know how frequently an inmate can update his or her contact list.

Restricting telephone privilege in terms of disciplinary action. Well, we need to know, again, be it in regulation or wherever, how somebody who has been the subject of a disciplinary hearing, how that might affect his or her phoning privileges and so on. I think there is also a need to make a distinction based on the seriousness of the offence. Some petty criminal who has been jailed for a minor crime should be treated differently from somebody who is in medium security versus maximum security and so on. Again, I bring you back to the case that maybe somebody is being held in protective custody and then on the other end of that spectrum somebody who is being segregated. So, you know, maybe these distinctions and scenarios have to be considered.

I think in terms of evidence, in terms of these conversations being recorded to be used in court or to be used in legal proceedings, we need to keep a log of all those phone calls: when they were made, the length, when they were recorded, and maybe the subject matter that was discussed, and so on. I think that log or that register should be kept for a certain period of time to allow it to be used as evidence and not only to be used as a means to punish further or intimidate

further our inmate population. I think that if we're serious about using it as evidence and we're serious about thwarting crime and, you know, maybe catching it before it happens or prevention in terms of alleviating some of that concern, then maybe we should keep that log.

The issue about notifying the offender as well comes to mind. So, as such, Mr. Chairman, it is my duty to maybe introduce amendment A2, which again I have delivered to the table officers. I will wait for the pages to distribute them.

The Chair: Thank you. It'll just be a moment until the pages get this distributed.

I believe you may proceed, hon. member.

Mr. Elsalhy: Thank you, Mr. Chairman. I am moving in this amendment A2 to Bill 52, Corrections Amendment Act, 2007, that in section 2 in the proposed section 14.4 we add the following after clause (c):

(d) The director of a correctional institution must maintain a log or registry of monitored calls to be kept for a period of not less than 5 years.

Clause (e) is talking about giving notice.

(e) Notice of the use of call monitoring apparatus shall be conspicuously displayed in order to provide offenders with sufficient notice that communications are not secure.

Now, again, it's the question of: what are we using this monitoring for? We're basically using it, hopefully, to prevent further crime, to prevent intimidation and harassment of our correctional officers. We're also trying to maybe limit criminal communication between somebody who's on the inside and somebody who's on the outside. If we're going to use this for evidence and we're going to use it in a court of law, then I think we should keep those records, and we should be very diligent in terms of accountability in recording those instances where a particular inmate or offender has actually spoken to someone on the outside. Keeping that log I think should be mandatory, and it should be for a period of time.

I'm a pharmacist, for example, and we are required by law to keep prescription records for a certain length of time. For example, people in the law community: when I come to you as my lawyer, Mr. Chairman, and I become your client and you defend me or represent me in a court of law, you keep those records for a certain period of time as well, and so on. I'm not asking for anything out of the ordinary. Certainly other jurisdictions do this.

I know I have a verbal commitment from the Solicitor General that this particular line in this amendment is not needed because we're going to do it anyways. A verbal commitment is just that. If we put it in legislation, then it's binding, and it becomes the way we do things versus a verbal commitment which might be implemented some times and not others or implemented in some facilities and not others. I'm making it part of the legislation so these people who administer and control our corrections institutions know that they're actually required to do it and expected to do it.

Clause (e) is also talking about notice. Again, I have the verbal commitment or the word of the Solicitor General informally that, yes, we're going to do this. When somebody first comes to the correctional institution, they're going to be sort of read their rights. They're going to be given a sheet or a manual of the protocols of this institution and what they should do and what they shouldn't do, what they should expect, what they shouldn't expect, and so on. Okay. Fine. We're going to do it, so this amendment as well is not needed. Well, I think we also have to enshrine it in legislation, again, like other jurisdictions are doing by posting this sign that says: your phone call may be monitored. Having it right there where that phone is serves as a reminder, and it averts the challenge that some inmate can sue saying: "You know what? I was not told and I was not reminded and I was not informed that my communication was being monitored. That's an invasion of my privacy." Do you know what? Some good lawyer out there might actually take this case to court and win. We don't want that. We're trying to actually forecast what might happen and thwart it or avert it.

I think this amendment makes sense, Mr. Chairman. I invite comment from everybody in this House, certainly from my colleagues in the opposition but definitely people from the government. If they don't like it, I need them to speak, and I need them to convince me why they don't. And I'm sorry, but with all due respect, a verbal commitment from a minister doesn't cut it for me. We need to be putting things in legislation and not leaving everything to the direction or the whim of a certain minister. Ministers come and go and opinions change. Policies change. Putting it in legislation ensures that everybody reads the act the same way, everybody behaves, and everybody adheres to the act the same way.

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

Mr. Johnston: Thank you, Mr. Chair. I cannot support these amendments. Subsection (d) "the director of a correctional institution must maintain a log or registry of monitored calls to be kept for a period of not less than 5 years." Well, this would be regulation, not legislation. A this point in time it's actually posted that calls may be monitored, so this would be the same. In the inmate's handbook and again when that inmate is processed, they're given that information. The director would only be allowed to monitor calls with cause. So he or she would have to keep a record already, that would be monitored with substantiation on that.

5:00

Regarding (e), the "call monitoring apparatus shall be conspicuously displayed," well, again, that has been explained. It would provide offenders with sufficient notice.

So I would speak against this amendment.

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

Mr. Bonko: Thanks, Mr. Chairman. I'm not sure exactly what the purpose would be for section (d), for the director of the correctional institute to maintain a log or registry for five years.

Mr. Elsalhy: Evidentiary benefit.

Mr. Bonko: Okay. That one was clarified quickly, then, by the Member for Edmonton-McClung.

The concern here with the wording – and I did raise it with them – of subsection (e), "notice of the use of call monitoring apparatus shall be conspicuously displayed in order to provide offenders . . ." Well, we still have "offenders" in here. "Offenders" was not passed in the previous amendment: by striking out "inmate" and substituting "offender." So I would say that this, in fact, still reads: inmates with sufficient notice that communications are not secure. So I don't know if the member was . . .

Mr. Elsalhy: That's what the hon. member said.

Mr. Bonko: Okay. Yeah. Exactly. So I would support that one as well.

The Chair: Are you ready for the question on amendment A2? The hon. Member for Edmonton-Glenora.

Dr. B. Miller: Thank you, Mr. Chairman. I was a bit puzzled by the response of the hon. Member for Calgary-Hays about this. These are already in regulations; they're rules. What's missing from here is the rules – right? – for some sort of offenders' telephone system. That's in the handbook. It's in the regulations already. I don't understand why this part of the bill has to be in legislation. Why couldn't it also be covered by regulations? Is there a necessity to have this in legislation, that electronic monitoring? I'm not sure why. Maybe the hon. member could answer that.

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

Mr. Johnston: Thank you, Mr. Chair. When I mentioned that, I was thinking of my policing days, seeing people taken into custody, and there were signs there at that time. Now, the hon. minister just walked by and reminded me that it's not that way in facilities now. When police take people in, there are signs in Calgary. So that's what I was referring to, and I just assumed that it was that way everywhere, but it's not. So that was incorrect, and I apologize for that.

The Chair: Are you ready for the question on amendment A2?

Hon. Members: Question.

[Motion on amendment A2 lost]

The Chair: The hon. Member for Edmonton-McClung. We're back on debate on the bill.

Mr. Elsalhy: Yes. Back on the bill, Mr. Chairman. The issue of calls that are subject of a privilege. I know that I had this discussion with my colleague from Edmonton-Glenora in terms of inmates making phone calls to their clergy, for example, or their legal counsel, as in their lawyers, or the ombudsman. Now, I would have much rather followed the lead of other jurisdictions and allowed a secure line dedicated for use for these instances when an inmate has to make a call or wants to make a call to their clergyperson or to their lawyer or to the ombudsman.

The Minister of Public Security and Solicitor General would probably argue that that's not feasible because we're going to have to maybe modernize and upgrade our existing phone systems and so on. My counterargument would be, then, that most of our remands and certainly the new ones that we're constructing have the feature of having secure circuits and secure communication where sometimes an inmate is exactly where they are, and they're actually appearing before a judge or before a court remotely. We have that function, and we have that technology and that capability where somebody can actually appear before a court and be heard and even be sentenced remotely, from the comfort of their own facility, Mr. Chairman.

I want to receive the assurance from this Solicitor General and his staff that we're going to maybe use some of this technology to offer that security and that feature to an inmate who wants to speak to their clergyperson, who wants to speak to the ombudsman of prisons or their lawyer. I'm not going to introduce an amendment to dictate this because I'm forecasting that the government is going to refuse it regardless, notwithstanding the merit or the goodness of this idea, but I think we need this assurance that this is going to be in the cards, that this is going to be contemplated or looked at so inmates have that privacy.

We know that they've given up some rights, but they haven't given up all rights, and this is probably an absolute minimum that we have to grant them for these situations when these calls have to be made and they need to be secure. I know that members from the bar and certainly the Criminal Trial Lawyers Association definitely raised that concern with the ministry and raised it in the media as well and with myself as the shadow minister, and I'm registering it and I'm putting it on the record that this has to be looked at as they do federally.

Now, moving on, as I told you earlier, Mr. Chairman, part 3 of this bill talks about disciplinary action, and it talks about hearings in terms of when an inmate is the subject of a disciplinary action. Then further to this, if there is need for an appeal, we have appeal adjudicators. This act is basically trying to streamline how we do this. I actually agree with it, and I like the direction. We're trying to maybe put some distance between the hearing adjudicators and, then again, the appeal adjudicators and the institution in question, the institution where that disciplinary action happened, or took place, and we're maybe ensuring neutrality. We're ensuring, maybe, objectivity. I like that direction, and I commend the minister for thinking of this. Again, like I told you, this act has three parts and it's emulating three different jurisdictions. We're taking some experience or some experiment from one and the second and the third, and we're putting them together. I like that direction.

Now, my preference is to copy the federal model again. The federal model is that lawyers are hired to do this. It's basically lawyers who actually conduct the appeal hearings, and when it's actually a hearing adjudicator, the hearing adjudicator does not work or has not worked in that particular institution, again to offer the assurance of neutrality and impartiality and objectivity and to alleviate any concern that somebody might have a bias.

Mr. Chairman, with your indulgence and permission I am going to move amendment A3. Again, it was shared with the table officers, and I'll just take my seat for a minute till it's distributed.

The Chair: Thank you.

You may proceed, hon. member, on amendment A3.

5:10

Mr. Elsalhy: Thank you, Mr. Chairman. Now, this might look like it's a bit complicated, but I'm going to tell you how simple it really is. Under section 15(1) instead of the word "may," as in giving a licence or giving a tool for the minister to appoint people that he thinks are potential hearing adjudicators or good hearing adjudicators, I'm saying that he

> must appoint persons as hearing adjudicators who are not employees of the correctional institution at which the disciplinary hearings will be conducted,

that he must appoint people who are at arm's length or detached from that particular institution,

> to conduct disciplinary hearings in accordance with the regulations for the purpose of
> (a) reviewing breaches by inmates of the regulations or of the rules of a correctional institution, and
> (b) determining appropriate punishment for breaches of the regulations or of the rules of a correctional institution.

Very simply, he is now asked that these people must be from outside that particular institution. They must be detached from it. They must not be affiliated with it. I think that makes sense. You want to avoid even the remotest hint of bias. Again, we don't want somebody to take us to task or take the correctional institution to court, saying: "You know what? I had a hearing, and the hearing was skewed," or "It was biased," or "I was not treated fairly." We're trying to alleviate that potential, trying to prevent that from happening, Mr. Chairman and hon. colleagues, by saying that that person who conducts the hearing is somebody who is totally at arm's length and detached and neutral and impartial.

In clause (b) I'm actually also adding a phrase.

> A person appointed under subsection (1) may be an employee of the Government of Alberta who is not an employee of the correctional institution at which the disciplinary hearing will be conducted.

I am not too rigid, and I am not too difficult here. I am actually offering the Solicitor General the freedom and the room to basically appoint somebody from a different correctional institution. So you can actually maybe bring somebody from Calgary to conduct a hearing in Edmonton or somebody from Fort Saskatchewan to conduct a hearing in Red Deer. It is available to him, and I'm not taking that away from him. I'm trying to demonstrate that our amendments are not unduly and unnecessarily restrictive or hindering. They're not frivolous. They're basically trying to make something good even better.

Now, further down I am talking about adding:

> A person appointed under subsection (1) must disclose the following
> (a) any previous employment at the institution where the hearings will be conducted, and
> (b) any previous interaction or relationship with an inmate whose conduct is the subject of a hearing.

That makes sense. If I'm going to be conducting a hearing, Mr. Chairman, I need to tell you as the inmate in question: "You know what? I have a potential bias," or "I had dealings with this institution. I worked here before. I know the guards who are part of that hearing; I worked with them. We're part of the same union."

This concern was actually raised, again, by the Criminal Trial Lawyers Association. They said: "You know what? Disclosure is probably the least you can do." Disclosure of any potential bias or previous interaction or relationship is the absolute minimum if we want to maintain the integrity and we want to maintain the appearance of neutrality when we conduct these hearings. These hearings sometimes are really simple and really quick and, you know, quite simple in nature, but sometimes they're really sophisticated if it involves serious breaches of the code of conduct, serious breaches of the rules of the institution, or if there is definitely a threat to the corrections officers or other personnel in that facility or to other inmates.

I think we're trying to improve on an idea from the government. The government wants to put that distance in place. I'm trying to say that any hearing adjudicator must be totally detached, must be from either an arm of government or a member of a different corrections institution but not this particular one, and should there be previous interaction, or should there be any prior knowledge of either the guards in question or the inmate in question, then that has to be disclosed to maintain that integrity and that trustworthiness in this procedure. I think this makes sense.

Mind you, Mr. Chairman, the other two amendments I thought also made sense, but the government didn't. I'm hoping that this one in particular they are going to find amenable and they're going to find palatable and that, hopefully, this one gets supported by both sides of the House.

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

Mr. Bonko: Well, thank you, Mr. Chairman. Speaking on the amendment here that was just put forward with regard to section 3 and proposed section 15(1): "must" as opposed to "may". I think that makes perfect sense with regard to the conflict of interest with appointing someone from within the correctional institution or finding someone from without. A similar instance is when we have the police investigating themselves. That is a direct conflict of interest. We were talking about an impartial, nonbiased person such as a police oversight committee. This would be exactly the same thing.

We have no problems with someone being appointed from within the government but not from within the same branch. Obviously, with direct interaction or direct contact with individuals that you may or may not be hearing or presiding over, there could be a perceived conflict by that individual. So this is just trying to eliminate that potential conflict in advance. I think this does make perfect sense, as was already explained by the Member for Edmonton-McClung. I don't see the reason for not wanting to have this.

Again, we've already made numerous comments with regard to the police oversight committee, and that one is still going to be dogging, I think, this Legislature in the future. We have an opportunity to do something right here, right now to correct what potentially could be a conflict of interest from here on in.

I would support the amendments as they are written here and proposed. I will leave some of this to more speakers from my colleagues as well. Thank you, Mr. Chairman.

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

Mr. Johnston: Thank you, Mr. Chair. It's kind of amazing: we're agreeing on everything here.

These proposed amendments were responding to a recent judicial ruling with respect to the inmate disciplinary process. I'll expand on that. As I'm sure you're aware, in December 2006 Justice Marceau ruled that the current inmate disciplinary process breached the Charter of Rights and Freedoms. In light of this ruling we're proposing changes to the act that address Justice Marceau's concern and ensure a fair and balanced disciplinary process.

Under the proposed amendments disciplinary hearings will be conducted by adjudicators who are external to the correctional institution and who are appointed by the department or the minister. Appeals of a hearing decision will be handled by an independent appeal adjudicator, and an inmate or the director of an institution will be able to request a judicial review of the appeal adjudicator's decision.

We're confident these amendments to the Corrections Act are in line with the letter and spirit of Justice Marceau's ruling. We're saying the same thing, so these amendments aren't necessary. It's here.

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

Mr. Elsalhy: Yes. Thank you, Mr. Chairman. I'm going to reference an earlier discussion I actually had with the minister very briefly where he indicated, I think, that the direction of the government is that they're going to copy or imitate the federal model and appoint lawyers to be at least the appeal adjudicators, and they would be under contract to work in that capacity. I'm not sure if that means that one lawyer gets a contract for one hearing or for a set or a group of hearings or if it's the same lawyer maybe in Edmonton and the same lawyer in Calgary doing all of them. I want to seek that answer from the minister and his staff, if it's going to be like the serious incident investigative unit that he assembled, where we have one team in Edmonton and one team in Calgary, and it's the same people doing all of the cases and all of the work in those two cities – or maybe one for northern Alberta, I should say, and one for southern Alberta. Is this going to be where one lawyer or, you know, the same group of lawyers in northern Alberta does all of them and then one lawyer or the same group of lawyers in southern Alberta does all of them? I need to know.

With all due respect to the Member for Calgary-Hays, there is nothing in the act that actually stipulates what the minister should

say. We're basically giving the minister the ability to do it as the bill is currently worded. Members from the government are going to say that, you know, he has this ability: what are you concerned about? My argument is that an ability is not the same as a request or a mandate or a requirement.

5:20

What I'm doing here is putting the requirement in place that these people have to be a certain way versus the bill as it's currently worded, which indicates that the minister may appoint people that he chooses. You know, we might like 98 per cent of them, but we might actually disagree with maybe 2 per cent or however much. So it is not really a point of contention to that extent, and I honestly think that the government should accept it in good faith because it's basically making it clear. It's making it, you know, abundantly clear that the minister, yes, has that authority, but we're asking him to do it a certain way. You know, this is where the decisions should be made, in the Assembly, not just in regulation or not just left to the wishes of the minister of the day.

Mr. Chairman, on this amendment I think hon. colleagues should vote in favour. As I say, it doesn't contradict the bill. When I was first elected, I was told that your amendments, coming from the opposition, are likely to be defeated if they contradict or go against the intention of the bill, the content of the bill, the language of the bill. This doesn't. This particular amendment certainly doesn't. I hope that in the spirit of co-operation that we witnessed in this House today, we find this amendment agreeable, and hopefully people will vote for it.

The Chair: Are you ready for the question on amendment A3?

Hon. Members: Question.

[Motion on amendment A3 lost]

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

Mr. Elsalhy: Yes. Thank you very much, Mr. Chairman. I can't help but scratch my head at one particular clause in this bill. It appears on page 8. Again, I must confess that I actually asked that very question to the minister. Section 33 is amended at the bottom half of page 8. Clause (c) says, "in clause (x) by adding 'and other sources of revenue' after 'canteens'." My question to him was: what other sources of revenue are we talking about?

Mr. Bonko: Gambling? Illegal revenue?

Mr. Elsalhy: My hon. colleague from Edmonton-Decore is questioning the fact if inmates are maybe allowed to gamble. I don't think that's allowed.

I initially even thought that maybe we're talking about vending machines, and then I immediately realized that inmates are not allowed to carry coins. When I asked him, he basically referenced those instances where inmates leave for off-site work, for example. Sometimes they're engaged in projects outside of the correctional facility. Certainly, we see this with minimum security inmates and potentially even with medium security inmates. I am hoping that either today in Committee of the Whole or at a later point, maybe in third reading, that question is going to be answered on the record as to what really constitutes other sources of revenue. I honestly thought that it's basically the canteen that generates any and all income.

My second question would be: what is this money going to be used for? If we're going to generate a certain sum, how is this money going to be allocated and disposed of? That's a question I wanted to put on the record, and hopefully I'll get an answer later.

Just to recap, Mr. Chairman, I think the issue of regulations – and this is certainly a trend that is developing and growing with this government. Everything is done in regulation outside of the regular legislative process that is done here in this Assembly. Hopefully, maybe regulations are going to be tabled in the Assembly or maybe referred to one of the four standing policy field committees as per the updated standing orders.

Mr. Chairman, these committees have the ability to review some of that work. I know that yourself and myself and other members from both sides of the House sit on one of them which I think is best suited to do that, Government Services, because one of the ministries that it looks at is the Solicitor General.

I think these regulations have to be reviewed, not just in terms of the Corrections Act only. I think that overall we should really start looking at regulations with more attention, more scrutiny. If we're going to allow more and more regulations to be taking precedence and to be the way we do business in this province, then maybe we should review them periodically. I'm not saying that we should do it all the time or that we should do it, you know, every couple of months. I'm saying that periodically, every three years or so, maybe we should highlight three or four acts and go through them and see what regulations are attached to them and try to update them, try to remove the obsolete ones and the ones that don't make sense, try to improve something, you know, and on we go.

Finally, I'm going to say that overall I actually support this particular piece of legislation, certainly when it comes to disclosure of information to avoid further crime and to thwart further crime and to grant some degree of protection to people who are working in our corrections institutions. These people are committed, and they are to be commended for their energy and for their contribution. They work in extreme circumstances, very stressful, very dangerous. One quick access to information request would reveal to you, Mr. Chairman, how much they're assaulted, for example, how much they're threatened, and then sometimes even members of their families are threatened outside of the jail or the correctional institution. So that area is fine with me.

Also, in terms of victims and the next of kin of victims – the spouse, the siblings, the sons and daughters – giving them information as to where the offender is housed, the length of the jail term, conditions of release, and so on: I feel that this is a good direction. I'm hoping that even though the government rejected the three amendments which I put forward, maybe they'll turn up in regulation. Hopefully, they would be implemented to my satisfaction and that of many people out there. I reference the trial lawyers association, for example, and other members of the legal community.

With that, Mr. Chairman, I really appreciate your patience and your indulgence this morning, and I thank you for this opportunity.

The Chair: Are you ready for the question on Bill 52, Corrections Amendment Act, 2007?

Hon. Members: Question.

[The clauses of Bill 52 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? That's carried.

Bill 31
Mental Health Amendment Act, 2007

The Chair: We are debating subamendments SA1A, SA1C, SA1G, SA1H, SA1I, SA1J, SA1K. It's the chair's understanding that it's satisfactory to vote on these in a block with the exception of SA1C. Is that correct, hon. Member for Edmonton-Centre?

Ms Blakeman: Yes. Thank you very much, Mr. Chairman. Aas we launch into this complicated series of amendments and subamendments on Bill 31, the Mental Health Amendment Act, 2007. What we have is that the committee that had this bill referred to it in the summer, which was the Community Services policy field committee, did review this act. It was referred to it. They did review it. The committee brought forward a series of amendments, and the government has followed with a series of subamendments, and right now we're looking at the subamendments that the government had provided.

5:30

Now, what happened – and this was all, I'm sure, well intentioned. I did for the most part read the *Hansard* from the committees. There was a great deal of concern with the committee over the requirement that we have "two physicians, one of whom must be a psychiatrist," which was the wording that was primarily used in the original amending act. There was concern that two physicians, one of whom is a psychiatrist, may not be readily available in many parts of Alberta, and there was a real concern on behalf of the committee members that something had to be done to be able to look after people with a mental illness who don't live in a metropolitan area. The act in other places had said: well, if there's no way to take someone into treatment and look after them, then we won't apprehend them under a community treatment order. But that left a lot of places in Alberta without any assistance for people with mental illness.

The committee went through a very long series of shifting definitions and ended up bringing forward in the committee recommendations a series of amendments to change it from "two physicians, one of whom must be a psychiatrist" to a much broader definition. I think they ended up with a result that they did not intend. Let me phrase it that way. Essentially they had ended with saying "two health professionals."

Now, that's health professionals as defined under the Health Professions Act, which, as we know, has come back before this Assembly a number of times because we are adding in new health professions as they meet the criteria under the new Health Professions Act. So this is a range of . . .

An Hon. Member: A nutritionist and a dental hygienist.

Ms Blakeman: Yes. That's exactly right. Thank you. You must have been reading my notes.

That includes people from a nutritionist, a dental hygienist, nurses, nurse practitioners – you know, if we were going to have midwives, they would end up under that health professions designation – doctors, of course, nurses, speech therapists, optometrists. There are a number of health professionals that are coming under that. That is too wide a definition, a pool of people, to pull from, and I don't think it was ever intended by the committee. Again, I was not on that committee, so I am just discerning this by reading *Hansard*. Their concern had been to make sure that there would be someone available in nonmetropolitan areas to be able to designate someone under a community treatment order. They had it always in mind that one of those health professionals would be a physician, but they didn't define it that way.

I'm speaking on behalf of the government here; I'm sure the minister himself will be speaking to it soon enough.

An Hon. Member: Don't be too sure.

Ms Blakeman: That's right; he already has spoken. My apologies.

This was an attempt to clarify that too-broad definition. I was willing to group together all of the government's subamendments that are essentially accomplishing the same thing. There's no need to go through and debate every single section of it. The one section that I did not agree to group in are the government's subamendments and the originating committee amendments in section C because that's dealing with competency, and I think there's a larger issue there. But I am willing to deal with – in fact, I'm speaking to the package of amendments now – government subamendments under A, G, H, I, J, and K, that are essentially changing the wording back to say in most cases "two physicians" and in some cases also gets specific by saying that one of them will be a psychiatrist to issue orders for apprehension and assessment and, potentially, a community treatment order.

I think that aside from my objection to the entire concept of a community treatment order, if this act is going to pass – and clearly the majority of people in this Assembly wish it to pass; I do not, and I will restate my objections – then even I would say it should be done by the professionals that are trained to do this. I know that there are additional regulations that are contemplated by the government, where in very particular areas under a regulation they could in fact designate someone that was a health professional that has met certain criteria to be able to perform those same functions. But we have to rely on the government that they're not going to put someone in a position where they would be working beyond their scope of expertise.

I'm willing to support the package of amendments that goes through the entire package from the committee and adjusts all of those definitions from health professionals back to the more specific physicians or two physicians or physician and a psychiatrist definition as appears throughout the amendments. I think that's an appropriate thing to do. I think it does protect people that are involved in this process or come into contact with this process, that have a mental illness or may be considered eligible for a community treatment order, aside from the issues of whether we should have these or not. But I think it's appropriate that it is a qualified health professional, like a physician or a psychiatrist, that deals with this.

So I'm in favour of the package of government subamendments that have been noted. Thank you.

The Chair: Are you ready for the question on the package of subamendments A, G, H, I, J, and K?

[Motion on subamendments A1A, A1G, A1H, A1I, A1J, and A1K carried]

The Chair: Now, back to subamendment A1C.

Ms Blakeman: I asked for section C to be pulled out because that is a section that is dealing with a number of criteria, the criteria that these physicians or health professionals would be using. A number of changes were made in the committee recommendations, which are then being additionally adjusted by the government subamendment. But if I let the government subamendment go through, then I would lose the ability to talk about this section separately.

I think what's important here is that the criteria have been broadened quite a bit. It was much narrower in the original version. The committee has now expanded that, and the suborder that we are talking about here, government suborder to C, is reinstating the physicians instead of health professionals, but it's also adjusting and affects the way community treatment orders would be assessed or implemented, which I think is more problematic. This is appearing as government subamendment (a)(vi)(B), which strikes out paragraph (A), which was talking about that the person is not competent.

5:40

Just to put this in context, we're backing up, saying that these health professionals, once they examine somebody, and care and treatment for the person exists in the community, is available to them, and would be provided, and in the opinion of the physicians "the person is able to comply with the treatment or care" – and then there's a series of criteria – either they consent to the issuing of a community treatment order – if they're competent, that individual consents – or "if the person is not competent, in accordance with section 28(1)" or "consent to the issuing of the community treatment order has not been obtained" – and what's been taken out here is "the person is not competent." But the physicians maintain that the individual has "while living in the community, exhibited a history of not obtaining or continuing with treatment or care that is necessary to prevent the likelihood of harm" or section (C), which is, "a community treatment order is reasonable in the circumstances and would be less restrictive than retaining the person as a formal patient." Now, what happens, I think, is that that clause, "the person is not competent," actually turns up somewhere else as a slightly differing qualifier.

I just have concerns about this section overall because I think it is broadening and giving wider powers to be able to commit someone to a community treatment order. I continue to be concerned that individuals while they are ill are losing their right to refuse medical treatment, which is something we've been moving to overall. This is a difficult argument, I will admit. I just believe in the personal integrity and dignity of each person to be able to make those kinds of integral decisions over their lives. If they're not in great shape, I would have preferred that there was something like a personal directive that they could have put in place when they were better that would have indicated their personal preferences. My problem around the widening of all of this competency and commitment criteria is that I think the individuals are even less likely to be able to control their own lives given these new wider boundaries.

That was one of my original concerns coming into this bill. It's not been alleviated; it's been exacerbated. That's my concern around this. In order to talk about it I've got to be able to pull out that separate amendment C, which does amend and remove the clause about the person not being competent. That's my concern over this particular amendment.

Again, I'm a bit caught because it's amending a number of different clauses. There are probably a dozen of them in here under section C that it's amending. In most cases it's putting in the "physicians" requirement instead of the "health professionals," but it does deal in that one section with the competency issues. That's my dilemma. Once again, it's grouping a number of things together, some of which I would support and some of which I wouldn't.

The Chair: The hon. minister of health.

Mr. Hancock: Thank you, Mr. Chairman. First of all, I appreciate the time and effort that the hon. member has taken to go through the amendment because while they look comprehensive and daunting, they all do deal with two issues. The first issue is the question of two health professionals. Clearly, that, as I indicated when I introduced the amendments, needed to be cleared up. There are two values that needed to be expressed. One is that the act should be consistent throughout, and consistency suggests that it should be two physicians, one of whom should be a psychiatrist.

The other value, which of course we want to move to, is that all health professionals ought to be able to practise to the fullest extent of their training, capability, and expertise. There may be at some point a health professional who has appropriate training to participate in that decision-making, but it doesn't mean all health professionals. It can't be that broad. So the amendments that we voted on already and a piece of this amendment that's remaining deal with that, and it's very important that we deal with that because it is important that the decision be made by the appropriate health professionals. This is a very important decision.

The second piece, which the hon. member has quite rightly identified, is the issue of consent, and it's an important issue. It does go to the root of quality-of-life issues. Personal integrity, I guess, if you want to call it that, shouldn't be interfered with lightly and certainly not without their consent if they're competent to give a consent in the normal circumstance. One would hesitate to override that.

However, with respect to the purpose of a community treatment order it's probably one of the very exceptional circumstances in which I think it's necessary for the effectiveness of the order to say the purpose of the community treatment order: in circumstances where there's already been a recognition of the nature or the affliction that the individual has that needs to be controlled in order for them to be able to stay and live in the community and have a quality of life, and if they fail to take their appropriate medications and treatment, they will deteriorate to a point where at some point they will need hospitalization, they will need to be engaged in a much more comprehensive treatment program. Unfortunately, the intervention needs to be early in order to forestall that later piece.

This is one area where it makes sense to say that if all the other circumstances are there, if in the judgment of the health professionals that are involved, in this case the psychiatrist and the physician that are involved, a person is in need of the community treatment order in order to be discharged from hospital and live in the community, then this is the one circumstance where it doesn't make sense to say that consent needs to be provided if a person is competent to do so. By its very nature you're dealing with an intervention on a timely basis with someone where already all of the other characteristics have been identified and circumstances have been identified.

Now, I realize that this is one of the most controversial aspects of the whole concept of community treatment order, but it's also a very important part of the community treatment order. It's necessary for its proper operation, and it is something that has been utilized appropriately in other jurisdictions and has stood the test. So I would ask the House to approve this amendment to deal with this issue of consent. There is a review provision, I believe, in the bill which will allow us to review this on a timely basis, and if there's any suggestion that there has been an abuse or that people's personal rights are being unduly affected, I think we can keep close monitoring on that situation.

I can say that I have been working with a group of people, including the Canadian Mental Health Association and others, on a stakeholder group and have actually agreed to provide some funding* to them so that they can monitor not only the implementation of the act but the implementation of proactive community treatment processes so that we can see and have somebody who's

*See p. 2507, left col., para. 4, line 3

intensely involved in this help us keep a watch on this and make sure that it's appropriately utilized.

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

Ms Blakeman: Thank you, Mr. Chairman. This is the crux of it for me because this is around the definitions of how it is determined that somebody is eligible for or qualifies for or would fall under the need for a community treatment order. What has happened is that the committee widened that criteria and definition by quite a bit, in my opinion. Remember that we had started at a point where the original Mental Health Act had talked about: an imminent danger to themselves or to others. The bill then widened that to talk about the concept of deterioration which is not imminent, that has a longer time period attached to it, and the concept of harm rather than danger. So there were two fundamental definitions that got changed by this act.

Then all of that got widened by the criteria around it by the committee that met over the summer and the policy field committee. It's quite wide now, and that's my concern. We started out talking about people who had a serious psychosis or schizophrenia, but by the definitions that are available in here now, someone who is clinically depressed would now qualify and could be picked up and put under a CTO the way this is now sitting. That causes me great concern even when you layer in that we're back to two physicians, one of whom should be a psychiatrist unless you're in a nonmetropolitan area, I'm going to call it, where there aren't the resources to have those individuals available. This is what's really getting to me because when you look at the mental health statistics in Canada, where we're now looking at 1 in 3 people having an experience with mental illness at some point, the potential to capture far more people than I believe was originally intended now exists in this layering of amendments, and that's a real concern for me.

5:50

I don't think we started into this to pick up people that had a depression issue or bipolar or something like that. This was to deal with people who were in serious trouble of harming themselves or harming others. The whole definition has broadened itself. That issue of consent and who we're looking at capturing in this legislation is far more serious given the amendments that are under contemplation here today.

That's a lot of my issue because, yes, we're talking about mental or physical deterioration. We're talking about competency and consent. All of this is captured in this amending section C, which actually shows up in the bill as 9.1 and then all of the subs that are coming under that. It's around, you know, how we're defining this: whether the person has been incarcerated in any way in the immediate two years – that's now being amended to three years – from 60 days to 30 days. There are a number of changes that have happened back and forth here.

This is where you get the clause about: "The treatment or care the person requires exists in the community." Well, this is part of my original issue. We're now hearing the minister say in the House that, in fact, he has allocated some money to the Canadian Mental Health Association to help with this issue. But where I started from with this act is that we had people who had deteriorated because we'd never supplied them with adequate community supports, and this bill still doesn't give them adequate community supports. There's nothing in this bill that provides more community supports for people. There's nothing in this bill that sets up an assertive community treatment program at all.

What it does is set up the community treatment orders, and now it has a very broad definition of who would qualify for that, and that's at the heart of my disagreement with what has happened in this process. On behalf of my constituents and others who have contacted me from across Alberta, that's my concern. I need to put it on the record and detail it on behalf of these people because I think we went far beyond where we started, and we will capture far more people. We were originally talking about maybe 30 or 60 people this would apply to in all of Alberta. That's much wider now. When you start to look at how many people will be touched by or experience some form of mental illness in their life, we could be potentially capturing a lot of people under this act.

We still have not put one more treatment bed in place, one more transitional housing apartment, one more support service. That has not happened through this bill. All we've done is put in place an ability to apprehend and incarcerate somebody in an institution or make them comply with medication requirements. That's what's happened with this bill, not anything else. Let's not kid ourselves that anything else is in that bill except for the community treatment orders.

I'm happy to hear the minister say that he has allocated some money to the Canadian Mental Health Association, but, you know, how much? For how long? Are we going to get transitional housing? Do we get treatment beds out of it? Do we get emergency treatment beds out of it? No. That's not what's in this bill.

I continue to have issues with this, but it's now 5 or 6 in the morning, and I won't make anybody stay up any later to hear me air my concerns about this. I think there's a real issue, and this may well end up getting challenged at some point down the line because it's too wide a net now, so I continue to object to it.

Thank you.

The Chair: The hon. Member for Edmonton-Manning on subamendment C1.

Mr. Backs: Thank you, Mr. Chair. I'm very pleased to speak on this subamendment. Having been a member of that committee, the importance of widening that criteria was something that very much troubled many members of that committee at the beginning of the deliberations as, Mr. Chair, you're very well aware, and you were a very able chair of that committee as well. Many of the committee members were told of the importance of this by organizations such as the Canadian Mental Health Association, people like Dr. Austin Mardon, who spoke so eloquently at an event in Edmonton city hall and was honoured here. He spoke of the need to widen these criteria because of the new medications that have allowed, for example, schizophrenics to operate in society and the need for them to be properly able to deal with situations where they may fall off their medications. These things are incredibly important.

The Chair: Hon. members, the side conversations are getting so loud that it's hard for the chair to hear the hon. Member for Edmonton-Manning, who does have the floor.

Hon. member, please proceed.

Mr. Backs: I've also got a major institution in my riding, Alberta Hospital. I visited Alberta Hospital, and I spoke with them about this legislation and spoke to all the heads of departments and many of the health professionals and toured all the wards and got their views, and they were very supportive of these improvements in the legislation and the need to go forward on this.

There is a need, of course, to improve those facilities. There is a need to modernize some of them. Some of them do obviously have to have their planned improvements go ahead sooner rather than

later, and that would be very helpful for the treatment of people who are involved in our mental health system. The importance of going forward with this has been emphasized time and time and time again by those that the committee met with. I think that it is important that they do proceed and that we don't get sidetracked by a few things that the committee found were really not a part of the real experience of the mental health patients or the ones who use the facilities.

Thank you, Mr. Chair.

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

Dr. B. Miller: Thank you, Mr. Chairman. I really agree with the Member for Edmonton-Centre in her concern about this bill. It seems to me that, really, the principle of freedom and self-determination is fundamental in our legal system, and courts have recognized that we are the masters of our own bodies and that we have the right to refuse medical treatment. In fact, the medical ethics literature is filled with references to cases where no matter what the arguments are, respect for the individual's autonomy is maintained. Even in cases where it is clear that refusing treatment is not in the interests of the patient's welfare, the patient's wishes should still be respected.

Really, freedom and autonomy are extremely important, so if a bill dealing with mental illness does not have a really strong focus on the element of consent, then I think there's a problem here. I appreciate the remarks by the minister of health about being concerned about this. I don't know whether the committee that looked at this bill – they must have studied the Ontario legislation. Ontario's mental health legislative reform in the year 2000, when it developed community treatment orders, focused on consent all the way through.

6:00

When the criteria were listed that must be considered when community treatment orders are given, many of the things that are mentioned in this bill and the subamendments and amendments are included in the Ontario one. They also include the ability of the person subject to the community treatment order to comply with it and consultation of the person and person's substitute decision-maker, if any, with a rights adviser and consent by the person or the person's substitute decision-maker to the community treatment order.

They have a section about safeguards, that the community treatment order process will be consent based, and all statutory protections governing informed consent will continue to apply.

Of course, in this whole process of community treatment orders and dealing with consent, there has to be a right of review, and I am pleased that the bill actually deals in detail with the right of review, that there's a procedure in place so that a person can challenge a community treatment order. I think that on the whole the bill is all right, except that the emphasis on rights and rights advice and legal advice and consent of a person subject to a community treatment order I think could be stronger.

A different angle that interests me is the fact that the whole matter of community treatment orders takes place now in a culture in which there is a propensity to depend on the pharmaceutical industry. I have no doubt whatsoever that drugs can be incredibly helpful for many people as long as the side effects are not too overwhelming and the drugs are affordable. I have no doubt that drugs – and they've improved so much over the years – can help people with serious mental illnesses, like schizophrenia, to be able to live a fulfilling, meaningful life.

I hear reference to an excellent book that should be on everybody's reading list. It's by two Canadians, Ray Moynihan and Alan Cassels, called *Selling Sickness: How the World's Biggest Pharmaceutical Companies Are Turning Us All into Patients*. I'm concerned that the range of choices of treatment is narrowed through the whole culture of the connection between psychiatry and the pharmaceutical industry. It seems to me – and I appreciate the remarks of the Member for Edmonton-Centre – that what we need are adequate community supports and a range of alternative ways of dealing with mental illness. It's too easy for us just to depend on community treatment orders that are tied to the prescription of drugs as if that's the only possibility.

I'll just give some evidence of how psychiatry is tied into the pharmaceutical industry. In the book *Selling Sickness*, which actually doesn't deal with serious mental illnesses, it provides evidence about what I'm talking about. It mentions that when the former New England Journal of Medicine editor, Dr. Marcia Angell, published her famous editorial Is Academic Medicine for Sale? she was referring to psychiatrists. She wrote that when journal staff were searching for an experienced and independent psychiatrist to write a review article about antidepressants, they had difficulty finding one because only very few in the entire United States were free of financial ties to the drug makers. That chapter in the book *Selling Sickness* goes on to demonstrate at length the ties between medicine, psychiatry, and the pharmaceutical industry.

[Mr. Shariff in the chair]

I really don't know what we're leading to in our society when we become more and more dependent on drugs as the final answer. So, Mr. Chairman, I applaud the efforts to find other solutions, other community-based solutions, in which people can live a full, meaningful life with the proper community supports so that they won't be so dependent on drugs. That's the only comment I have.

It's a very difficult issue. I'm really torn because, you know, on the one hand, I hear people who suffer from serious mental illness, such as schizophrenia, actually saying that community treatment orders are a good thing, that they don't trust themselves when they are quite despondent that they will make the right decision, so in the interest of their own well-being they prefer to have community treatment orders.

There was an article in the *Edmonton Journal* just recently by Austin Mardon. It was about homelessness. I think he himself has suffered with mental illness, and he says, "In other jurisdictions some untreated schizophrenics have been helped by Community Treatment Orders to great success." So he's encouraging the passage of Bill 31.

On the other hand, I have experienced in my years of pastoral counselling dealing with people who had tremendous problems with mental illness but were not so serious that they needed to be considered at the level of a community treatment order. I think I would fear that their own ability to make decisions for themselves might be hampered or interfered with with a bill that's so strong as the one that we're dealing with.

I think those are the only remarks I have. Thank you, Mr. Chairman.

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

Ms Pastoor: Yes. Thank you, Mr. Chair. I stand here ambivalent, actually, about this bill because I can see many of the good things for it and, in fact, probably support it because the Schizophrenia Society is so supportive of this. One of the things that I think does happen is that if we can get people at a certain stage and get them

back on their medication, it's very helpful. However, I think it's been said time and time again that this is only beneficial so far. If we don't have the proper supports in place within the community that we return them to, they'll be back time and time again, and revolving-door medication is certainly not the answer.

One of the things that has been talked about, you know, is the rights of people – are we taking them away? – and having the ability to make voluntary decisions. I don't believe that when someone is mentally ill – for exactly the same reason that youth are picked up when they're involved in drugs – that when your mind is altered that way, you can be counted on to make a rational decision that would make sense for how you're going to be treated. I think sometimes we have to step in and make those decisions for people who can't make their decisions at that moment in time.

6:10

One other thing that disturbs me about this is that in terms of the community treatment orders there really isn't the existence of a lot of credible evidence that, really, these kinds of behaviours and bringing people into custody, for lack of a better word, and getting them back on their medications is really all that beneficial. I think that when we do have community treatment orders, the kind of people that this would benefit are often the ones that, because they have been perhaps assessed incorrectly in the heat of a moment of behaviour, may well end up in prison when, of course, that's not where they belong in the first place. They really belong back in the community.

I think that my colleague from Edmonton-Glenora has already spoken about the tie-in between psychiatry and the pharmaceuticals. Unfortunately, I don't think that tie-in is just necessarily with the mentally ill. We seem to rely on pharmaceuticals for everything and anything, and we certainly have some wealthy pharmaceutical companies. I would use the example of perhaps the flu shots. I don't think there's anything more beneficial to a pharmaceutical company than pushing flu shots.

The other thing is that if these amendments go through, Alberta would have the most flexible criteria for which medical professions can issue CTOs in Canada, and the more people who are able to write CTOs, the less protection that exists for patients. I believe that as much as I see this government often pulling power into themselves that I don't believe they should have, particularly being able to change rules or legislation or not even having the legislation, making the rules in regulations, this is one of the areas that I believe should be narrowed. Because we are playing with peoples' lives and often, as I've mentioned, for people who cannot make the decisions for themselves, I think we have to keep it in a very, very narrow focus. The broader it is, in my mind, the more damage you're actually going to do.

When you speak to some of the people that actually are on the front lines and working in these kinds of communities on a regular basis, they know their people. They know the community that they work in. Often with people who are sometimes homeless, there is a community that they live in, and they sort of protect each other. If you speak with front-line workers, they are certainly opposed to this type of protection, I guess, for lack of a better word.

So as I've said, I'm really ambivalent about this. I can see some good, and I can see some bad. But I think that overall, I would have to not support it based on the fact that I think it's way too broad and that we will be bringing in people that would be far better handled if we had a far better support system out there for them.

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

Mr. Backs: Yes. Thank you, Mr. Chair, just to rise again. Some of the issues that have been raised are interesting, and I hate to be debating this, to be truthful, at a quarter after 6 in the morning after waiting for hours to do this and not being able to do this at a time when people would probably have a much clearer head. After having said that, some of the things that front-line workers have clearly said is that this is a good approach and something that is necessary however difficult in some ways when one thinks about it in terms of civil liberties.

You know, for example, even if individuals have a history of not continuing the treatment necessary to prevent the likelihood of harm to themselves, they should still be eligible for community treatment orders despite not being likely to cause harm to others. Too often persons with severe mental illness are misconstrued as dangerous when the vast majority are themselves victims of violence and much more likely to hurt themselves. Some, however, do hurt others. The Ostopovich case was one of the clear triggers to get CTOs going. An RCMP officer was killed in Spruce Grove by Ostopovich, who was diagnosed as paranoid and delusional and who gunned down a police officer after a standoff in Spruce Grove. His wife wanted him to take medication, but he would not continue on his medication. His paranoia, diagnosed as schizophrenia, was caused by an accident.

The necessity to deal with some of these through CTOs is clear and obvious, and the legislation here is something that is desired by many in the community. Thank you.

The Deputy Chair: Hon. members, before I call the vote on subamendment C1, I just want to thank all the members. We worked all afternoon yesterday, all evening last night, and it's about 6:16 this morning. You've all co-operated really well, and the staff has been up and working all day, including the table officers. I just want to thank them before the next shift takes over for them. [applause] Democracy prevails, and Alberta is doing well.

So let's have the vote on subamendment C1.

[Motion on subamendment C1 carried]

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

The hon. Member for Whitecourt-Ste. Anne.

Mr. VanderBurg: Well, thank you. It's important for me to take a little bit of time on behalf of a constituent that has contacted me. I'm going to read the story from Carol, who wrote me.

> My husband and I strongly support proposed legislation that would implement Community Treatment Orders, provide for earlier interventions, and require treatment for the mentally ill who are deemed to be deteriorating and having a relapse with their illness.
>
> Our son has been a victim of the "revolving door syndrome." That is: Admitted to a mental hospital involuntarily, received treatment for varied lengths of time, discharged, discontinued treatment, deteriorated and again admitted to hospital.

The member from Lethbridge spoke very well on this.

> He was first diagnosed with schizophrenia in Nov. 1995, referred to a psychiatrist in Jan. 1996 and spent approx. 6 weeks in hospital for assessment and treatment. A few months after discharge when we visited him (he lives in Edmonton) we noticed his confused thoughts, lack of concentration, poor nutrition, loss of weight and an excessively gross apartment. We could do nothing!
>
> Dec. 27, 1996 when coming to visit [out in Whitecourt] (he forgot when Christmas was!) he decided to go on a hike at -35º without telling us and not dressing warmly. He got lost for approximately 7 hours and was eventually found by some snowmobilers we had contacted earlier. His feet were frozen so badly that the attending

> doctor feared they may have to be amputated. Luckily that wasn't necessary, but he needed weeks of hospitalization and extensive complicated plastic surgery at U of A Hospital. (We can't begin to imagine the financial costs to the health care system!) Because of hospital stays, home care and other supports, he did fairly well mentally for a while.

6:20

> Other admissions were: January 1999, involuntary admission to Alberta Hospital Edmonton – 3 months; January 2000, involuntary admission . . . 3 months; January 2001, involuntary admission to A.H. Edmonton for 6 months; after a few days at the Remand Centre for disturbing the peace Sept. 2002, involuntary admission to A.H. Edmonton for 5 months; May 2005 – 1 month as a volunteer patient because he had trouble evicting roommates who intimidated and robbed him.

Mr. Chairman, this goes on and on for this family.

> It is well known that with each relapse, a person with severe mental illness may have some cognitive abilities [affected] indefinitely. Our son is highly intelligent and took several university courses at one time [but may never do so again]. He has stayed out of hospital for almost two years now, but we have noticed some early signs of a possible relapse. We can do nothing but wait and wonder what will happen to him next and when. We have every confidence in his psychiatrist and C.L.I.P. worker who have been excellent [with him], but they can do very little either, if they suspect he is not taking his medication.
>
> I am convinced that if Community Treatment Orders are in place and provisions made for earlier assessments and interventions, that hospital stays would be shorter and fewer in number.
>
> I realize that there may be "Charter" concerns if people are held against their will when they are deemed to no longer be a danger to themselves or others. However, a mentally ill person also has a right to treatment and health. The community has a right not to have to put up with bizarre behaviour, acts of vandalism, destroyed apartments etc. by the mentally ill.
>
> With most other serious diseases such as cancer, heart disease and diabetes, we are continually encouraged to seek medical attention before symptoms become life threatening. Surely people with mental illnesses deserve the same consideration whether they themselves recognize the symptoms or someone else does. Mental illnesses also have a chance of a better outcome if treatment is started early. In the long run, the mentally ill would also have a better chance of employment, instead of having to rely on the support of social services and AISH.

Carol, I thank you for your letter. I'm sure it will help this Assembly make the right decision dealing with this legislation.

Thank you, sir.

The Deputy Chair: Are you ready for the vote on amendment A1? Hon. members, we have a request on amendment A1 to break the vote down into three votes. The first would be for sections A, B, D, E, F, G, H, I, J, and K. The second vote will be for section C. The third vote will be for section L.

[Motion on amendments A1A, A1B, and A1D through A1K carried]

[Motion on amendment A1C carried]

[Motion on amendment A1L carried]

The Deputy Chair: Are you ready for the question on the bill?

Hon. Members: Question.

[The clauses of Bill 31 as amended agreed to]

[Title and preamble agreed to]

Bill 41
Health Professions Statutes Amendment Act, 2007

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

Mr. Hancock: Thank you, Mr. Chairman. Bill 41, as I indicated in I believe second reading, was introduced – and I believe it's a very important bill – to deal with a number of matters which I think are necessary to make sure that as minister of health and as government we have the opportunity and the tools to be able to deliver on our role of assurance to the public, to ensure that there's public confidence in our health system. I'm not going to go through all the issues that I raised during second reading, but I do want to indicate that subsequent to tabling the bill – well, actually, even prior to tabling the bill. The bill was tabled in June and referred to the committee, and there was a lot of opportunity for input at the committee after first reading. Many of the professions appeared before the committee and made their case known.

During that process I've also had the opportunity to meet with and talk to members of various health professions. Understandably they have some concerns because while there's no intention to remove or, in fact, denigrate from the concept of self-governance, there is a necessary role for government to be able to, in the last resort, ask health professions and then, if necessary, tell health professions when we need changes to bylaws, regulations, et cetera. That has caused some concern among health professions – no question – but in an era where the health system is fast changing, where there are greater and greater complexities and where we need to ensure that health professions work together not only hierarchically but also horizontally, there is a strong ability for health professions to work together. There's a necessary role for the ministry of health to be involved in ensuring that certain things are taken care of.

In the ideal world the tools that are provided would not be used. In fact, some people have said: well, why would you ask for tools if you're not going to use them? But the reality is that when you write contracts, you don't expect to litigate them. You don't want to have to fall back on the contract ever. You want to be able to carry out the business of the contract without the need for that. That's the reality that you want to have. You need to have tools. You don't necessarily ever want to have to use the tools. These are tools of last resort.

There's a provision in the act which requires reporting under public health circumstances. I hope that nobody ever has to report, but we need to have the duty to report. I could go through that in detail.

Now, having said that, I have had some consultations. I have brought forward some changes to the bill in order to show that we do hear what the professions are saying. We do want to have a collaborative relationship with the professions. This is something where we need to be working collaboratively going forward. This is something where we do need to have goodwill on all sides. In review of the various sections of the bill, I was able to work through some of the sections and come up with some areas where perhaps it would be appropriate to make some changes. There are really three changes which I am proposing. I have at the table, I believe, a proposed amendment which I would now like to move and that I would ask be distributed.

6:30

The Deputy Chair: Just a minute, hon. minister.

Hon. members, the amendment that is being circulated to you shall be referred to as amendment A1.

Hon. minister, you may proceed.

Mr. Hancock: Thank you. As I said, there are some amendments that I indicated I would be prepared to bring forward. They're included in the amendment which is now being circulated. It essentially does three things.

First of all, we've agreed to bring forward to the House an amendment which would remove the references to code of ethics in the various places that it appears in the act. I do that somewhat reluctantly because I think there may be circumstances where as you're asking health professionals to work together in teams and integrating the roles that they play, there may be some need to bring the professional bodies together and to ensure that their codes of ethics are consistent. I'm satisfied that there's sufficient overlap in the code of ethics as they stand that probably there isn't anything in that area that would provide what I would consider to be an area that would be of such a significance that it would pose a danger to the public or fit the tests that one would need to use in order to determine whether section 135 actually needed to be utilized.

Clearly, section 135 is to be utilized in areas where there are potentially public safety concerns. Some have asked: well, if you've got the duty to report, why do you need this opportunity to interfere? I would say that the duty to report is something that's after the fact. The ability to be proactive and to ask professions to look at their standards of operation is a preventative piece. I always have believed that prevention is better than cure. I think that in this case it is as well. In looking at it, while I do believe we need the opportunity to deal with the other areas, having had another thorough look at it, I'm prepared to remove the references to code of ethics. That at least will give some small measure of comfort to the professions that this is not about removing their self-governance. This is not about interfering with the operation of the profession. This really is about making sure that every profession has appropriate rules in place.

Again, as I said I think during second reading, when we did a review of infection prevention and control standards across the province and what professions were doing, at the same time we did that with respect to what regional health authorities and hospitals were doing. We did find a wide diversity of views. That was reported in the report released in mid-August. The short of it is that we're prepared to take the code of ethics out.

The second piece is a question of consultation, and here, Mr. Chairman, I'll have to eat a bit of humble pie. Just last week I was arguing that consultation was a standard practice and required and not something you would build into acts. I've always said that acts are framework pieces and that you hang the rules on the frame in the regulations and that before you do either acts or regulations, you ought to consult. But here I am today now moving an amendment saying that we will build into this act a commitment to consult pursuant to a process defined in the regulations. I can say nothing more than that it's a very pragmatic approach that I'm taking on this. Obviously, we're going to be dealing with the professions. Obviously, we're going to consult with the professions. Obviously, this section can't be used until it's a last resort; in other words, you've made every effort to make sure that every other process is undertaken.

Just saying that is not good enough, so what we're asking to build in in various places is a provision that says, "after the Minister has consulted with the college in accordance with the regulations made under section 134(e.1)." That consultation with the college means, of course, any college that you're affecting or proposing to affect. That's the provision that we're asking to put in. That's the second piece of this amendment package.

The third piece of the amendment package just elevates the place for the decision. In the bill itself the indication is that some of these decisions can be made by ministerial order, that by ministerial order we can ask a college to adopt a change to regulation or bylaw. I didn't have a problem with that, to be perfectly frank, because if a college did not, the next step would be to pass an order in council. The minister had no tools or teeth to be able to enforce. That had to come through an order in council mechanism. But for some reason that didn't seem to be understood or to make sense. So to make sure it's perfectly clear, we've requested that this amendment be adopted to change it from ministerial order to "the Lieutenant Governor in Council, on the recommendation of the Minister after the Minister has consulted."

That's the nature of the proposed amendment. It does three things: it removes the code of ethics, it puts in a consultation process requirement by regulation, and it moves the decision-making request to "the Lieutenant Governor in Council" from "the Minister." I will make no pretense, Mr. Chairman: these amendments will not satisfy the colleges, but I would respectfully suggest that we have to agree to disagree on that.

We are in an era where there are things coming down the pipe in terms of serious issues around MRSA and C. difficile and other bacteria or viruses that are not easily controlled. We are in a situation where the acuity level in hospital facilities is much higher than it ever has been in the past. We are in an era where there are changing technologies and changing techniques. We are in an era of electronic health records. We're in an era where all health professionals are going to be essential parts of the system working in teams, and those teams have to have compatible sets of rules and structures in order to do it. Now, it's my belief that that can be managed.

I have to say, Mr. Chairman, that I was privileged, before I was minister of health, to be invited by the pharmacists and nurses to attend a conference, the first joint conference that they had, in Jasper, and to speak to that conference. I was invited because I had an exceptional relationship with the pharmacy at the time, and they approached nursing and asked that I be included on the agenda to be able to address my view of what the vision for health care professionals was, which, as I've stated many times in this House, is that all health care professionals ought to be able to practise to the full extent of their capability, expertise, and training.

I was equally delighted, then, as minister of health to be able to go to Banff earlier this year where the College of Physicians and Surgeons joined with the conference of nurses and pharmacists, the second conference that the nurses and pharmacists had together but the first where the College of Physicians and Surgeons joined. So I'm quite confident that the professions are working together in a way that they haven't before and that they recognize this need to work together. But I'm also concerned. I'm concerned that when we did the review of standards across the professions, we found such a strong diversity.

I won't repeat all the details of the report that was released in August, but suffice to say that we're not where we should be. We need to get there, and we need to get there soon. The government needs to be part of that to be able to fulfill its role, its obligation, its duty of assurance to the public, its duty to be able to assure the public that the system is a safe system, that we're operating at appropriate levels and standards, and to ensure public confidence.

So I would ask the House to approve the amendments that I've put on the floor and then to vote in favour of the bill.

6:40

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

Ms Blakeman: Thank you very much, Mr. Chairman. A bit of

housekeeping to begin with. I would ask that the amendments be severed so they can be voted separately, but at the same time, I will also acknowledge that I have allowed a grouping together of various amendments. We can't group them together unless we sever them, so the severing comes first. Then I have suggested that we vote on them in packages or groups, and those groups would be sections A, D, F, and G, which primarily cover the consultation powers or consultations sections that have been added in; a second vote for what I'll call the ethics section, which the minister has just referred to, specific to sections B and E; and finally, a third vote, on C, which covers some of the powers.

Now, to anyone who follows along with this at home, some of those powers that have been granted to the minister are mixed into some of those other sections, but this was the best severing and regrouping that I could do to allow us to vote appropriately. Thank you for the chair's co-operation in that severing and regrouping.

The minister is correct. The colleges are not happy. They feel that there are still a number of things that were not addressed that they continue to be concerned about. Just so that we have a sense of the scope of who's being affected here, we are looking at the College of Combined Laboratory and X-ray Technologists, College of Alberta Dental Assistants, Alberta Dental Association and College, the College of Registered Dental Hygienists of Alberta, the College of Dieticians of Alberta, the College of Licensed Practical Nurses, Alberta College of Medical Diagnostic and Therapeutic Technologists, the College of Medical Laboratory Technologists, Association of Naturopathic Practitioners, and the Opticians Association.

The College of Optometrists has now opted out of the rest of this group and said they're okay with the bill. But I'll continue with the list of others who are not: the College of Pharmacists . . .

Mr. Hancock: Who was that?

Ms Blakeman: The College of Optometrists. [interjection] Yeah. It's a letter that was sent to you on December 3.

Continuing with a list of that grouping: The College of Physical Therapists of Alberta, the College of Physicians and Surgeons, the College of Alberta Psychologists, the College and Association of Registered Nurses of Alberta, also known as CARNA, the College of Registered Psychiatric Nurses of Alberta, the College of Social Workers, the College of Speech-Language Pathologists and Audiologists, and the College and Association of Chiropractors. So a significant body of our health professionals have joined together in their opposition to this bill. But I do acknowledge that the Alberta College of Optometrists did send a letter on the 3rd of December to the minister indicating that they were now willing to support Bill 41, given the amendments.

Some of the concerns that remain. They are pleased to see that the consultation has been included here, but their point is, as ours often is here in the opposition, that the devil is in the detail. Without seeing the regs that go along with this act, we don't really have a good sense of how this act will in fact play. It's very important that the regs are able to be debated openly, and in particular is the ability for the colleges to be able to present their position on a given desire of the ministry to make changes if we have a situation again like we had in Lloydminster, for example, which is what gave us – this is sort of the Lloydminster memorial bill. This is why we ended up with this bill: because of the situation that happened there last spring and everything that's fallen out from it.

On the one hand, I agreed that the situation that was brought to light in Lloydminster needed to be addressed through legislation. What the government did in response is they addressed it and then went far beyond it. That is my issue with this bill and the issue of the organizations that I just read into the record. They feel very strongly that under this act they need to be able to present their position about why they made a certain choice, and they need to be involved and have the ability to appeal. They are truly offended by having the minister give himself or herself powers to come in and dictate things like bylaws or standards – I will note here that previously it also included a code of ethics, which has now been removed – and they really feel that that's wrong. It does go into that watershed; it goes down that slippery slope; it steps over that crack. Whatever metaphor you want to use, it crosses that line about self-regulating professions.

We do have a set-up that we've worked with, in some cases for over a hundred years, with various professions in the province where we give them rights and privileges and also expect responsibilities from them. We delegate that to them and say: "You set this up yourself. You have a college. You have an association. You self-regulate. You set the standards, and you make sure that your members adhere to that. You go and do that." We've delegated it to them. Now we have an act that comes in and goes: well, just a second; as the minister I'm going to be able to come in and change your bylaws of your college or change your standards or change your code of ethics. That is deeply offensive to these groups, and it is also marking a real change. It is a watershed in how we deal with self-regulated professions, which is why you're also getting a slop over, a flooding over of concern that is starting to be brought forward by other self-regulated professions outside of the health professions. Now we're starting to hear from lawyers who have concerns, accountants that have concerns, and other professions that are self-regulated going: boy, if that happened to health professions, it could happen to us next. So they all have a vested interest in this act.

The consultation is critical and is an improvement. I will indeed note that this was something that I had in an amendment in front of this House barely a week ago, I think. This was around the Lobbyists Act, Bill 1, and I was asking that the NGO sector be consulted about the regulations before they were implemented, and I was tut-tutted and oh, no, no'd by the minister. This wasn't possible. Well, gee, what a difference a week makes. Maybe what a difference the health profession makes over the not-for-profit sector. I'm not sure if that's a deciding factor, but here we are on a different bill, and now consultation written into legislation about consulting with a group before regulations are put out is before us in the House. I have enjoyed watching the minister eat a little crow. I'm not going to make him eat the whole thing, but that is worth noting.

6:50

The second issue is around that code of ethics section, which is regarded as deeply intrusive by the groups. They believe that the bylaws and standards section should also be removed, not just the ethics section. The Health Professions Act describes bylaws as internal, and they would argue that this should not be open for the minister to be able to interfere with.

There was also an issue raised with me about standards of practice, and in particular nurses were mentioned because their standards are very high. In fact, they are nationally set. So for a provincial minister to be coming in on a national set of standards is inappropriate – that is the argument – and should not be happening. That's a perfect example of why we've crossed a line here in what the minister is contemplating in Bill 41.

One of the last issues that is being raised is around liability protection. This is a point that I've often made with this government, and it's the reverse of it today. Usually I'm saying that if the government is going to delegate the responsibility for accomplishing

a task, they must also delegate the authority to be able to accomplish it. That argument is usually around delegated administrative organizations and their ability to have proper funding or around municipalities and corresponding funding. But we have a different situation here, where we've got an administrator that's appointed to be taking over. That's in section (c), that I'm calling powers, extra powers, which in the original act appears on page 13.

If the administrator is appointed to take over, if they, then, have the authority to do something, they also, the colleges believe, must be held responsible. They must be liable for anything that goes wrong. Referenced for me was the Finney decision in Quebec about good-faith clauses. That decision in Quebec basically said that good-faith clauses aren't holding up anymore. I think I agree. I think that there is an issue there, and those two things have to go together. This government is particularly bad about splitting them, but authority and responsibility do go together. If you're going to delegate that responsibility, the authority to do it has to go along with it, and they're liable, they're responsible, and they're accountable for it. I think that has to be part of it. What the group is demanding is that if an administrator is put in place over their heads, that administrator should also be liable for the consequences of the decisions they make, and that reflects directly upon the minister.

Again, those were issues that were raised in my consultations with some of those colleges, particularly the College of Physicians and Surgeons. I will note that with the government majority I am expecting that these amendments will pass, Mr. Chairman, and in doing so, they will then rule amendments I was going to bring in out of order. I was going to bring forward amendments that would have in fact struck a number of the sections that the groups felt were most offensive to them, in particular the whole 135 section: 135.1, 135.2, 135.3, et cetera. I was going to go through and methodically bring forward amendments to strike those sections in their entirety. Once this government amendment passes, of course – with their majority I expect it to – that then rules my amendments out of order because the decision has been made by the Assembly, and I cannot then, in essence, challenge a decision made by the Assembly. The decision has been made, so I have lost my ability to bring in those amendments, and that's just the luck of the draw in being the shadow minister, I'm afraid.

Those are the issues that I had wanted to raise as part of the debate in Committee of the Whole on Bill 41. Again, overall I think this bill started out with one small right idea, a correct idea, and morphed into some sort of health-profession-eating dragon that should not have been allowed to escape from its egg. It was hatched and birthed under Bill 41, and now we have to deal with this fire-breathing monster that's put out there. Even given the amendments that the minister has been willing to bring in, it diminishes the amount of fire that is coming out of the mouth of that dragon, but it does not extinguish it. It's still fire, and it's still a dragon, and this bill is still a problem even with those amendments.

I'm certainly willing to support the amendment group around the establishment of consultation. I will certainly support taking ethics out, but the section that I'm pinpointing as a power section, which is emblematic more than anything – there are a number of sections that are mixed into the other ones that are also power giving – is where I think we all really have the trouble here with this act. The amendments did not address it sufficiently in that the minister gave that position very far-reaching powers to affect the way self-regulatory health professions go about their business and how the minister can come in on them because he deems it in the public interest. There are no criteria set out. The minister himself or herself is not held responsible or accountable. There are no report-back provisions in this. There are no accountability provisions for the very person who most needs to be held accountable with this change. So there will be long-lasting effects of this bill and not positive ones, I suspect.

I regret that the minister felt that he had to go this far. I think that merely settling the issue around the College of Physicians and Surgeons' requirement to report to public health that something had gone wrong would have been sufficient. We didn't need the rest of what happened with this bill, and that, I believe, is unfortunate.

I have spoken to the groupings of the amendments here, and I will cede the floor to those others who wish to comment. Thank you.

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

The hon. Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Chair. I'd like to also thank my hon. colleague from Edmonton-Centre for grouping the amendments the way she has because I think she's certainly captured what the problem is with this whole bill. I've always sort of believed that if it isn't broke, don't fix it, and I think that this is what's happened with this one. I think this bill has morphed out of an overreaction to the problems that they had in terms of not following proper infection control.

I noticed that on November 29 the Minister of Employment, Immigration and Industry actually stood up in the House and was more than delighted to say, as she was introducing somebody, that we can acknowledge a milestone in the history of Alberta's largest self-regulating professional group; namely, the Association of Professional Engineers, Geologists and Geophysicists. Also, I would probably like to ask the Minister of Health and Wellness just how excited his fellow lawyers would be if we started to take away their self-regulation. I'm not sure that that would go over very well. Something else the government has just done recently is to actually give self-regulation to real estate agents. So I don't understand why the need to try to water down the professions. Certainly, in their self-regulating capacity they have been doing this for almost a hundred years very successfully and proudly.

7:00

There are a lot of complexities out there within the health care system. I think that partly they're complex because of what the government appears to be trying to do, to create professional people and turn them into widgets. We'll have professional doctors, nurses, and pharmacists as little widgets in a system that, unfortunately, the bigger it gets, the more it lacks humanity. The health care system is about humanity and really nothing else.

We are losing our professional abilities to make decisions to technology and to rules. Where is the authority that comes with being a professional, with being educated so that when you make professional judgments, you can stand by them knowing that you have the education to back that up and also knowing that if some very unfortunate, untoward accident or episode may happen, you at least would be judged by people who would understand the circumstances under which that poor judgment had been made.

I don't believe that that would be possible in what I see as the system that's being created right now, a system with absolutely no humanity. It's getting too big. It's getting too many people. By trying to amalgamate professionals, we're watering down the standards. We're creating standards that are homogenous. We're going to the lowest common denominator. Each profession has its own standards and has its own levels. Most professions, in fact I would suspect all professions, actually are diligently working to improve their standards at all times, improving the behaviour of the people that are registered in their colleges.

The consultation section actually does cause me some concern because I have seen other instances of what this government calls consultation. They will bring in people who have actually spoken out against the government, bring them into Edmonton or wherever, sit them down, and create a little group who now truly believe that they will be listened to and therefore never speak out again. In fact, consultation in many instances that I've seen means: "Yes. We'll sit you down. We'll listen to you. But we're going to do exactly what we want to do anyway. In the meantime, we've given you a few little ego trips and a pat on the back, and now you're in line." Consultation to me really means nothing when I see how this government acts.

The removing of the code of ethics is certainly a step forward. It's a very positive amendment.

As far as the C part, in terms of the powers that a minister can have over professions that this person, either he or she, probably would never be trained in, I think it's really quite, quite scary. There is no recourse after this decision is made. It's made in some backroom. It's made through the Lieutenant Governor in Council, and we all know that that means the backrooms, sort of a code word for it. I just think that it's very wrong that this much power is being narrowed down without any sort of accountability behind it.

I think it's already been mentioned by my colleague that once this passes, I fear – I truly fear – for the health care system. More so I fear for the people that have to work in the system and feel like they're widgets and end up really, really losing the humanity that creates the health care system in this province.

The Deputy Chair: The hon. minister.

Mr. Hancock: Thank you, Mr. Chairman. I just want to address very briefly a couple of the issues that have been raised. First of all, there's no suggestion of amalgamating professions anywhere in here. I mean, professions have their separate professions. There's no authority who will amalgamate professions. There's no intention to amalgamate professions. But what I did say is that there needs to be a synergy between professions, whether it's the bone and joint process, whether it's primary care networks, whatever it is in the health delivery process. We have the new Edmonton clinic being built, which will, from the University of Alberta's perspective, provide a platform to train professionals together. There's a lot more that needs to be done in the health system with respect to health care professionals working together. They'll be in their separate professions, but they have to be compatible. Right now there are areas of incompatibility in a lot of the areas. So that needs to be worked on.

There was a suggestion that professions are doing well, and they're working hard at things, and I would agree with that, some more than others. I would particularly, for example, mention dentistry. Dentistry has practice review teams that go out and review practices on a proactive basis without any hint or suggestion of punishment but by doing so can provide some tips and tools and suggestions and ideas with respect to how a dental practice might be improved and how infection prevention and control procedures and other things can be enhanced. That's a very positive step forward. I wish all professions were doing that type of thing.

So, yes, there are things happening, but there's obviously a need for improvement. I mean, what happened two years ago last spring and was reported last spring with respect to a medical office in Lloydminster should not be the case, should not happen. It should have been reported on a timely basis. Quite frankly, there should have been standards in place, auditable standards in place so that type of thing would not be the practice and couldn't happen.

Quite frankly, it's well and good to say that health professionals are proud of their training and expertise – and they are. I think all professionals are. I'm a professional. I'm proud of my training and expertise, and I take responsibility for my actions. But it's not the health care professional that the public goes to when something goes wrong. It's not the health care professional that they look to for assurance that the health care system is going to be there for them, that it's going to be strong for them. Absolutely, they're an essential part of the system. But that assurance role is a role that comes back to government, so the tool is necessary from that perspective.

This is not applicable to other professions, and there's a very good reason why it's not applicable to other professions. First of all, the health profession is the one profession that is almost solely paid from the public purse. Not entirely true and certainly not of all health professionals, but a vast majority of the payment in the health system comes from the public purse, and the accountability for that has to come back to the guardians of the public purse, which is the government and the Legislature. That's one piece of it.

The other piece of it, clearly, is that – lost my train of thought on the other piece of it, so I'll have to come back to that.

On the question about consulting – and I raised this – there is a small difference between the consulting that we're talking about here and the consulting that was being asked for with respect to volunteers. Again, it comes down to the fact that in this case what we're consulting on is something which does go to the core of the profession. It's a direct impact or effect on the profession's bylaws and regulations. So I think it's appropriate, while probably not necessary, in that case to embed that concept of regulation here, and that, I think, distinguishes it from the situation with volunteers.

I just wanted to clarify those few areas.

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

Hon. Members: Question.

The Deputy Chair: Hon. members, we're going to have three separate votes. The first will deal with parts A, D, F, and G, the second with parts B and E, and the third with part C.

[Motion on amendments A1A, A1D, A1F, and A1G carried]

[Motion on amendments A1B and A1E carried]

[Motion on amendment A1C carried]

[The clauses of Bill 41 as amended agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Carried.

7:10

Bill 48
Health Facilities Accountability Statutes Amendment Act, 2007

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

Mr. Hancock: Thank you, Mr. Chairman. This is a bill which I

would consider to be a companion bill to Bill 41. What we just did with respect to the health professions I think is even more necessary with respect to health facilities.

Again, the accountability structure within the provincial health system is absolutely important. It's absolutely important that the minister of health and the ministry of health be able to address this issue of assurance to Albertans, and that issue of assurance is not only with respect to professionals operating in the community or in a health facility but in terms of the operation of the health facilities themselves.

There was, in fact, this spring – well, I believe reporting in July there was a report from the Health Quality Council of Alberta. In that report it indicated that there were ambiguities – there were issues with respect to accountabilities between the voluntary providers and the regional health authorities; there were issues with respect to where final accountability and authority lay - and that those needed to be cleared up.

The health facilities legislation must require that health facilities in the province be operated safely, effectively, and efficiently. To do this requires integration, co-ordination, clear lines of accountability, and the ability to enforce. The health facilities legislation needs to reflect it. We have nine regional health authorities in the province and a number of voluntary health organizations that through service agreements with the regions provide acute and continuing care services in our health system. Some of those providers, of course, provide services to more than one health region through a number of different facilities.

This is not easy; it's complex. It's a complex system. Again, the legislation is not perfect, and in fact the legislation is in many ways outdated. Were I to have the opportunity to do so, I would want to fundamentally revisit all of this legislation over the next year or two with a thorough consultation process, with a thorough review, and provide some real restructuring of it. But that's for the future. Today we need to make sure that in the current legislation we have the tools and the accountabilities that we need to be able to get the job done.

Again, as with Bill 41, although Bill 48 has not been on the table the same length of time – it was just tabled in this fall session – we've had some feedback from parties that are affected. Particularly the voluntary sector are very concerned, quite frankly, about their role in the system. Mr. Chairman, I want to make it perfectly clear again, as I think I did when the bill was introduced in second reading, that this government believes that there's a role for faith-based providers in this province, that they play an important role in the health care delivery system, that voluntary providers play a very important role in this system, and quite frankly under the Nursing Homes Act many for-profit providers play a very important role in the system. So nonregional health authority facilities and organizations play a significant role and will continue to play a significant role. That needs to be said.

This bill is not about removing the voluntary sector and the faith-based sector from health service providers in this province. It is about making sure that a faith-based organization or a voluntary organization or a for-profit organization in the case of nursing homes understands that their contract is with the regional health authority for the services they provide. That contract can include faith-based principles, but their contract is with the regional health authority, and their accountability for the service provided is to the regional health authority, and the regional health authority's accountability is to the ministry and to the minister.

We need to be able to audit those lines of authority and what's happening. We need to have the tools to be able to deal with a breakdown in the system again. When I say a breakdown in the system, under the current law the minister of health in a circumstance such as happened in East Central needs to go to the regional health authority board and/or the voluntary hospital board and ask them to ask the minister to put in a plan of management. That's not tenable. In a circumstance where the minister is responsible for ensuring public confidence, that's not tenable.

The bill provided for a more direct route, which was to be able to put in place a plan which could either be a complete operation of a facility or operation in a certain area of a facility, but clearly, again, that authority is to be used in the case of a situation where the system is not working; the job that's supposed to be done is not being done; the quality of care to the public cannot be assured. That's when the minister steps in. That's what the tool is for.

The second piece is to the ability to appoint an administrator. Again, I can appoint an administrator. The minister can appoint an administrator now but first of all has to replace a regional health authority board and has to go through that route into the process. Again, that's not tenable. You need to be able to have direct action when it's required to change a situation that's untenable with respect to the public safety. That needs to be there. It's not there. This bill will put it there.

Now the strength of the language in the bill has concerned some of the voluntaries, that said, "We might be requested or required by a regional health authority to do something that's outside what we contracted to do." Well, that's clearly not what's intended here. "We might be required by a plan to do something outside of what we contracted to do or outside what our faith-based principles would allow us to do or what we would want to do under our faith-based principles." That's not what we're attempting to do here.

So I bring forward amendments, Mr. Chairman, to make some of that clear so that faith-based organizations and voluntary organizations delivering to regional health authorities in the province understand that this is not about putting them out of business; this is about ensuring the lines of accountability and authority that are necessary for the role of public assurance and public confidence that I've been speaking about.

I would ask that the amendments be circulated. I presume, Mr. Chair, that you would entitle them amendments A1.

The Deputy Chair: Hon. members, this amendment that is being circulated will be referred to as amendment A1.

Hon. minister, you may proceed.

Mr. Hancock: Thank you, Mr. Chairman. I will just briefly outline what's in it again. It looks like a complicated package of amendments, but it does have a few very simple things. First of all, it builds into the bill a provision for service agreements. It identifies what a service agreement is. In fact, a service agreement essentially is the agreement between a nonregional hospital – in other words, the voluntary or faith-based hospital or for-profit nursing home – and the regional health authority. It indicates that that service agreement may contain principles of faith or ethics that may govern their provision of services. In other words, for the first time it recognizes in the act, as opposed to relying on what I've called the master agreement, that those service providers that are faith based have principles of faith or ethics that are important to them in their participation in the health system, and they want those respected. We have no problem with that.

7:20

It essentially, as I said, inserts service agreements into the bill, and it defines what they are. It provides for them to have principles of faith or ethics included in them, and it assures, Mr. Chair, that the

service agreements are a fundamental accountability component because they provide the clear understanding of what services are being delivered and the roles and responsibilities of the parties under the agreement. In effect, it is how the health authority assures that it's doing its job of delivering the services in its region and has accountability to do that and the ability to satisfy that accountability, whether it's in its own facility or in a facility which is provided by and operated by a nonregional hospital.

Now, concern about how we come to a service agreement and how we make sure that a regional authority might just say: no, we won't enter into that kind of an agreement. Another of the amendments builds in the dispute resolution mechanism, which says that if they can't come to an agreement about the terms or about the interpretations, they can use the dispute resolution mechanism. We'll work out the details of that dispute resolution mechanism with the organizations involved, but ultimately it will undoubtedly come back in the final course – and I hope just in the final course – to the minister.

[Dr. Brown in the chair]

Again, building in a consultation mechanism, the concept of a consultation with health authority, regional health authority, and voluntary organizations. Before the authorities that we have in the bill – the authority to put in place a plan, the authority to put in place an administrator or provide a direction – can be used, there needs to be consultation, so it makes it clear that this is not a first step but, rather, a last step. Of course, there is an emergency provision. If there is something that needs to be done right away, the consultation may in fact be after the fact, but there needs to be that consultation mechanism. If we put in place the administrator or plan, the administrator or the plan has to operate within the context of the service agreement and the faith-based principles and ethic as it's built into the service agreement. So those are important parts.

Now, another piece that's important, Mr. Chairman, is that the bill provides for the minister to involve him or herself in bylaws, and it contemplates two types of bylaws for the operation of a hospital facility. One type of bylaw is pretty straightforward; it's the medical bylaws. All health facilities have medical staff bylaws. Those bylaws, quite frankly, vary a great deal across the province, and that's something that we need to work on, so we are working on that. A consultation has started on developing a model set of staff bylaws, which doesn't mean to say that every facility will have the same one, but at least there will be some things which are the same for all medical staff bylaws. There are a number of reasons why that is important in being able to ensure that quality and patient safety are kept up to a certain standard.

There's a concern among faith-based organizations that they may have some things that they want to have in their medical staff bylaws in a faith-based hospital. Our assurance is that those can be added onto any standard bylaws. In other words, as long as patient safety is not compromised, they can have additions to a bylaw, just like, quite frankly, any other hospital can have additions to the bylaw that are not inconsistent with the standard piece that's necessary. So that piece is built in.

The other one, though, that is a bigger change in the bill that we're asking through this amendment is to take out the section that referred to the general bylaws because, as it turns out, there is not a consistent framework of general bylaws across the province now. This is a piece that I believe needs to be worked on. Some voluntary organizations do not make a distinction between their constating bylaws – in other words, the bylaws which set up the organization, which incorporate the organization and set up the structure and their fundamental rules of who they are – and their operational bylaws with respect to how they operate a facility. I think, quite frankly, they should, but that's not where they are. They are concerned that by this provision in the bill the minister will be able to come in and change their board of directors and change the way they're constated. Well, that's not the intention.

What we're asking through this amendment is to delete the provisions which would have allowed us the authority to deal with the general bylaws, to reinstate the piece that's in the Hospitals Act now. I'm satisfied that in the short term and until this whole review of the Hospitals Act process takes place – and I hope that that will take place over the next two years – we can find other ways to deal with issues that need to be part of the operational bylaws. That's a change to the bill. It's a change where, in fact, we're acquiescing to the requests of faith-based organizations. That was one of their major concerns and one that we could deal with in this way.

I think that deals with most of the changes that are being requested in the amendment which I tabled and have moved. I would ask for the consideration of the House to those amendments and then, of course, to the bill.

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

Ms Blakeman: Thank you, Mr. Chairman. I'm pleased to be able to rise and comment on the Committee of the Whole debate opportunity for Bill 48, the Health Facilities Accountability Statutes Amendment Act, 2007, and also the series of 13 amendments that have been put on the floor by the minister.

At this time I will notify the chair that I ask that the amendments be severed, so that brings them into separate sections A through M. I have also notified the chair that I am willing to group the amendments for the purposes of voting, grouping together sections A to H, K, L, and M as one vote and voting sections I and J separately. Essentially, I have pulled out the sections on bylaws, particularly around medical staff and the minister giving himself the power to either order or to actually change medical staff bylaws, which I object to.

[Mr. Shariff in the chair]

What we have here, essentially, Mr. Chairman, is that Bill 48 is the Hansel to Bill 41, Gretel, and together they are skipping through the forest of Vegreville and Lloydminster. They are companion bills, as the minister mentioned. I have the same overriding concern with Bill 48 that I had with Bill 41, which is that the minister did need to address a problem that manifested itself, and that was the confusion in lines of authority, responsibility, and communication between the regional health authority, regional hospitals, and nonregional hospitals which were under contract, and those contracted hospitals are often charitable or voluntary-based hospitals.

We had a situation at St. Joe's hospital in Vegreville because of that situation, because those lines were not clear. The minister was right to try and address that. I think he's wrong to go beyond it. Again, Bill 48 has gone beyond simply addressing and correcting the issue that arose around St. Joe's at Vegreville.

7:30

In particular, when we look at the original act on pages 9 and 10 of the bill, specifically section 15 of the bill, which is amending section 17 in the original act, this is where my largest concern lies.

> 17.1(1) The Minister may
> (a) request the board of an approved hospital
> (i) to amend the medical staff bylaws enacted under section 17, or

(ii) to adopt bylaws to replace those bylaws in accordance with the Minister's directions,

(b) amend or adopt medical staff bylaws on behalf of a board where the board fails to comply . . . or

(c) prescribe model medical staff bylaws.

(2) Medical staff bylaws amended, adopted or prescribed pursuant to subsection (1) prevail over the bylaws that existed prior to the amendment, adoption or prescription.

Now, that's what's in the act. That, as has already been indicated to me, is offensive, again, to those health professionals that would be affected by that. All of the same concerns that were raised around the autonomy of our health professionals – their self-regulatory powers, standards, training, and all of that – fall into play here. They see it, and I agree, as an imposition on their professional purview. The amendments then try and soften that a bit by saying that they wouldn't amend the staff bylaws if it conflicts with principles of faith or ethics.

In section J – I'll call it the consultation section – we have a clause that the minister wouldn't do this until after he had consulted with everyone. Same problem: the minister shouldn't be interfering in that sort of thing. I hear his argument that, you know, we have varying standards and varying bylaws across the province. Well, back to him I give the argument that we have varying levels of service because of the checkerboarding that has come into place from the regional health authority structure, period. Frankly, what's good for the goose is good for the gander, and if he believes that he has the reason, the impetus to do that on the one level, then he'd better be prepared to do it on the larger level, the macrolevel.

We have been saying for some time in the Liberal opposition that the regional health authority structure has to be examined. We have never gone back and looked at it, tested it, run performance measurements against it to see whether it actually achieved what it was supposed to achieve, which was better delivery of health services to all Albertans. I think it can be well argued – and I won't do it here – that we have not achieved that. There are some real problems in differing standards of service delivery available across the regional health authorities. So that checkerboarding exists. If that's his argument for implementing section 15, which amends section 17 of the original act, you know, get out your big pencil, then, because we've got a lot of work to do on the regional health authority level.

Generally speaking, the amendments are addressing the issues around principles of faith and ethics, that are integral to, as they're described here, those nonregional hospitals, what we would also call faith-based or charitable or voluntary hospitals. This actually flows from when the regional health authority structure was put into place in the early '90s. At the time those hospitals were to be treated identical to everyone else. I gather from people who worked in the department at the time that there was a great lobbying to have this group excluded and treated differently. That, indeed, happened. I would say that the day that that happened, we were on the route to where we are today, with an amending piece of legislation.

I think it's important that we try and bring some consistency and predictability, some clear lines of roles and responsibilities and communication between all of our service providers in the health care field. We have not had that under the system to date.

I recognize that those faith-based hospitals, also called charitable or voluntary, have an argument, that they deliver that health service with something more, with something underpinning it that is very important to them. They fought hard – and I've got the letters to prove it – to say: this is part of how we do things, and you cannot interfere with those principles of faith and ethics that we carry with us in our very operation. Granted, but you still have to conform to everything else that's in place here.

I think the minister has probably tiptoed through the tulips pretty well with this set of amendments. I do object to what happened around the medical staff bylaw section. As I say, I'm happy to support the amending package that I outlined – A to H, K, L, and M – but I will not be supporting I and J.

Thank you for the opportunity to speak to those amendments to Bill 48 in Committee of the Whole. I know I have other colleagues that wish to speak to it.

The Deputy Chair: The hon. minister.

Mr. Hancock: Thank you, Mr. Chairman. I just really want to address, hopefully very succinctly, the issue of the medical staff bylaws because I'm not sure if the hon. member understands fully the nature of this. I don't want to get into a lot of details, but I am going to say that it's not good enough to say that that's in the purview of the professionals. Yes, it should be. Professionals should be making sure that those bylaws are totally appropriate. But we have areas in the province where there are differing bylaws within a region, where health care professionals practise in several settings which have different bylaws, different rules, and that creates the opportunity for error and problem. We have situations where the bylaws are not complete enough. We have areas where bylaws are too restrictive and don't allow other health professionals to come in and practise. In essence, the people who are there control the situation so tightly that others can't come in. In the same circumstance where a community is saying, "We need more health care professionals; we need more doctors to come in," they're not creating the environment to come in. In fact, the bylaws keep people out. Those are circumstances that we have in this province.

Now, they're not at a state yet where I have utilized any of the limited authorities I have under the act to do something or the circuitous routes that I would have to take to deal with it. But those are issues that are being dealt with in this province today, across the province, and quite frankly they're issues that the professions are not stepping up to the plate on and dealing with. I would hope that with the combination of Bill 41 and Bill 48 the professions would step up to the plate in some of those circumstances, but if they don't, the minister needs to be able to do so. There is a duty of assurance, and that duty of assurance means that a hospital that needs to have health care professionals come in and practise cannot have them kept out by the operation of the medical staff bylaws.

The amendment to the bill that I'm asking for about faith-based recognizes that some facilities may have some faith-based components, and they may want to have an acceptance of the corporate culture, if I can call it that, that someone is going into. I don't have any problem with that concept. But I do have a problem if the bylaws are not sufficient enough to ensure that proper practices are required, proper procedures are required. The bylaws have to operate to allow access for health professionals to be able to come in if they're appropriately trained and accredited to practise in the facility.

Again, we've got complex systems. I don't intend to be nor pretend to be a health professional. As minister I and, I hope, any other minister would rely on advice and support and work in collaboration and consultation to develop bylaws. Certainly, the process for developing a model medical staff bylaw, which would be a template for the province, will be done. I believe the consultation, the initial parts of it, have already started with the AMA and others to deal with that. But we cannot have medical staff bylaws in this province which do not allow appropriately accredited professionals to practise, which do not ensure a consistent standard of operation so that health care professionals going from one to the other know what the rules are, and which do not require medical standards to be complied with.

7:40

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

Ms Blakeman: Thank you. I'm just going to have a quick rebuttal here. First of all, I would have said that the minister should use his considerable powers of persuasion to work this rather than putting it in legislation. If the stick is needed, then the stick should be time limited.

What's happened here is that there's a whole new section of powers that will be granted to the minister with regard to that, that exist in perpetuity. There's no review clause in these amendments now. Essentially the minister, without accountability to the rest of us in any way, shape, or form, has granted himself new powers, and I think that's inappropriate. If he has to do it to get through something where there's not co-operation or where there is great unevenness, fine. I understand what he has said. But I would argue that if he's going to need to use that stick, there should be a stale-date on the stick, where he has to put it down at a certain point, and that is not in this legislation.

I understand what he's trying to say about needing to make it happen because of an unevenness across the province and, of course, because we need to be able to move our health professionals around right now, but I don't think he should enjoy those powers in perpetuity.

Thank you.

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

Dr. Pannu: Thank you, Mr. Chairman. I rise to speak on Bill 48 in the Committee of the Whole debate. I'll be fairly brief. The bill is obviously, in my view, a response to the crisis at St. Joseph's in Vegreville last year or so, and in a sense it's also a response to the recommendations that came out of the Health Quality Council related to that particular risk to public safety and public health. Much of the bill, I think, is an effective response, a response of the type that certainly has our support.

I have a bit of a concern about the section that deals with the minister's powers to overrule the existing bylaws, medical staff bylaws, and bring in bylaws that he considers will limit the risk to patient safety or quality of patient care. In amendment I the minister does make an amendment to section 1(15) by clearly stating that with a nonregional hospital "the Minister shall not amend, adopt or prescribe medical staff bylaws that conflict with the principles of faith or ethics as identified in the hospital's service agreement." Then in amendment J he returns to a reference to model general bylaws and does in fact say, "The Minister may, after consulting in accordance with the regulations, prescribe model general bylaws."

He gives, I think, examples that express his concern about the fact that some medical staff or practitioners may create bylaws in a particular hospital or a setting that will prevent other appropriately accredited medical professionals from being able to come in and provide services in that hospital. I know that the right for doctors to practise in a hospital is strictly controlled, and sometimes the bylaws may be abused or perceived to be abused to keep certain other accredited professionals out.

I would like the minister to perhaps give us any example in the province where that might have been the case that has prompted him to introduce this fairly heavy-handed provision in the bill. I think it's best to rely on the co-operation and good judgment of medical professionals in the development of the bylaws that will govern their conduct in the hospitals. But if there is a need, I think I'm willing to grant the minister the right to intervene and bring in those bylaws provided there is some evidence that the minister can bring before the House that will justify his proceeding with the proposed section of the bill, however, amended by J, to be able to have the power to make those bylaws and have them available for the guidance of boards of approved hospitals. So the concern is with the approved hospitals and with the regional hospitals, which are under the direct authority of the regional health authorities.

That's the only concern that I have, Mr. Chairman. I would like it if the minister has time to address that concern by giving me some examples of where he thinks that these provisions will be helpful and, because the provisions weren't there in the past, that the problems have arisen precisely because those bylaws were the source of those problems.

Thank you, Mr. Chairman.

The Deputy Chair: Are you ready for the question on the amendments?

Hon. Members: Question.

[Motion on amendments A1A through A1H, A1K, A1L, and A1M carried]

[Motion on amendments A1I and A1J carried]

The Deputy Chair: Hon. members, on the bill as amended. The hon. Member for Edmonton-Ellerslie.

Mr. Agnihotri: Thank you, Mr. Chairman. I'm pleased to rise and speak in favour of Bill 48, Health Facilities Accountability Statutes Amendment Act, 2007. This bill I'm sure is in response to the Vegreville hospital crisis some time ago. The bill amends the Hospitals Act and Nursing Homes Act and regional health authorities to clarify the lines of accountability between hospitals, health regions, and the minister. This bill also is the government's response to the confusion in accountability that resulted in the failure to close the central sterilization room when initially ordered.

In July 2007 the Health Quality Council of Alberta released their review of the infection prevention and control practices of the East Central health region. In January 2007 an audit of St. Joe's hospital found problems with inadequate equipment sterilization and increased cases of MRSA, an antibiotic-resistant infection capable of causing boils and pneumonia. In February, Mr. Chairman, the East Central health region directed St. Joe's to immediately shut down the sterilization room. A follow-up inspection in March revealed that the directive issued in February had not been followed, and the sterilization room had not been closed.

7:50

Mr. Bonko: Putting people at risk.

Mr. Agnihotri: How many people?

Mr. Bonko: Putting several thousand at risk.

Mr. Agnihotri: Putting several thousand people at risk. There's no doubt at all.

The East Central health region ordered St. Joe's to stop accepting new patients and posted a sign in the hospital to notify the patients. The government publicly announced the closure of the hospital and initiated a review by the Health Quality Council and established a board of management to oversee the management of the hospital.

Ensuring that Albertans are safe requires clearly defined roles and

responsibilities; however, the minister has taken this opportunity to grant himself too much unchecked authority. Mr. Chairman, we want Albertans and especially Vegreville residents to have the reassurance they need to feel safe in their community. Alberta's health system clearly doesn't have the appropriate checks and balances for identifying and monitoring problems. The province had an effective, centralized monitoring and enforcement standard branch, but it was dismantled by this government in 1990.

I have a couple of questions, Mr. Chairman. What has the minister done to address the other Health Quality Council recommendations? These are: to define and create a culture of safety and empower all staff, managers, administrators, board members, physicians, and improve patient-related care; to develop processes and procedures that utilize a checklist and feedback mechanisms to communicate and implement new and revised policies, procedures, and directives and ensure compliance to same; and to develop provincial standards for MRSA screening and surveillance so all RHAs have consistent practices.

In August 2007 the minister released a response to the Health Quality Council report that identified five areas for improvement. The first one was clarifying accountability roles and responsibility in infection prevention and control. The second one was to implement and monitor provincial standards for infection prevention and control.

Mr. Chairman, another point I want to mention is that the patients who received treatment between April 2003 and March 2007 have been contacted by the East Central health region and tested for hepatitis B, HIV, and hepatitis C.

I would like to mention briefly a summary of the recommendation which was made on July 25 of this year.

> Legislation and agreements governing regional health authorities and Voluntary facilities, coupled with poor working relationships, resulted in unclear accountabilities and responsibilities and presented patient safety hazards. The root cause of both the Central Sterilization Room (CSR) closure and the lack of containment of MRSA was found in legislation and agreements that governed operations of East Central Health (ECH) Region and St. Joseph's General Hospital (SJGH). Voluntary (often referred to as faith-based) facilities such as [St. Joe's and RHAs] had both been given "final authority" for operation of health facilities within the region by the Master Agreement [made in 1994], which covered Voluntary facilities, and the Regional Health Authorities Act (1994), which covered the regional health authorities respectively. Lack of agreement on which entity had working and governing authority led to lack of accountabilities and responsibilities for infection prevention and control, quality improvement, patient safety, and risk management.

A recommendation, of course, was that Alberta Health must identify one entity to have final authority for all matters relating to the operation of the health care facilities in a regional health authority.

Mr. Chairman, we want Albertans and especially Vegreville area residents to have the reassurance they need to feel safe in their own community and strengthen the health system's capacity for infection prevention and control, and we want to make sure of the availability of infection prevention and control education and training as well as the enhanced provincial co-ordination of infection prevention and control activities.

Mr. Chairman, Bill 48 clarifies roles and responsibilities for infection prevention and control, but what has the minister done to address the other four priority areas? We should establish, monitor, and enforce province-wide standards for infection prevention and control. Some amendments on the table here clarify some concerns, especially the provision of service agreement or regional health authority. I like that at least the minister has addressed some of the issues in this bill as initially introduced, and I think it will make the bill a little better than what we had before.

I definitely will support this bill. Thank you.

The Deputy Chair: Are you ready for the question?

Hon. Members: Question.

[The clauses of Bill 48 as amended agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.

Bill 38
Government Organization Amendment Act, 2007

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

Mr. Bonko: Thank you, Mr. Chairman. We're talking about Bill 38, Government Organization Amendment Act. I'm not sure why we just didn't come out and call it TILMA. This is basically trying to hide, I think, from the public exactly what it is. We had concerns with it when it was first proposed or introduced back in April, and labour groups as well as other groups from other provinces waded in on the issue. I believe that, again, if it was put out exactly as what it was supposed to be, the TILMA bill, we would have had a lot more demonstrations such as we had out in front of the steps with regard to Bill 46. We would perhaps have the Alberta Federation of Labour and their members out here. We could have probably had CUPE groups out here as well as AUPE and other organizations to stand out and have their say on it, but instead we kind of hide it here under a Government Organization Amendment Act, which I think is quite sad.

8:00

We don't support TILMA. We can't support a bill that ties the province closely to TILMA and, particularly, makes the province liable for TILMA-based rulings. We're concerned about that in itself. We didn't have it as an out-front, outright debate within the Legislature. It was supposed to come in on April 1, 2007, and it's going to be fully implemented in April 2009.

There are some, you know, if it could be said, positives to it, but overall I don't think that it's actually necessary. We're trying to make sure that the trade between the two provinces is, in fact, as seamless as possible with regard to certain things like commercial vehicles going back and forth, requiring perhaps to have only one registration between provinces. Sure. That makes sense. I'm not sure why we just couldn't put that in to begin with instead of having this tie to other organizations and groups.

The investment part was just raised the other day with regard to an insurance company that, in fact, had practices that had it barred from operating and being able to conduct business within B.C., but it's still allowed to operate here within Alberta. I'm not sure whether TILMA would in fact have an opportunity to play out for this business organization because they're being restricted from having business and trade in B.C. because of fines laid against them. That's up to that organization and to that business, but this would be a loophole, obviously, for them.

The other one is if it's okay for a particular business to operate in British Columbia and they try and set up shop here within any municipality, a town, and the town has an objection to it. Under TILMA they're able to sue for every infraction that they feel is being held against them, up to $5 million. I think that's a little bit ridiculous. Who's going to be on the hook for that? Could it be the municipality, or is it going to be the government with regard to that particular piece?

We've also in the past had concerns with regard to labour and the standards. Right now we all recognize that the province, not just this province but other provinces, is very much shortchanged with regard to labour. That's why I can see labour mobility being a great component of this. But the concerns that we have with regard to the actual trades being recognized from one province to another, some of the concerns with regard to the Alberta Federation of Labour as well as CUPE, are that if you have one standard in one province having less of a requirement and then Alberta perhaps having four years – we go to a nurse or teacher or a carpenter. Maybe they have lesser standards for a journeyman carpenter. Perhaps they can do it in three years there, but coming from Alberta, where we do recognize and have the ability to have higher standards, in my opinion, in the trades three years would be recognized the same as the four years.

There's where some of the concern is. Are we dumbing down? Are we asking for lesser trades skills qualifications? As well, then, are we going to have, in fact, concerns with building codes? I'm not sure, but that was one of the concerns that we had. If it's less of a qualification there, why should it be recognized here? A teacher is a teacher, they're saying, regardless of the amount of time put in, and it should be recognized on both sides of the border. The same with a doctor or a physician or a nurse or an LPN, licensed practical nurse, or even an aide of some sort.

Those are some of the concerns that we've raised, and we're raising them again because, Mr. Chairman, these are some of the concerns that are going to continue to dog us even after this bill is passed. Then once it's passed, what are we going to do? Say "oops" and then try and put some amendments in because it was a half-hearted bill that was put in, like Bill 46, introduced and then later on 26, 28, 30 amendments because it wasn't thought out fully in the first place? I'm just issuing that caution here to the Assembly in advance.

Some of the exceptions we're talking about in the policy that are withheld from TILMA: for example, aboriginal policy, water services and investment, resource revenue generation with regard to royalties, social policies, labour codes – you know, again, I've said those – and minimum wages because it isn't going to transfer between provinces. At one point I think it probably will. If we're going to be closely aligned and tied, if there's a province that has labour within the same company, are they going to be able to sue for the same standard of minimum wage as the other province? I don't know, but right now it says that it's under the exemption.

Management and disposal of hazardous waste materials: again, that's completely exempt as well. While Alberta does hold, in fact, one of the hazardous waste material facilities, Swan Hills, are they going to be able to truck their waste to our province? Right now it says that it's under the exemption.

Some of the concerns are that it's not clear whether health services or public school boards are actually exempt from TILMA. It says that they are currently listed as being so. The intention of TILMA is that by April 2009, when it's fully implemented, the following groups would have been brought under the agreement: Crown corporations, government-owned commercial enterprises, the municipalities – that's where the concern is being raised with regard to municipalities because with each and every infraction they're liable for a $5 million fee – school boards and publicly funded academic, health, and social services entities. The discrepancies exist within the government's own literature promoting the agreement. Thus, in the brochure we see health and social services listed as both exempt on the same page, but we're concerned that they're on the page. So we need some clarification.

Article 3. There are to be no measures in place as obstacles to trade, investment, and labour mobility between the parties. We just, obviously, need some more clarification, or at least bring it into the full debate besides under cover, under the listing of the Government Organization Act.

I'm going to stop right there. Perhaps the sponsoring member would be able to, I guess, relay some of the concerns that we've issued, or some of the other members would be able to get up as well and speak to the bill.

Thank you, Mr. Chairman.

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

Mr. Taylor: Thank you, Mr. Chairman. I rise to speak in committee to Bill 38, the Government Organization Amendment Act, 2007, which is really all about enabling, embedding TILMA within legislation of the province of Alberta. TILMA is an interesting little piece of work. I have to say that in broad general terms I've always been a supporter of free trade, whether that's between Canada and other countries or whether that's internally. I think that the more barriers to trade that you can eliminate, the stronger the economy will be. In my opinion, we've certainly seen that play out to the benefit of this province with NAFTA, with the Canada/U.S. free trade agreement. So in broad general terms I certainly wouldn't have a problem with any trade, investment, and labour mobility agreement involving this province and any other.

But in specific terms the problem here is the process. While I might be able to support an Alberta/British Columbia free trade agreement, I can't support the process by which this one was arrived at. It was developed, we feel, in a fundamentally undemocratic manner. We believe that the government of Alberta has refused to have a proper debate on it. We don't believe that debate on Bill 38 is the place to have a proper debate, a full and complete debate on the trade, investment, and labour mobility agreement because this really is not about that so much as it is about incorporating TILMA into government legislation.

Here's the thing about TILMA, Mr. Chairman. It sort of took effect on April 1 of this year, but it doesn't take full effect until April 1, 2009, when it's fully operational. I'm always amazed – I know it's the beginning of our fiscal year, he said parenthetically – at how many bad pieces of legislation seem to come into effect on April Fool's Day. Anyway, back to the matter at hand.

8:10

We have in TILMA some basic contradictions, and my colleague from Edmonton- Decore alluded to some of these. There are areas of public policy withheld from TILMA: for instance, procurement of health and social services. Then there are areas or groups that are supposed to have been brought under the agreement by the time it's fully operational in April of 2009, and those include Crown corporations, government-owned commercial enterprises, municipalities, municipal organizations, school boards, and publicly funded academic, health, and social service entities. You know, you're kind of talking out of both sides of your mouth at once here. Health and social services are listed as exempt and at the same time forthcoming, so which is it? We don't really know. Contracts and other

issues in those areas cannot be challenged, as far as we can tell, under TILMA right now, but at the same time these groups and these organizations are supposed to use the TILMA framework. It's hardly clear, Mr. Chairman.

Given that there have been no challenges under TILMA so far and given the confusion around this and given that there has not been the opportunity for full debate on the floor of the Legislative Assembly of this agreement before it was signed, sealed, and at least partially delivered, you kind of get the feeling that on April 1, 2009, school boards and health regions and various other organizations and groups in the province of Alberta are going to wake up and discover that they are part of TILMA, embedded in TILMA, covered by TILMA – or not. Who knows? Who knows how it's going to turn out on April 1, 2009?

But there is very real reason for concern here no matter how much of a free trader you are, no matter how much of a basic belief you have in the ability of provincial economies to operate and co-operate interprovincially and interdependently and collaboratively, no matter how much you may support the basic idea that you want to make it easier for Alberta business to do business in other provinces in the country, and of course there's quid pro quo around that. You know, it has to be a vice versa situation. This agreement wraps – or certainly has the ability, the potential, and, I would argue, the intention of doing so – sovereign governance into what is essentially an economic free trade agreement, what is essentially a business agreement. You know, if you're a corporation, TILMA is great legislation, a great agreement, but if you're people – a person, a citizen, an ordinary Joe or Jane Average – maybe this is not so good because maybe it replaces your citizenship with consumership. It's a little light on the citizen side of things and pretty heavy on the consumer side of things.

Mr. Chairman, I just have a feeling that that's the wrong way to go. I don't think that sovereign governments, be they provincial, municipal, federal, should operate at the whim and wish of unaccountable corporations who have by the very nature of their design no duty to anyone but their shareholders and only one duty to their shareholders, and that is to maximize shareholder value come hell or high water. You want to maximize shareholder value, and you need the water that people need to drink to run your plant? Take the water. You want to maximize shareholder value, and citizens' rights are in way? Take away their rights.

I think our right as citizens to be represented by democratically elected governments and their responsibility to us to operate in the public interest, to put on the striped shirt of the referee and make sure that the playing field is level and make sure that the interests of ordinary people, who by themselves and in small groups are not and cannot ever hope to be as powerful as major corporations, is paramount. Anything that we do, anything that we allow to be done to put that responsibility that governments have and the rights that citizens have in jeopardy is a very, very foolhardy, foolish direction to take.

I don't care, Mr. Chairman, how much money there is in it. There comes a point at which for the rest of us who are not corporations, who are accountable to somebody else other than shareholders, there are more important things in life than maximizing shareholder value. Ensuring the quality of our air, our water, our land for our children and our grandchildren is far more important than the quarterly results for the XYZ corporation. I say that as somebody who may very well be a shareholder in the XYZ corporation, either directly or through some mutual fund that I have in my RSP.

Interestingly enough, because this generation is saving for its own retirement, as opposed to our parents' generation, who largely were able to take advantage of corporate pension plans to an extent that the baby boom generation and younger generations have not been able to do, we are kind of individually and collectively, many of us, in conflict of interest positions, often several times a week, because it's in our best interests as shareholders for those corporations to maximize shareholder values so that we have enough money to live on in retirement. But we must proceed with caution, making sure that while we plan for our retirement, we're not sacrificing the future of the generations to follow after us.

Look around, Mr. Chairman. I think you see plenty of evidence that, in fact, we are doing exactly that. You can't pick up a newspaper these days without reading about the damage that has been done to the planet through global warming. Just about everybody except for a certain talk show host I know in Calgary, who referred to it as a religion the other day, acknowledges that climate change is very real. The most recent development there really has been the growing realization that not only do we have to try and mitigate against climate change, but we now have to start adapting to climate change because the genie is already out of the bottle.

You have, I guess, a choice to make when the genie is out of the bottle. You can either say, "Well, we'll try and get the genie back into the bottle, or try and make sure that if there are more genies in the bottle, we'll keep them in," or you can say, "Well, one got out, so we might as well let them all out." I choose not to pursue the second alternative. I choose not to throw up my hands and go, "Well, we've already done so much damage that we might as well cash in and make all the money we can while we can make it, while we've got time to make it now."

I don't think that I see anything in this government's approach to the trade, investment, and labour mobility agreement with British Columbia that suggests to me that they're prepared to make the same choice. I think, in fact, they're prepared to adopt a gold rush mentality, take the money and run, and forsake their children, our children, our grandchildren. I think that's really rather sad, Mr. Chairman.

Thank you.

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

8:20

Dr. Pannu: Thank you, Mr. Chairman. I rise to speak in Committee of the Whole debate on Bill 38, Government Organization Amendment Act, 2007. This bill is about TILMA, the so-called trade, investment, and labour mobility agreement that was negotiated between British Columbia and Alberta I think earlier this last year, on April 28, 2006, to be exact. This bill is to operationalize that agreement in terms of the legislation in this province that will affect that operationalization, so it amends that piece of legislation to operationalize it.

Mr. Chairman, I must note with deep regret that this trade, investment, and labour mobility agreement between the two provinces is deemed very important by this government, claimed to be very important by this government, but Albertans never had a chance to debate this agreement. It was negotiated behind closed doors and presented as a fait accompli for Albertans. No invitation for any potentially affected individual or organization or institution to give any input. So it's a highly antidemocratic act, in my view, for this government to have entered into an agreement which it says has far-reaching implications, yet no one was permitted – not even this Legislature was given the opportunity to debate the substance of TILMA.

TILMA, Mr. Chairman, is antidemocratic, as I mentioned. It's also very much anti working people, antilabour. It's modelled on the provisions of NAFTA and WTO, and the provisions of those two

acts have far-reaching implications and ramifications for the abilities of Houses like this to be able to exercise their sovereign right to enact laws and legislation which cannot be overruled by action taken by private interests. This bill strengthens immensely the hands of private interests, big corporations, and business associations at the expense of the rights of citizens of this province and by implication, of course, the citizens of B.C. as well. TILMA affects those rights.

If there is any doubt as to what the real intent of and the objective of TILMA was with respect to whose interest it serves, whether it serves public interest, whether it serves private interest, here's a small quote from Mr. Gary Mar, who was the cabinet minister responsible for negotiating TILMA on behalf of the government of Alberta. He said, "This resolution is everything that Canadian business asked for." So it's an agreement special ordered by Canadian businesses and Alberta businesses and struck into an agreement by this government in a very obliging fashion.

This doesn't really represent public interest. It doesn't strengthen public interest. It doesn't strengthen the ability of a House like this to affect matters of trade, labour mobility as such. In fact, it exposes the powers of this Legislature to arbitrary court action by powerful private interests to have any actions taken by this Legislature or by this government based on existing legislation to be overturned and not only overturned but having to pay damages to the so-called agreed parties; that is, the corporations who may take the government of this province to the courts on the pretext that their business interests have been damaged by one or other policy or decision taken by this government.

This is a custom-made bill, a bill designed to connect the provisions of the TILMA into legislation to strengthen immensely the hands of business and corporate interests, in other words private interests, and has little to do with enhancing protections for working Albertans and labour organizations. In that sense, this bill on TILMA is very consistent, as a matter of fact, with what this House has been debating all night, Bill 46. It really is to deprive Alberta citizens, through their representatives, to be able to have and exercise the power to fashion their own destiny and to determine what's in their best interest. These matters are being now transferred by way of the enactment that's before us to the courts and obliges all of us to recognize and respect the provisions of TILMA, an agreement over which Albertans absolutely had no say.

As I said, it's very consistent with the provisions of bills such as Bill 46. It's also very consistent with the privatization and deregulation agenda that the government has been pursuing for more than 15 years now and doing so in a very dogged manner regardless of the impact of deregulation policies and privatization policies. The privatization of utilities in this province is a very good example of how that agenda has really damaged enormously the interests of Albertans and has benefited only one group of Albertans, and that group is, of course, represented by the big corporate and business interests. So it's not surprising that this government would proceed with Bill 38 to entrench further limitations on the ability of Albertans to exercise their sovereign rights as citizens. This really is a very serious attack on the democratic rights of Albertans from all walks of life and is an attempt, of course, to give primacy to private interests at the cost of public interest and the common good.

TILMA itself is a legal document that gives special rights, therefore, to individuals and corporations to sue the provincial government, and that's what this act will enable these individuals and private corporations to be able to do. It's not an innocuous document. The question is why the TILMA agreement was not allowed to be debated by the public at large and by this House. Why was there no public consultation on this? The fears that Albertans – the labour organizations, the working people – are expressing are appropriate fears. The reduction of standards – labour standards, safety standards, environmental standards – and the compromising of social values that Albertans have is a real possibility. It's more than a possibility; it's highly likely to be a consequence if this bill is passed and TILMA is legitimized in the form of a piece of legislation passed by this House. Albertans have already seen this government's actions related to privatization and deregulation. Bill 46, that we just finished debating, was the latest instalment of those actions, and this bill is the next step to put icing on that private-interest cake, as it were. This dismantles the ability of Albertans to make critical decisions that affect them on the ground.

8:30

So, Mr. Chairman, it's a bill that certainly does not have the support of the NDP caucus. We are totally opposed to the bill, as we are to TILMA. The presumption is that TILMA will remove interprovincial trade barriers and that the impact of the removal of the so-called trade barriers would be so significant that the trade-off between democratic rights of Albertans and the rights of private business is what the price is. But the question is: who will pay the price? The price is not going to be paid by businesses, by corporations. The price is to be paid by the citizens of Alberta. And for what?

The so-called interprovincial trade barriers are in fact nothing other than regulatory differences between provinces. All of the economic evidence indicates that these differences have small, very small, nonmeasurable effects on interprovincial trade flows. Knowing that there is no real, solid, hard evidence that these so-called interprovincial trade barriers have a real measurable effect on interprovincial trade flows, it's totally unjustified for this bill to be passed by this House, which, in effect, will have very little impact on increasing the trade flows, on facilitating more trade across provincial barriers, but it will have a tremendous negative impact on the democratic rights of Albertans and the powers of this House.

Mr. Chairman, for these reasons the NDP caucus expresses strong opposition to Bill 38. Thank you.

The Deputy Chair: The hon. Member for Edmonton-Ellerslie, followed by Edmonton-Manning, followed by Calgary-Varsity.

Hon. Leader of the Opposition, did you want to speak?

Dr. Taft: I'll get there. There's lots of time. Thanks.

Mr. Agnihotri: Thank you, Mr. Chairman. I'm pleased to rise and debate Bill 38, Government Organization Amendment Act. This bill is all about TILMA. Definitely this bill will enable the government to pay out any penalties that may be awarded against the province due to a claim under TILMA, the trade, investment, and labour mobility agreement.

The impact of this bill. This act recognizes TILMA as an agreement to which Alberta is liable and in which the province participates. The mechanisms by which that agreement operates are an adjudication panel and fines. Bill 38, in particular, makes TILMA fines, or we call it awards, enforceable in the Alberta court system. The awards to which this bill makes the government liable can be up to $5 million per single infraction. This is a huge amount of money.

We do not support TILMA, Mr. Chairman. It was developed in a fundamentally undemocratic manner. I agree with the hon. Member for Edmonton-Strathcona that this bill does not strengthen public strength and doesn't help the average Albertan. It helps big corporations, big business people at the cost of public interests. We didn't spend much time on, you know, the public debate. Time was not given. Not many stakeholders have been consulted, which we

should have. Finally, if we pass this legislation, the citizens of Alberta will definitely pay the price in the future. As I said, we do not support this bill, Mr. Chairman. As we do not support TILMA, we cannot support a bill that ties the province to TILMA, in particular making the province liable for TILMA-based rulings.

On April 28, 2006, the Premiers of Alberta and B.C. signed TILMA. It sets out liberalized trade, investment, and labour laws between the two provinces. It is set to come into force on April 1, 2007, with a two-year implementation period before it is fully operational in April 2009. TILMA follows from the agreement on internal trade, which we call AIT, which was signed between the Canadian provinces in June '94. Article 1800 of the AIT states that the provinces can negotiate further agreements with one another as long as they further the cause of liberalization of trade.

There are three main areas to this agreement, Mr. Chairman. On the trade side TILMA harmonizes the provinces' commercial vehicle registration, ending the need for dual registration. Electricity regulations are to be compatible with the generally accepted and applicable North American standard or standards of the western interconnection region. The parties shall also work to enhance interjurisdictional trade in energy. Government procurement is to be open and nondiscriminatory.

Now I move to investment, especially the business registration and the requirements of one province to be acceptable to the other and vice versa. A business is not required to maintain an office or be resident in the other province to conduct business there. The government entities not implicitly expressed in the agreement shall not provide business subsidies that distort investment decisions.

8:40

On the labour mobility side, Mr. Chairman, the workers who are recognized as qualified in one province will be qualified in both. As I said, there are definitely a few good things in this bill, but if we had debated it properly, and if we had given the chance to some other stakeholders for more discussion on this, we could have made this bill much better. Workers will be required to register with the regulatory authorities for their occupation in the province they enter but can do so without a significant amount of additional examination and training. If an internationally trained professional has been licensed in one province, this licence will also be recognized in the other.

There are some exceptions, Mr. Chairman, some areas of public policy withheld from TILMA: for example, aboriginal policies; water services and investment; resource revenue generation; royalty structures; social policy, including labour codes, employment insurance, workers' compensation, and minimum wages; procurement of health and social services; management and disposal of hazardous waste material.

Drawn out implementation. It's not clear whether health services or public school boards are actually exempt from TILMA, while they are currently listed as being so. The intention of TILMA is that by April 2009 the following groups will have been brought under the agreement: for example, Crown corporations; government-owned commercial enterprises; municipalities; municipal organizations; school boards; and publicly funded academic, health, and social services entities. These discrepancies exist in the government's own literature promoting the agreement, Mr. Chairman. Thus on one brochure we see health and social services listed as both exempt and forthcoming on the same page. Right now it appears that contracts, et cetera, made in these areas cannot be challenged under TILMA, but at the same time these groups and organizations must use the TILMA framework.

Important parts of this bill, TILMA. If we move on to article 3, Mr. Chairman, no measure is to be in place that forms obstacles to trade, investment, and labour mobility between the parties.

Article 6, legitimate objectives: leaves an opening to retain powers and restrictions to TILMA, but it is weak, very weak; have to prove that no less restrictive alternative was possible.

Article 12, business subsidies and investment distortion: what is allowed and what isn't is unclear and potentially wide reaching.

Article 25: private individuals can challenge government under TILMA.

Article 30: $5 million awards for successful challenges.

Part V, exemptions: a closed list. Unless things are in here, then there is no way you can claim an exemption from TILMA. Normally agreements leave some leeway for private companies, Mr. Chairman, to sue government bodies for distorting investment through regulation or policy.

Gil McGowan, president of the AFL, is quoted as saying that TILMA is a wolf in sheep's clothing, that it's a way for companies to control elected decision-makers. The Canadian Centre for Policy Alternatives is not explicitly against but openly against NAFTA and skeptical of the need for TILMA.

The Ontario Federation of Labour received a review of TILMA from the law firm Sack Goldblatt Mitchell LLP of Toronto, stating that

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

And advise that Ontario or any other province should not adopt TIMLA-like obligations without the fullest and informed public discussion and debate.

CUPE is against this bill, TILMA. As they say, this bill will provide multiple grounds for challenging government's right to regulate based on a myth, Mr. Chairman, and that there are substantial interprovincial trade barriers. Trade agreements can have great benefits to businesses. It can be a benefit to consumers and to governments. Clearly, where unnecessary barriers to creating investment and labour mobility exist, we should work to remove them. TILMA is potentially incredibly influential on future government behaviour. We, therefore, definitely need detailed discussion about it in the Legislature. If more and more policy areas come under its scope, as seems to be the intention, then this need becomes ever more important.

We need to know more about exactly which areas of the policy are to be included under TILMA. The agreement is not clear on this matter as to what government policy is going to have to change. This is the question. If none, then why have this agreement? If some, then what? Albertans need to know. All we are asking for is a debate here. Why are we not getting that?

I'm still not convinced to support this bill, Mr. Chairman. I will listen to some other speakers before I make up my mind to support or oppose this bill. Thank you very much, Mr. Chairman.

The Deputy Chair: The hon. Member for Edmonton-Manning, followed by Calgary-Varsity.

Mr. Backs: Thank you, Mr. Chair. In speaking to Bill 38, the Government Organization Amendment Act, 2007, I must say that the world is small and getting smaller, and we must recognize that. Canada is one of the greatest per capita trading nations in the world, and Alberta is the greatest per capita trading province in our country. If we don't recognize that we must break down trade barriers with our friends, like B.C. or Saskatchewan, then we're mistaken in looking at the future that will help all workers, all businesses, and all Albertans.

8:50

The need to move forward on this and to not erect fences and to not erect barriers and to not keep them in place is very important. The economy that we're seeing grow in Alberta for the future is affected by things like the terminal in Prince Rupert and how that will help grow good jobs in Alberta and how it will grow wealth in Alberta. The need to decrease the barriers in terms of transportation, in terms of doing business across provinces, in doing many trade and labour flows is just absolutely crucial.

Sure, there are some reservations on the part of some labour groups. Others quietly have said that maybe it's an opportunity; maybe it's an opportunity for their members to move more freely across borders, to move more freely across restrictions that they have seen in the past to work, as companies and contractors have had difficulties at times in moving across those borders.

We must, however, be careful to ensure that those conduits that have encouraged interprovincial mobility of labour are kept open and increased and encouraged. The red seal program, for example, in apprenticeship, that has brought about the standardization of certain apprenticeship capabilities, is something that we must be very careful to maintain and enhance. The agreements that have been brought forward by some of the trades, for example, ensuring that there is mobility across the provinces must be recognized.

On the other hand, maybe we should be looking at very closely harmonizing many of the ways that we improve the capabilities and the enhancements of some of our changing and progressing and increasingly more complex occupations. I've had discussions, for example, with the pipefitters in British Columbia about what they're dealing with and how they're looking forward to TILMA as a potential for greater development of their trade and to develop their trade across Canada through training that will help them in a way that can be cross-jurisdictional.

I think there's some potential for ways to work together on that in terms of the TILMA arrangement to ensure that these things become beneficial not only in Alberta but across British Columbia and Canada. I think it's very important to be outward looking, to ensure that we recognize that this is not a small world, Mr. Chair, and to begin to break down any barriers that we can in order to increase the future prosperity and the best interests of all Albertans.

Thank you.

The Deputy Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. Speaking to Bill 38, TILMA, I was very pleased to hear from the chair that there was no limit placed on the time for debating this bill, very unlike the circumstance that we experienced for several hours throughout last night and this morning with regard to closure.

Bill 38, TILMA, is just another example of this government's autocratic agenda. This government failed to do its homework on TILMA; it failed to do its homework on this legislative session. What has happened is the same as a student who has left his homework to the last night, and that's exactly what this government has done, whether it's on Bill 38 or in general. It didn't do its homework, it left it till the last minute, and now it's cramming for the exam. That exam comes in the form of a spring election, and I would suggest that many members of this government, like Bill 38, will be failed by Albertans.

At this point, when I look across the way at some of my bleary-eyed colleagues, I can't help but think that we should be sitting in the Public Accounts meeting right now talking about the Ministry of Energy. Very conveniently because of this government's lack of democratic process, it has been put off. [interjections] Yes, yes. And isn't that convenient?

The Deputy Chair: Hon. members. [interjections] Hon. members, the hon. Member for Calgary-Varsity has the floor.

You may proceed.

Mr. Chase: Thank you very much, Mr. Chair, for confirming that fact.

Very convenient. As I stand here talking about the right of democracy, I am very well aware that the opportunity in Public Accounts has temporarily passed. But if the ministry or the government thinks that the grilling that the Minister of Energy is going to temporarily avoid will not take place and the truth will not come out, the questions with regard to billions of lost royalties, the questions why the advice of members of his own ministry, to whom he referred as minions, was not followed, nor the advice of the royalty panel, nor the advice of the Auditor General: those questions will be asked, if not today, very soon.

This government believes that it can not only control the agenda within this House with bills such as Bill 38, TILMA; it believes it can control Alberta's agendas. That is what we experience when hearings are limited, when the opportunity for Albertans to intervene, whether in a paid fashion or not – and through the early morning hours groups such as Sierra and the Green Party were criticized, very much like when our former Premier Ralph Klein tried to sideline legitimate groups like Friends of Medicare, groups that sang on the steps, the Raging Grannies because they didn't fit into this government's view of a participatory, inclusive democracy.

So here we have this Bill 38. It surprised me that the previous speaker embraced it. What a distance he has gone from being a former shadow minister for labour to an individual who is willing to sacrifice the rights of members of labour organizations in both B.C. and Alberta under the TILMA to have the lowest common denominator in terms of workers' contracts and workers' rights. With TILMA the advances and the improvements are not at the level of the people. They're at the level of the employer, not at the level of the worker. We already had previously established good relations.

The Alberta government in its wisdom invested in the Prince Rupert container ports. I don't know where the Grande Prairie terminals have fit into that plan. I asked those questions last year. Hopefully, those container ports just outside of Grande Prairie are fully operational because they were to be a part of the process of getting grain and goods more quickly to Prince Rupert. That kind of transportation fluidity is of value, but TILMA goes way beyond that in terms of the liabilities that it provides for Albertans. If a B.C. company feels that they're not getting the same rights in Alberta as they have in British Columbia, then they have the right almost in the same way as our trade relations with the States of under debt basically launching legal action against us.

I don't believe that this government has any idea to what extent they have put Albertans in a libelous circumstance. Right now there is a government in B.C. that hides under the sheep's clothing of Liberalism. We're all aware that it's a Social Credit government, that it decided that to get rid of the bad taste that Social Credit had left in that province, it would simply create a new name and call itself the B.C. Liberals. Well, the name may have changed, but the policies of control have not.

9:00

What we need in this province and in this House is an opportunity to debate democratically, to give the people an opportunity to have their voices heard. This hasn't happened with Bill 38, TILMA. Again, the government in its patriarchal fashion has decided that this is best for Albertans. I would be interested to know – and I would hope that somebody in government could provide me with examples

– the type of consultation with individuals that took place prior to Bill 38 being drafted. Were there public forums that took place? There were certainly no public forums on Bill 46. So where was the input from the everyday person, whether they were the people living in the rural areas or those living in municipalities? Their voices have not been heard on Bill 38. They will not be heard on last year's Bill 40, that took away the opportunity of legislative discussions and put into regulations that the minister can determine what the tuition rates will be.

I wonder how many other ministerial behind-closed-door decisions will be made with regard to the trade agreement, the TILMA organization that this government is raising up the flag on and saluting. What we have in Alberta is the closest thing to a lack of democracy: the application of totalitarian principles that can be seen across this province.

It is very interesting that this particular bill does not have time limits. It is a significant bill but nowhere near the significance of more important bills, such as 46 and 41, that reach into individuals' abilities to intervene and have their voices heard. I have no idea what the government's agenda is, and I don't believe that the people of Alberta have any idea of the government's agenda, other than to keep ramming it down people's throats without consultation, without intervention until they plead surrender.

This has been the case with P3 schools. The public has become so desperate because of this government's freeze on school construction since the mid-90s that they're willing to swallow the idea of a P3, which puts them, not only them but their children, for the next 30 years on the private, for profit at public expense hook.

Again, the test will come in the spring, and it is my belief that this government will fail the test that Albertans have put for them.

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

Dr. Taft: Thank you, Mr. Chairman. It's a pleasure to rise on this particular debate because we haven't had much chance before now to debate TILMA. [interjection] I see I'm getting heckled already; I only got started.

The fact is that we haven't had much opportunity to discuss TILMA on the floor of the Legislature. I think the process is backwards, in fact. Here we are discussing legislation that enables penalties for violations of TILMA when we never had a debate on the floor of Legislature about getting into TILMA in the first place, which is a debate that the people of British Columbia had in their Legislature, and it went on at some considerable length. I feel like we're debating where the horse is when the barn doors are already open and the horse is long gone. I guess in the case of this government, better late than never.

As some of my colleagues have said, in principle free trade or fair trade, certainly, between provinces is something we support. I think the Member for Edmonton-Manning even said that Canada is a trading nation, and Alberta is a trading province, and we flourish from that. We flourish when we are able to sell our products – our petroleum, our oil, our beef, our grain, our forestry products, our manufactured goods – in other provinces and countries and we buy back from them. So in principle open trade is a good thing, and we all understand that. It's a matter, though, of how that is implemented, particularly within Canada.

One of the first things that I think comes to mind with TILMA, once you get past the kind of rhetoric about it, is whether it's really necessary at all and whether we aren't actually using a $5 million tool to solve a $5 problem and in the process bringing in more legislation, more regulations, not less, more meddling, not less, creating more headaches, not reducing them. Really, unless this government can bring other evidence forward – and I'd love to hear it. This is committee. We've got some government members here who might be able to address issues like that. Aside from very, very minor irritants to interprovincial trade, what's the issue here? Why do we need an agreement of this scale? Why do we need things like $5 million penalties? Why do we need new legislation when, as far as I'm aware, the issues we're addressing are quite minor?

I'm looking, for example, at a list from the website of the agreement on internal trade. It documents over a period of 10 years only 23 complaints about barriers to international trade. These cover a range of topics, but one by one they can be addressed in their own right. They cover things like paramedic licensing, hair stylist licensing – and that wasn't even between Alberta and B.C.; that was with Nova Scotia – practical nurse licensing involving Ontario. In fact, when I go through this list, there's only a tiny handful of complaints involving B.C. or Alberta that affect interprovincial trade. There was one in 10 years on paramedic licensing. There was one on opticians' registration criteria that involved British Columbia. There was one on municipal fee differentials that involved Alberta and one on residence requirements involving B.C. So in 10 years the agreement on internal trade, if I'm reading the website correctly, identified a grand total of four complaints about barriers to interprovincial trade between B.C. and Alberta.

Now, I have to ask myself: why can't we just deal with those one at a time? Why do we need a whole big, highfalutin interprovincial agreement and a push for bringing in other provinces when we could solve these with pretty minor tweaks of standards and regulations? Question 1.

Coming at this from a free trade and efficiency provision . . . [interjection] If the Deputy Government House Leader can answer my questions, I'm here for genuine debate. Do you want to rise? We're in committee. I'm happy to participate. [interjection]

Ms Blakeman: That's a no.

Dr. Taft: Okay. Anyway, my point being that we may well be using much too big a tool to solve this problem. Unless there's other evidence – I did hear the only example I recall coming from the government side . . . [interjection] Sorry?

9:10

Mr. Hancock: I'd be happy to.

Dr. Taft: You'd be happy to . . .

Ms Blakeman: Deal with it.

Dr. Taft: Okay. All right. I look forward to some debate here. Thank you.

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

Mr. Hancock: Thank you, Mr. Chairman. The hon. Leader of the Official Opposition has been waxing eloquent about the internal trade agreement. I have a little bit of knowledge of the internal trade agreement. From 1997 to '99 I was minister of intergovernmental and aboriginal affairs and was just coming in as chair of the Internal Trade Secretariat when I moved to the Justice portfolio, but I had attended a number of conferences dealing with the internal trade agreement. In fact, the labour mobility chapter was about 10 years old at that time and still wasn't done. No progress had been made. In fact, the internal trade agreement had a structure, it had a

secretariat, and it had a lot of hope and promise, but the problem was that it didn't have an awful lot of commitment.

I attended a Western Premiers' Conference just out of Campbell River, actually. B.C. was hosting it that year, and Premier Glen Clark from British Columbia was in the chair. Let me tell you what a difference is made by changing government there. The fact of the matter is that the Clark government in British Columbia was very, very protectionist, and notwithstanding the fact that they had signed on to the free trade agreement, they did not adhere to the principles of the free trade agreement and had no intention of promoting free trade even bilaterally with Alberta much less across the country.

The problem with the internal trade agreement and the reason why that tool doesn't work for what we're accomplishing with TILMA is that you cannot get all the partners to really get to the table and understand the value of doing the agreement, the value of putting the chapters together, the value of achieving the labour mobility issues and the other issues under the free trade agreement. A good concept, in fact, a pretty good agreement. It's just that the chapters weren't developed, the principles weren't utilized, and it hasn't been effective. It's small wonder that nobody has made complaint under it. It hasn't made the progress, and it hasn't achieved the promise. Part of that is because the partners haven't come to the table.

Now, with TILMA the partners have come to the table and have an opportunity to start and show – in fact, even at its very preliminary stages the promise of it is demonstrated to the extent that other provinces really are looking at it and saying: can we be a part of this? Not to probably build a new internal trade agreement to replace the old one, but with Alberta's leadership and British Columbia's leadership we might actually be able to build a trade structure in this province where it's easier to trade across this country between provinces and easier to have labour mobility across this country between provinces, easier for Canadians to do business in Canada and to live in Canada, to work in Canada, to raise their children in Canada than it is to trade north-south or off the continent.

Right now that's not the case in many cases. That's the reason why it's important to start with TILMA and to build on the TILMA partnership: to make it more possible, more practical for Alberta people and Alberta businesses to do business and to live with other Canadians in harmony and in concert across the country, to be able to trade freely, to be able to move freely, to be able to live and work freely across the country, Alberta and B.C. providing leadership in that through TILMA, the type of leadership that was never extant in the internal trade agreement.

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

Dr. Taft: Thank you. I appreciate that very much. I'd like, though, when I'm looking at legislation like this to really understand in concrete terms the problems that the legislation is trying to address. The Government House Leader – and I genuinely appreciate having some real discussion here – outlines some of the challenges or some of the considerations. But, for example, when I hear concerns about labour mobility and then I look at the evidence – we hear day after day in this Assembly about the tens of thousands of Canadians who are moving to Alberta. In fact, most people agree there's been a real resolving of labour mobility issues within Canada in the last 10 years, and the old impediments to labour mobility in Canada have largely gone. I've read any number of economists and even right-wing commentators who have expressed surprise at how mobile the Canadian workforce has become. That's played out most dramatically, I would say, in Fort McMurray, where something like 40 per cent of the population is from Newfoundland or from Atlantic Canada. So I see within Canada a lot of labour mobility already occurring.

[Mr. Hayden in the chair]

The only example that I recall hearing from the government in terms of justifying TILMA was I think about truck weigh scales on one side of the B.C./Alberta border and on the other side: why do we need weigh scales on each side of the border when we could have co-ordinated weigh scales? Well, that's great. Let's co-ordinate our weigh scales. But I'm looking for more concrete examples and more significant examples than just that to justify bringing in something as far-reaching as TILMA.

Again, if the Government House Leader or somebody else there could bring forward a discussion paper saying that these are some specific examples of major impediments, and the only way we can solve these is by bringing in a bunch more laws and a bunch more penalties and all kinds of other red tape. This feels to me like creating red tape rather than cutting red tape. I don't know if the . . . [interjection] I appreciate that. Thank you.

Mr. Hancock: Mr. Chairman, I'll provide another example for the hon. member. I see others want to get into this, so I'll be very brief.

I may be wrong on this because I haven't had a chance to look in the last day or two, but I'll give you an example. My son has moved to Abbotsford, British Columbia. He married a young lady there, and they're making their home there now. He used to teach. In fact, he taught for seven years in La Crête in northern Alberta. [interjection] Yes, and a wonderful place it is.

In order to get a teaching certificate in British Columbia after having taught for seven years in Alberta – and I think we heard a ministerial statement earlier today from the Minister of Education about the quality of students in Alberta. I think I heard the minister indicate that a good chunk of the results are due to the quality of teaching in Alberta. So this well-qualified teacher, who has taught for seven years, who has good results, who has contributed to those wonderful results in Alberta, moves to B.C. Guess what? He's teaching on a temporary certificate, and some time in the next five years he's going to have to take a lab science course in order to get his teaching certificate in British Columbia because – I don't know – he missed a lab science course, I guess. One-half a credit of a lab science course short of a teaching certificate in British Columbia yet perfectly able to teach in Alberta.

There is, in fact, a very well-qualified person in the education system – I won't describe him more than that because I don't have any authority to do that – who's moved from a fairly senior position in a school district in Alberta to a very senior position in a school district in B.C. He can't get a teaching certificate in B.C. So there are issues with respect to labour mobility.

The hon. member mentioned, you know, that there's a great deal of labour mobility. I'm sure the minister of advanced education might be able to add to the story with respect to the accreditation of apprentices and those sorts of issues. This is important in so many ways in terms of the leadership we can provide to the rest of the country on how to live together in our own country with a common set of rules where appropriate.

The Acting Chair: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

Mr. Horner: Thank you, Mr. Chairman. What a wonderful job you're doing, sir.

I just wanted to add from my perspective not only as the Minister

of Advanced Education and Technology but also from my past business dealings, where I was involved heavily in trade not only between Alberta and other provinces and jurisdictions in the United States, but probably 80 per cent of that business was into Central and South America and Southeast Asia.

[Mr. Shariff in the chair]

I can tell you, Mr. Chairman, that labour mobility is extremely important on a number of different fronts. We just heard from the hon. Minister of Health and Wellness about an example with regard to teaching certificates. There are other examples within the red seal program, there are other examples within compulsory trades, there are examples within the noncompulsory trades in terms of ensuring that our industries have the appropriate skill sets and skill levels, so a welder on this side of the border can do the same type of welding on that side of the border. It isn't that you can just tackle each one of these things individually. You have to have a basis of an agreement from which to work in terms of a trade relationship and a mobility relationship.

9:20

The hon. Leader of the Official Opposition mentioned one example which he's heard. I would suggest that there are dozens if not hundreds of examples that could be heard should one seek. As I mentioned, welders are a good example. Teaching certificates are a good example. Weights and measures are good examples. Automotive inspections are a good example. As you go down the list, there is a raft of very good examples where the basis of a trade agreement or the basis of an agreement on issues that relate to trade is where we start from to get to a common ground so that we can have freer movement of not only professionals but also of goods and services.

Mr. Chairman, when I was in a previous portfolio, in agriculture, I had the pleasure of working on the World Trade Organization file and had numerous discussions with international ambassadors as it relates to Canada's view on the World Trade Organization. I was somewhat chagrined when I would talk to them about the fact that we needed to reach an agreement in the World Trade Organization because without one we were actually hindering the very countries that we were trying to help, so they could move into the same kind of prosperity that western nations and the have nations, if you will, have. Several of them looked at me square in the eye and said: well, you're talking about opening free borders, yet you can't trade openly and freely within your own country.

We need to, as Alberta has done, take leadership in this kind of portfolio, Mr. Chairman. We need to take leadership to show not only the rest of the other provinces in Canada but also the nation and the world, frankly, that open trade does provide better prosperity for the people that are involved in those jurisdictions. There's a ton of different examples which I have seen in my travels in Central America where the closing of the border actually did more harm to the people they were trying to help than opening up the trade side of it.

Mr. Chairman, there are numerous other examples that I could cite, but in the interests of time and knowing that we've been here for some time and knowing that there are a number of others that want to get on board, I just want to put on the table for the hon. member across that there are numerous examples, and a trade relationship is how you build up from that.

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

Dr. Taft: Thank you, Mr. Chairman. I appreciate both those sets of comments. It's good to get some light on these issues. I fully recognize the challenges around international trade and trade barriers. I understand and support Canada's role in addressing international trade barriers. But we're really focused on one boundary here, and that's between Alberta and B.C. It's a start. It's more than a start. I mean, the world really is a trading world now, and Canada sets the bar on that, by and large.

I am interested in building on the example of teachers given by the House leader. Teachers in B.C. require five years of training, and teachers in Alberta require four years of training. This is actually a very illustrative example because what we have under TILMA is a process in which the higher standard is being lowered. It's not the lower standard being raised in education; it's the higher standard being lowered. There are provisions under way right now in British Columbia through the British Columbia government and the British Columbia Teachers' Federation to lower the standards.

Again, I'm engaged in genuine debate here, folks, so I appreciate this. There's widespread concern with TILMA that this is an elevator to the basement, that in every case where there's a discrepancy in standards between one province and the other, it's the higher standard that will be brought down to the lower standard, not the lower standard that might be raised. Whether that's on labour, whether that's on environmental standards, whether that's on workers' safety standards, the general thrust of TILMA is toward the lower level. Maybe sometimes that's appropriate. Maybe it's fine to reduce unnecessarily high standards, but in other cases it may be exactly the opposite of what's needed. Maybe there are times on environmental issues, on workers' safety issues, on other issues where, in fact, we want standards raised.

Mr. Hancock: Under the appropriate standing order, Mr. Chairman, would the hon. member permit a question?

The Deputy Chair: Well, we are at committee stage, and there's no need for that. I can recognize you at this stage.

Mr. Hancock: Well, I appreciate he's ceding the floor.

I wonder if the hon. member knows or understands that the University of Alberta, one of the finest institutions in this country, is in his riding, in the riding he represents, and if he does, does he recognize that an education degree from the University of Alberta is one of the more respected education degrees across this country and that it's a four-year degree? In other words, it's not necessary to look and say: oh, five years in British Columbia. Not to be in any way derogatory at all, but they didn't have their students in the top two in the world.

Is the higher standard necessary for all purposes? That's what one should look to and say: what's the appropriate credential for the job being done, and how can we balance appropriately to the appropriate credential for the job being done? I think the evidence is there. We have teachers who can be certified with four-year degrees from one of the finest institutions in I would say North America, but I perhaps might be parochial about the University of Alberta, which I am very proud of, in my city. I'm wondering if the hon. member doesn't recognize that.

Mr. Horner: I was just going to answer the question.

Dr. Taft: I'll allow the Member for Spruce Grove-Sturgeon-St. Albert to answer my question. I'll be interested to see what my answer is.

The Deputy Chair: The hon. minister of advanced education.

Mr. Horner: Thank you, Mr. Chairman. Further to the hon. Minister of Health and Wellness, he has hit a very succinct point in this regard, which is that in Campus Alberta we have a number of different degrees that are matched up against degrees across this country. I would ask the hon. Leader of the Official Opposition if he believes that the three-year medical degree offered at the University of Calgary or at McGill would be comparable to the four-year medical degree offered at the University of British Columbia. The medical community does agree that that is the case, yet one is four years and one is three years.

You have a number of different types of programming offered in various institutions across the country, and one of the bases of an agreement like this is that it allows us to open up those discussions with those postsecondaries to provide for a number of things, Mr. Chairman: access to the universities, transferability amongst our institutions so that we can ensure that our students can go to various institutions within our two jurisdictions very similarly to how they can transfer around in our system in Alberta, which is a jewel. It truly is, when you have the accreditation and transferability that we have. B.C. at this point in time is trying to get to where we are.

Essentially, in answer to the hon. member's question, it isn't a question of dumbing down. It's not a question of this one is worth less than that one, especially when you take the very narrow view of, well, that one is five years to this one's four years, so it must be worth less. Entirely contraire, Mr. Chairman. It really is the basis of the programming within the program, and getting some level of continuity and co-ordination amongst those institutions will actually benefit students, our taxpayers, and society as a whole.

Dr. Taft: I appreciate everybody answering my question for me. It's good to have a response. Those are valid comments.

I guess one of my questions around TILMA and around standardization of these interprovincial agreements is: are we going to lose, for example, the diversity that's represented? The minister of advanced education raised the difference between the U of C medical program and the U of A medical program. They from the beginning were designed with very different focuses: the U of A, a much more traditional medical program, much more lab and class based; the U of C, a much more hands-on – no pun intended – medical program, patient-based learning, completely different approach. My question – and, again, it's a legitimate question – to the minister of advanced education: is there a risk under TILMA that as single standards are imposed, we lose the diversity that is represented in the differing U of C medical program and U of A medical program? Is there not, as I'm seeing in all kinds of testimony, a pressure to have a single standard, which will cost us some of that rich diversity that we have?

9:30

The Deputy Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. It's amazing when a debate breaks out. It's unfortunate, but I would move that we adjourn debate on Bill 38 for the moment.

[Motion to adjourn debate carried]

The Deputy Chair: The hon. Government House Leader.

Mr. Hancock: Mr. Chairman, I would move that the committee rise and report bills 31, 41, 47, 48, 49, 50, and 52 and report progress on Bill 38.

[Motion carried]

[Mr. Shariff in the chair]

Dr. Brown: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following: bills 50, 47, 49, and 52. The committee reports the following bills with some amendments: bills 31, 41, and 48. The committee reports progress on the following bill: Bill 38. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

Hon. Members: Concur.

The Acting Speaker: Opposed? So ordered.

head: **Government Bills and Orders**

Second Reading

Bill 57
Miscellaneous Statutes Amendment Act, 2007 (No. 2)
(continued)

The Acting Speaker: Are you ready for the question?

Hon. Members: Question.

[Motion carried; Bill 57 read a second time]

head: **Government Bills and Orders**

Third Reading
(continued)

Bill 1
Lobbyists Act

The Acting Speaker: The hon. the Premier.

Mr. Stelmach: Thank you, Mr. Speaker. You're looking very well for staying up most of the night.

Mr. Speaker, before I bring some comments with respect to third reading of Bill 1, the Lobbyists Act, I'd like to just pay special thanks to, of course, our security, our pages, our people in *Hansard*, and all those that have worked with us during this extended day. It still bemuses me how we can control the clock, you know, and not call it a day until we vote on it. Anyway, I just want to thank them all because they've really put in a huge effort.

It is a pleasure to rise today and speak to Bill 1, the Lobbyists Act. As the House is aware, this is a bill that was chosen to be a flagship piece of legislation for my government, following through on my commitment to openness and transparency.

I'd like to begin my remarks by congratulating the all-party committee which worked on this legislation when this Chamber decided to lift the bill to be reviewed over the summer. This is an unprecedented move in Alberta on two fronts: first, the introduction of all-party committees, new to our province, certainly not new to the country of Canada but new to Alberta. It gives the opportunity for every MLA to contribute positively to the governing of our province. Mr. Speaker, this is really true democracy.

Secondly, it's the first time in which Albertans have had the

opportunity to have direct input into a bill before the Legislature. Because of these initiatives we have strengthened democracy, made the government more open, transparent, and responsive to the people we represent. The all-party committee did good work over the summer and put forward several amendments which would make the bill more workable for not-for-profit organizations. Our caucus went further and introduced an amendment which protects bodies working for the public good from needing to register. So, really, it reflects my thoughts for creating this legislation. My intent behind the creation of the bill is that Albertans should know not only who is lobbying the government but also who is getting paid by government.

The second part is a step which is new, really, anywhere in Canada. This has not been in legislation anywhere in this country. When the full registry is up and running, Albertans will be able to compare who is lobbying government with anybody who is being paid by government and ensure that no ethical lines are being crossed and that no conflicts of interest arise.

Mr. Speaker, this piece of legislation is indicative of the way my government serves the people of Alberta in an open, responsive manner which reflects the values of the people of Alberta and gives them the accountable government they deserve.

I want to thank you, Mr. Speaker, and thank all members for supporting this legislation. Thank you.

The Acting Speaker: The hon. Leader of Her Majesty's Loyal Opposition.

Dr. Taft: Thank you very much, Mr. Speaker. I appreciate the Premier for his comments. I think we all concur in our gratitude to those support staff who have suffered through the night with us. We did it voluntarily; they did it out of duty. There's a line I remember from *Hill Street Blues*. It went like this. It's a policeman talking to another policeman. He said: "I slept and dreamt that life was beauty. I woke and found that life was duty." The duty of the staff was fulfilled. Thank you all very much.

We have long called for a lobbyist registry in the Official Opposition. It's been long overdue. I think we can give credit to the Premier for bringing forward this legislation. It is a step in the right direction. It should have been brought in 15 years ago or so when, for example, the federal government implemented its lobbyist registry, which I think continues to set some of the standards for that sort of thing in Canada.

I also think it's important to note the work of the policy field committee on this legislation. They worked very hard. I know that the members of that put in a lot of hours. They paradoxically were lobbied heavily, if I can put it that way, for changes to the Lobbyists Act. There were a lot of concerns, and some of these are very complicated issues that were raised by people in the nonprofit sector, by groups like chambers of commerce, various other groups. There are some tricky judgment calls here to sort out what kind of lobbyist is what and who is a professional lobbyist. What is a lobbyist just stepping forward for a charity? What is actually a charity?

9:40

For example, I think we'd all agree that a homeless shelter would qualify as a charity and that somebody speaking to government or opposition officials as representing a homeless shelter is in a different category than CAPP, to pick an example, the Canadian Association of Petroleum Producers, which I don't think anybody is going to think of as a charity even though they are a nonprofit group. So figuring out the difference between those and capturing that in legislation was a real challenge for the committee. Time will tell whether they got that sorted out, and we'll see how this all gets implemented.

I think that the general sense I have is that we have through this legislation brought lobbying in Alberta into the 20th century. What the news is now: it's the 21st century. Instead of leading the issue of lobbyist registries and, in general, instead of leading democratic reform and renewal, we have a government that's catching up to what's normal in many, many other jurisdictions. I will say once again that this is a step in the right direction. We took the work of the committee seriously. We have brought a spirit of goodwill to the all-party policy field committees, and in this example I think they really rose to the challenge. I'm glad.

As I understand it – and I'm going from memory now – I think this legislation will be reviewed within two years so that if there are glaring mistakes in it or weaknesses, it won't be too long before we all have the pleasure of reviewing the legislation and hopefully correcting some of those problems.

With that, Mr. Speaker, I am pleased to take my seat and see if anybody else will comment on this legislation. Thank you.

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

Mr. Martin: Thank you, Mr. Speaker. I'd like to also make some comments about Bill 1, the Lobbyists Act. Certainly, this is a step in the right direction. I don't think there's any doubt about that. The Leader of the Opposition talked about the policy field committee and their work in terms of bringing this bill forward, and rightfully congratulations should go to them.

But I want to go back further, to a committee that I served on chaired by the Member for Calgary-Nose Hill. Frankly, that was I think the courageous step right there because there was a great deal of cynicism about a lobbyist registry, certainly from the previous Premier – his comments were well known – and the fact that government members I think were skeptical in that select committee to begin with. Certainly, I think the chairman would agree with me. But after spending some time looking at it and reviewing it and to the credit of the committee, they came forward with the lobbyist registry. I dare say that if that committee hadn't done that, hadn't brought that forward, and with the majority of government members, it's unlikely that we'd be debating Bill 1 today. So I think also some credit should go to the select committee, certainly to the chairman and to other members of that committee.

I would say that, you know, we will support Bill 1, but I say to the Premier that there are a couple of I think major loopholes that obviously we're not going to solve here. Hopefully, they'll look at it in a couple of years. One that we've talked about before is fairly easy to get around: if a cabinet minister wants to talk to somebody that has influence – and that's what this bill is all about – they just make a phone call, and if that phone call says that the cabinet minister or the Premier or anybody else instigated that conversation or instigated that meeting, then they don't have to register for that. I think that's a serious loophole because it does allow people to get away from this if there's a close connection with the government and some of the lobbyists, and we know that has been the case.

That's one disappointment there, Mr. Speaker. I would hope the government would see in their review in two years that they would attempt to do something about that because I think that is a serious loophole, as I said.

The other one that bothers me is one amendment that was brought in, Mr. Speaker, and that has to do with spouses. We did pass the amendment here in this Legislature exempting spouses from the registry. Now, I don't quite understand the rationale for that,

frankly, because if we look at what we have to do – and the Ethics Commissioner will be responsible. We have to indicate to him the people close to us, you know, in terms of blood relation, certainly our spouse, and we have to report here in the Legislature.

That seems to me to be another major loophole that we brought in after the fact: that a way around it, then, is to have your spouse go talk to them. They're not lobbyists. I would have hoped that there would be serious second thought about that, just following the same sort of rationale as we do, you know, in terms of our reporting to the Ethics Commissioner. I mean, if it makes sense here, it should make sense for the lobbyists registry. I think that most people would see that, Mr. Speaker, as another serious loophole. I was surprised when this came about and surprised that it was accepted because I think it just watered down, again, the purpose of Bill 1, the lobbyists registry.

In conclusion, Mr. Speaker, I think that there are two serious loopholes, that I've talked about. I would hope that the government, if they're serious about, you know, openness and transparency – and I take it they are – when they bring this particular bill, Bill 1, would be serious about it.

Now, Mr. Speaker, I alluded to the fact about something that came in after the fact that certainly wasn't in the original Bill 1, the idea of spouses and blood relatives not being included in this. I'd like to bring forward an amendment to at least have serious second thought about this. I've got this amendment. I'll give a moment to pass it around, and then I'll speak to it.

Thank you.

The Acting Speaker: Hon. members, we shall refer to this amendment as amendment A1.

You may proceed, hon. member.

Mr. Martin: Thank you, Mr. Speaker. I've mentioned the second loophole that I think we brought forward here in the Legislature, and I'm asking for serious second thought about this. We don't have a senate here – mind you, that wouldn't be serious second thought anyhow – but I'd like to move that the motion for third reading of Bill 1, the Lobbyists Act, be amended by deleting all the words after "that" and substituting the following: "Bill 1, Lobbyists Act, be not now read a third time but that it be recommitted to the Committee of the Whole for the purpose of reconsidering amendments to section 6."

Mr. Speaker, again, this is the one that we brought forward that allows spouses and other blood relatives to not be included in the act. I would just say that in consistency with the Ethics Commissioner, if it's important for us to do that in our report – we've seen the need there – why would there not be the same need, when we're actually dealing with the lobbyist registry, for people that have, frankly, a lot more influence than MLAs do, certainly opposition MLAs, in dealing with the government, Mr. Speaker?

9:50

I'd ask this. This wouldn't have to take time if the government saw that this was a loophole and that we should reconsider. This, hopefully, could be done with not a great deal of extra time.

Thank you, Mr. Speaker.

The Acting Speaker: Hon. members, since we had an amendment introduced at committee stage, which we had referred to as amendment A1, we shall refer to this amendment as amendment A1R because it stands for reconsideration. So it's A1R.

Would anyone like to speak on the amendment? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. Speaking to amendment A1R, just looking at A1R as I wrote it down, it could be read as "air." What the hon. Member for Edmonton-Beverly-Clareview is saying is that this lobbyist registry, Bill 1, requires a little more airing. That's a-i-r as opposed to e-r-r-i-n-g.

I know the Premier was very proud of this bill. I'm very proud that the Premier and members of the government saw fit to put it through the committee stage because at the committee stage there was an opportunity to go back to the people. Those most directly affected, the not-for-profit groups, the charitable groups, were actually being hindered initially to a greater extent than before the lobbyist registry came forward.

Now, there has been a shadow hanging over this government with regard to the connections it has through appointments that we refer to as patronage and family connections. If we go back in time, we remember that horrible incident with regard to our former Premier and his wife and the Multi-Corp shares.

If we want to avoid the potential of a lobbyist circumstance being tainted by a family member's connections, then reviewing this particular section 6, as has been requested, would make ultimate sense because when we finish with this lobbyist registry bill, the one that has been so long in coming to Alberta, we want it to be the best piece of legislation possible. We want to demonstrate that while it took us a long time to arrive here, as the leader from Edmonton-Riverview noted, we're now up to the 20th century, and what this amendment would do would potentially bring us into the 21st century.

The policy field committees have proven to be of great value, and referring this through the A1R back to them to fine-tune it – to, after a fashion, ice the cake – makes ultimate sense to me. In those discussions on section 6 that A1R refers to, I would like to have that committee consider such things as the fact that the government isn't obligated to reveal whose business it is seeking, which is kind of a reverse lobbying process. But when so many multibillion-dollar contracts and multimillion-dollar overruns are taking place, as has been the case with the announcement on the 18 P3 schools that doubled in price, then we need to know who it is the government is lobbying, basically, or offering major multimillion-dollar contracts to because these contracts through the P3 format – private, for profit at public expense – have a 30-year term to them, their mortgage. When the government comes courting, as I've referred to it, and there's no reporting, we need to know that there was a public-sector comparator taken into account, that Albertans, taxpayers, who are on the hook for these projects that build up our debt for another 30 years, have been taken into account.

The Committee of the Whole has done a very good job. The policy field committees have done, as the member mentioned, the Senate's role of a sober second thought. Therefore, fine-tuning this bill, the flagship bill of the government, to make it a truly effective piece of legislation, the most effective in the nation, has merit, and I speak in support of amendment A1R.

Thank you.

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

Mr. MacDonald: Yes. Thank you very much. Amendment A1R to Bill 1. Certainly, the hon. Member for Edmonton-Beverly-Clareview is correct in requesting that the Lobbyists Act as we know it be not now read a third time but that it be recommitted to the Committee of the Whole. When we look at that and we look at section 6 as it currently reads, Mr. Speaker, the hon. member's request is certainly reasonable. When we look at the contracting prohibitions in section 6, I think it is prudent.

Again, I would urge all hon. members to please consider this request and please consider it for the following reasons. Whenever we are looking at a consultant lobbyist or an organization lobbyist and we look at all the rules that are to be created for these individuals or these parties and we look, as the hon. Member for Calgary-Varsity has pointed out, at the past history of – I don't know if we would call it an industry – the lobbyist industry in Alberta, would it be just seen here as a way of doing government, the wrong way of doing government? When we look at, for instance, some of the past cases, we would only have to look at the Auditor General's report, whether it's this year or last year or the year before, to see that there are still serious issues to be dealt with that have not been dealt with so far in this bill.

When we consider, you know, the Premier, the Premier is very proud of this bill. I was going through *Hansard* to have a look at the comments that the Premier has made in debate. I was pleased to see that there have been comments made on the public record because we have to remember, Mr. Speaker, that it's taken years of, you could call it, lobbying or pressuring by opposition members, by members of the public to finally get this tired, old Conservative government to provide this. Now, it's certainly a step in the direction towards being more open and more accountable. But this is a government that's so far behind in that category that it's going to take a lot more than this bill.

10:00

Will this bill restore public confidence in the legislative process? It'll start. It's a good start. We can't think for one moment that this government is making a commitment to being open and transparent. If we have a look at today's proceedings and see the closure motions that were invoked, certainly not open and not transparent. The Premier in an earnest sort of way is making an effort, but when we look at the history and we look at the Auditor General's report and we see the consultants that have been hired, the consultants that have provided advice – and there are all these different categories of advice: written advice, oral advice, also a category that seems to be speech writing, whatever that is. These are very expensive speeches. Is all this, Mr. Chairman, going to be dealt with in section 6 at this time? I'm not confident that these issues will. That's why we would have to give serious consideration to amendment A1R.

Now, the lobbyist registry is a very good idea, but it has to be a registry that will work. The loopholes that the hon. member talked about, in my opinion, are still there, and this is one way to deal with these loopholes.

We're going to talk for a minute – and I know the hon. members across the way are tired of hearing this – about the $500-an-hour guy that has been hired to make a transition for Bill 46. Would that individual fit into this section? Would that individual be considered – and we have no idea on this contract other than that it's for $500 an hour. In an eight-hour day that's $4,000. It's a lot of money. Would that person or that individual that's been hired by the Department of Energy be affected or should they be affected by section 6? Would it be a contract for providing paid advice? Yes, it would.

Now, when we look at that and we look at other examples, it's a good reason why we must support this amendment. The lobbying will go on and on and on. Whether they're professional lobbyists or whether they're retired from another job and all of a sudden they get a real sweet deal, section 6 should deal with that.

In conclusion, Mr. Speaker, I would urge all members of this Assembly to give careful consideration to this recommittal amendment and support it and move this bill back to committee. This amendment is essentially Alberta's Senate. We're going to have a second look at things.

Mr. Martin: A sober one.

Mr. MacDonald: Sober. You bet. Yes. Sleep deprived maybe, sober certainly.

With that, Mr. Speaker, I would urge all hon. members to have a good look at section 6 and to please consider the request from the hon. Member for Edmonton-Beverly-Clareview. Thank you.

The Acting Speaker: Anybody else on the amendment? The hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Mr. Speaker. I just want to make some brief comments on this amendment brought forward by my colleague from Edmonton-Beverly-Clareview. You know, while the general framework, the intention of Bill 1, we certainly applaud in the widest possible way, it was just when we started to look at the details of how this unfolded over the last few weeks, I guess, that we had constructed this particular amendment. As well, I had the opportunity to reflect in general on what the composition of a lobbyist act should look like and how they are constructed in different places and how effective they are as well.

I think that when you're building a rule such as this, you certainly, number one, don't want to deter individuals from interacting with the government because, of course, it's a function of democracy, and you certainly don't want to build walls that would deter individuals or groups from interacting with the government in the formation of laws and bills and regulation. Also, I don't think that you want to construct any bill, particularly to do with this particular topic, that is too complicated or has too many exceptions built into it because, of course, when you start to construct a lot of exceptions to something like a lobbyist act, you essentially are I think sending a message that there's an essential weakness in trying to protect the transparency of these conversations and interactions and influences between the government and individuals and groups. Simplicity, I believe, is the key to a successful lobbyist act, potentially, and making the rules the same for as many people as possible.

I listened quite long and with intent to the issues that were brought up by nonprofits, and I did express my reservations about making that exclusion as part of this act. But then I certainly did recognize the essential difference in resources that nonprofits have and the important functions that they do have as well in our society, particularly how nonprofits have had to step into the fray of delivering a lot of essential services that otherwise the government should be meant to be delivering over the past 15 years or so. I did recognize the strength of the argument to exclude nonprofits although I still have my reservations about it. So we do have that provision of two years to deal with that.

However, on this other part, dealing with relatives and spouses, I just found the argument in regard to not excluding that population quite compelling because, of course, we have lots of examples that would demonstrate that this can go on and does go on. We don't have to look any further than to the neighbours to the south, in the United States, where lobbying is a huge industry and goes on in the most sophisticated and multilayered manner. Certainly, lobbyist acts in various states in the union of the United States do include this provision that we are bringing forward here with the intention of this amendment. I believe that it's worth while to include it with our own lobbyist flagship legislation here today.

It's no mystery to the public that things are decided sometimes with influential businesspeople and/or lobbyists behind closed doors or outside of public scrutiny. The public recognizes this, and I think it serves quite a negative purpose in disenfranchising a lot of people from the political process and contributes to a sense of cynicism that is not positive and useful for democracy.

10:10

This particular amendment that we've brought forward here, as I said, passes the litmus test that I put forward in that a good lobbyist act must be simple in its composition, it must be as all-encompassing as possible, and it has to demonstrate strength. The more you demonstrate strength with this kind of bill, the more you're sending out that message that the government is serious about showing transparency in regard to lobbying, and then you probably have a greater sense of compliance as well. How all laws unfold, Mr. Speaker, is that the laws are only as good as people are willing to comply. It's not a question of catching people who break the law, but it's a question of internalizing the law into the habits of the population. By having a strong, all-encompassing lobbyist act, which includes spouses and relatives, you're reinforcing that strong message that we're being as inclusive as possible and that you must internalize the fact that now lobbying must be registered, that it must be out in the open, and that will help to make this act be a success.

Thank you.

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

Mr. Agnihotri: Thank you, Mr. Speaker. I'm pleased to rise and speak on amendment A1R to Bill 1, the Lobbyists Act. First of all, I want to thank the hon. Member for Edmonton-Beverly-Clareview. I think the hon. member is trying to stop the loopholes in this bill. There is no doubt that this is a good bill, and everybody sitting in this hall is trying to make this good bill better for the coming generations, for a healthy democracy not only in Alberta but all over the country. He is trying to help this provincial government be open, transparent, accountable. My question is: is this government really open, transparent, and accountable, as they always claim?

I remember that last spring they rammed through Bill 20. I remember Bill 20, where they stopped us, you know, giving proceedings for 15 years and five years for the ministerial notes. I don't think that if this government had a record like this, they have any right to claim that they are honest, that they are transparent or accountable. The hon. Member for Edmonton-Beverly-Clareview has a point, has a good concern. He's trying his best to give his suggestion to make this bill a better one.

Mr. Speaker, the lobbying poses two challenges to democracy: openness and transparency. That's what we are talking about in Bill 1, Lobbyists Act. The representative governments are accountable to their citizens, and this accountability requires transparency.

Citizens have to be able to evaluate the performance of representatives and governments, particularly whether the government is defending or pursuing the public interest. Particularly, private interest may be at odds with the public interest, so citizens have the right to know who their government is hearing from and on what issues. Absent this knowledge, Mr. Speaker, citizens may be left unaware of when their interests might be impacted by a decision. Disclosure and transparency are about levelling the playing field. Petitioning government for change is legitimate, but it must be public – must be public. It's very important.

Equal access and opportunity, of course. Certain groups and certain individuals may have special access or influence over the government. There's no simple legislative suggestion to this problem. Disclosure at least allows all citizens to try to compete with the more powerful voices that may be lobbying this government.

Some contend that lobbyists should have to disclose how much they are spending on a lobbying campaign, as is common in the U.S.A., and that limit on lobbying spending should apply here. This principle is very similar in spirit to campaign finance and spending limits, that are designed to ensure the influence of the ordinary citizen is not overwhelmed by the more powerful interest.

Additionally, Mr. Speaker, parliamentarians need to be attentive to this disparity to ensure that they are hearing from and reflecting the full array of voices that may be affected by policy decisions. This requires that efforts are made to enhance the ability of all Albertans to have an effective voice, like MLAs' constituency work, empowering opposition MLAs, all-party legislative and policy committees that are fully open to the public, petitioning, tabling, et cetera.

I think the Member for Edmonton-Beverly-Clareview's amendment is another attempt to strengthen this bill. Definitely, he is trying to make sure that we could make this bill better than what we have right now. There's no doubt this is a good bill, and we all support it, but we want to make sure. We could make this bill even better.

When I saw this bill, Mr. Speaker, the first thing that came to my mind was why this government brought this bill now. This bill should have been brought 15 years ago. If we look at other provinces, other countries – I can give you examples – even Third World countries have lobbyist registries. Why did nobody think that we needed a bill something like this? Maybe, I think, because this government has been in power for the last, say, so many years, and they take everything for granted. So they thought, you know, nobody is going to challenge them. Maybe not political pressure but maybe the pressure from some media people changed their mind. But I think it's a good step forward, and we appreciate that. Even though this bill was overdue, and even though they brought it after 15 years, that's fine. That's welcome.

10:20

We all know that lobbying is not a bad thing. It's an important part of democracy. In democracy people should have the right to meet and discuss their issues or concerns with their elected representatives. We get input from them and voice their concerns. Lobbying definitely is legitimate, but it should be and must be public.

The definition of a lobbyist is not clear in some clauses. It's not very clear in this bill.

I have a couple of questions from this bill, Mr. Speaker. What if the lobbyist failed to disclose intentionally? Another question is: will the public office holder tell us that they were lobbied? What was the subject? What decision was made? There's still a loophole. I think we should keep debating this bill until we make this legislation a good example for the rest of Canada.

I have a question about public lobbyists like nonprofit associations. So many associations have concerns about this bill, like the Edmonton Chamber of Voluntary Organizations, the Alberta Chambers of Commerce. They raised so many concerns on this particular bill.

Also, one of the trustees in my constituency actually discussed with me that MLAs, MPs are allowed to and why we have to register and those things. I'm sure the Premier is aware of this and might try to consider that sympathetically.

As I said, the question about the public lobbyist: what if they are a paid director of the association? Some people work in nonprofit organizations, but they are paid.

Also, how would we consider them if the lobbyist registered meets the Premier but if the Premier makes a call to the lobbyist? I mean, do they have to register if the Premier or the minister calls the individuals? Where do we stand on this bill? So many things are not clear, especially soliciting information. Sometimes the minister or the Premier can call it advice: I was taking advice from a person and that individual doesn't need to register as a lobbyist. So where do we stand on this situation?

There's no doubt that this is a good bill in the right direction. Something is better than nothing. But we definitely need very important changes in this bill. That's why, you know, the hon. Member for Edmonton-Beverly-Clareview is trying his best to give some suggestions, and that's why amendment A1R is in front of us. It's another attempt to try to strengthen this bill, making this good bill a better one.

Mr. Speaker, Alberta Liberal MLAs pushed very hard for a lobbyist registry as part of the review of the Conflicts of Interest Act last year. This is something that Alberta Liberals have been pushing for years. I'm pleased that the government decided to try to steal our ideas, and I just wish . . . [interjections] Yes. This is a Liberal idea.

Mr. Flaherty: We're having an impact.

Mr. Agnihotri: Yeah. And we are happy. I mean, we have so many good ideas. We don't mind if you take a couple of pages from our policies. We all work for the best interests of Albertans. That's why we get paid. Ministers get more money than even some people sitting here.

The reason I'm saying this is that we should always, you know, consider our constituents first. Constituents should be the first we consider. I don't know about the other people, but I'm an employee of my constituents.

An Hon. Member: Servants of the people.

Mr. Agnihotri: I'm the servant of the people, and it is our duty to look after them. This bill is another attempt. It's a good bill. The Member for Edmonton-Beverly-Clareview is like some other MLAs: they are trying to be helpful in strengthening this bill.

As I said, it's a good thing if you steal some ideas from the Alberta Liberals, and it will benefit our communities in Alberta. Unfortunately, Mr. Speaker, with all the loopholes they have left in this bill, they haven't really solved the problem so far.

Thank you.

The Acting Speaker: Anybody else on the amendment?

Mr. Hancock: Is 29(2)(a) extant?

The Acting Speaker: Yes. Standing Order 29(2)(a): any questions or comments? Hon. Government House Leader, you had a question?

Mr. Hancock: I just wondered if the hon. member and the other colleagues who spoke in favour of this amendment understood that the amendment that they're talking about, referring it back to the committee for reconsideration, is the amendment that was brought forward by the Member for Edmonton-Centre and the change that was made to the bill as a result of her motion.

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

Mr. Agnihotri: Thank you, Mr. Speaker. I just want to tell the hon. minister that I'm aware that some other speakers spoke on this one, but it's always good to say something for the record for my constituents. They want to hear from me as well, so that's the reason I put forward and discuss this.

Thank you.

The Acting Speaker: Anybody else?

Hon. Member for Edmonton-McClung, do you want to speak on the amendment?

Mr. Elsalhy: Yes. Thank you, Mr. Speaker. I rise to talk to this amendment, which was proposed by my colleague from Edmonton-Beverly-Clareview. Unlike some members who spoke before me, I have to regrettably speak against this particular amendment. What I'm basing my decision on is two things, actually maybe three.

The first one is that this amendment, while it's introduced and debated at a different stage – you know, this is third reading – we have actually dealt with this particular issue in Committee of the Whole. My hon. colleague from Edmonton-Centre actually won an amendment, which doesn't happen too frequently, but she actually did in fact manage to convince the House and pass an amendment that was accepted by the House in terms of spouses and partners, placing an undue restriction and an undue expectation on them in terms of what a spouse can or cannot do, and the amount of information that might flow between somebody who works for government or is occupying a senior position in government, somebody who holds a contract with government, and their spouse or their partner who might be lobbying in the community or lobbying on behalf of a certain group or a certain interest.

10:30

I know what the hon. Member for Edmonton-Beverly-Clareview is attempting to do, and I know what my colleague from Edmonton-Ellerslie was attempting to say as well. We have been faced with so many examples in this House, Mr. Speaker, where the opposition brings up an idea to make something good even better or to fix something that is broken, and most of the time the government rejects these ideas without awarding them the attention and the scrutiny that they deserve.

In that particular case last week when we were doing Committee of the Whole on Bill 1, this particular amendment from my colleague from Edmonton-Centre was actually accepted after extensive debate. I don't think, given the time and given the potential for this House to rise and adjourn, that sending it to committee would do any good. I think sending it to committee is basically telling us and telling everyone out there that it's going to die on the Order Paper, and I disagree with this. I think this is a first in this province regardless of who lays claim or takes credit for this idea: us the Liberals because we introduced it in our platform in 2004, for example, or the Premier as his flagship bill. I don't care, to be honest, Mr. Speaker. I think we need to move forward, and we need to actually put it in place and get it working.

You have to remember that the standing policy field committee and then later this Assembly agreed that the initial review was going to be done in two years, not in five. So I think by the time the Ethics Commissioner gets this lobbyist registry in place and working and by the time he and his staff get all the requirements and the components in place, that might take six months, so all we're looking at is about a year and a half after that for the initial review. I think that's a reasonable amount of time for people to wait and to test the lobbyist registry to see how effective it is. If this is identified as a weakness or an area that needs improvement, we can do it in two years. There is nothing to stop us from doing this and opening this file again then. So I'm speaking in opposition to this particular amendment.

My third point, Mr. Speaker, is the fact that, you know, we're always faced with the question: do you go this far to the right to appease and to address the concerns of people in the nonprofit community, for example, or do you go this far to the left to address the concerns from people who think the Lobbyists Act is weak? Well, I'll tell you that there's always disagreement in terms of lobbyist registries and lobbyist acts throughout the country and maybe even in other jurisdictions outside of Canada because some

people are going to argue that it is full of loopholes, and it is totally ineffective. Then others, on the other extreme, are going to argue: "You know what? It is too restrictive, and the net is always cast too widely." And so on.

Mr. Speaker, not to belabour this issue and not to repeat myself, I am definitely not in favour of this amendment.

The Acting Speaker: Anybody else on the amendment?

Hon. Members: Question.

[Motion on amendment to third reading of Bill 1 lost]

[Motion carried; Bill 1 read a third time]

Bill 56
Appropriation (Supplementary Supply)
Act, 2007 (No. 2)

The Acting Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I would move Bill 56, the Appropriation (Supplementary Supply) Act, 2007 (No. 2), for third reading.

[Motion carried; Bill 56 read a third time]

Bill 2
Conflicts of Interest Amendment Act, 2007

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

Dr. Brown: Thank you, Mr. Speaker. I move third reading of Bill 2, the Conflicts of Interest Amendment Act, 2007.

Mr. Speaker, this bill updates the rules governing elected members of this Legislature. First and foremost, the bill lengthens the time former ministers are limited in their ability to influence government decisions or to accept certain kinds of employment. Instead of lasting for six months, the cooling-off period will apply for a year. The bill also sets out stricter guidelines around the activities former ministers can participate in during the cooling-off period. As well, it increases the fine for breaching the act during that period.

[The Deputy Speaker in the chair]

The bill also imposes cooling-off periods for nonelected political staff. For the first time former political staff will be subject to legislative restrictions on their activities for six months after they leave the public service. Mr. Speaker, the Conflicts of Interest Amendment Act also sets the framework to establish cooling-off periods for deputy ministers.

There are a number of other provisions in the Conflicts of Interest Act that have been revised in this bill, and this includes a section and a provision which provides that a member may not influence a decision which would further the private interests of any other person and not just their spouse or minor children.

These amendments were recommended by the select special committee to review the act, and I would note for the House that the comity demonstrated by members of all parties during the course of that committee's deliberations was quite admirable. It's a comity which is so often not apparent in this Chamber, certainly as illustrated by the activities of the last evening.

Mr. Speaker, it's also an opportune time to mention the historic nature of the legislative process that this bill along with Bill 1 have gone through. The all-party standing committees established in this legislative session by the Premier and his government are playing a key role in ensuring even more thorough input, review, and debate of key bills before the Assembly. The all-party committee chaired by the hon. Member for Calgary-Buffalo has certainly done a good job in reviewing and suggesting amendments to the bill and, as I said, it too has demonstrated that MLAs can work together harmoniously for the public good.

Thank you, Mr. Speaker.

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

Dr. Taft: Thank you, Mr. Speaker. Well, this is an interesting day because the last time that I was here when the Assembly went all night and well into the next day was in 2001, and the trigger of that very prolonged debate was, in fact, a conflict of interest issue, and it was specific to the regional health authorities. Here we are now, having gone through a very long debate, and what comes back six years later but a bill that, frankly, will address some of the concerns that stimulated the overnighter in 2001. So, you know, progress is slow, but it is progress.

I would like to commend the Member for Calgary-Nose Hill for his work on this as well as many other members, including the Member for Edmonton-McClung, who helped so hard with the all-party policy committee that reviewed this.

10:40

Again, I believe this is legislation that was long overdue. I think we may find that there are some wrinkles in it that inadvertently capture potential conflicts that aren't justified to be captured. Undoubtedly, there'll be some that the legislation misses, and we will of course review the legislation in due course and, hopefully, tune it up in a good spirit of progress.

The effect of this bill, I hope, is to do at least two things. One is to clean up concerns around how government decisions are made and, two, simultaneously to restore some public skepticism about how government decisions are made. Unfortunately, too often the public views political decisions and politicians as compromised. The effect of this bill, I think, if it's well handled and well managed, will be to restore some of that public confidence in how decisions are made and how, for example, not just cabinet ministers and MLAs but public officials are also held to a higher standard.

I think that we can anticipate some of the effect of this particular bill by watching what's happened in the corporate sector, particularly large, publicly traded corporations, which went through a very difficult and tormented period of time a few years ago as scandal after scandal broke and as the public began to realize that too often people in positions of leadership in private corporations were not looking after the shareholders first but were looking after their own personal concerns.

The reaction to that was telling. The reaction to that was a real elevation of standards, particularly aggressive legislation addressing issues like conflicts of interest in the U.S. Some of that overflowed into regulations in Canada for the corporate sector, and we have a general rise of standards in the corporate sector as a result and much clearer rules. I think everybody has a bit more confidence as investors because things like conflicts of interest are addressed. I hope the same process plays through in the public sector. I'm not sure that it will because I think there continue to be too many shortfalls in the standards applied, in Alberta particularly, to democratic accountability.

This act is a small step in the right direction. I would be much more convinced if it was accompanied by proper whistle-blower

legislation, for example, by a strengthening of the role of the Auditor General, by a sorting out of the confused roles around the internal audit service and the fact that the membership of the government's Internal Audit Committee for many years, and as far as we know still, includes senior officials of the PC party. There's a whole bunch of other things that need to be addressed before the effect of this particular bill will be properly felt.

It's with mixed feelings that I stand here speaking today. I think it's going to be a long time and, frankly, require a new government before we get the full package of democratic reforms and accountability that's required. After all, Mr. Speaker, even in this short fall sitting we've gone through a number of other controversies, whether it's the role of Mr. Kellan Fluckiger in the drafting of Bill 46 and the fact that his wife was involved in one of the companies directly involved – we have no idea how that has played out except that he's suddenly out of his job – or whether it's the concerns that were raised over submissions to this very Assembly of legally required documents in the form of the annual reports of the Department of Energy. There's a lot of breakdown still, a lot of breakdown. A lot of room to be cleaned up.

However, the fact that this bill will extend the ministerial cooling-off period to one year is a good thing. Right now people may not be aware, but we have requested that the Ethics Commissioner look into the appointment of the former Deputy Premier to the board of a major private-sector corporation within, you know, a suspiciously short time after she left her position. This bill will have the effect of making that impossible, and that's a good thing.

I think the fact that it extends postemployment restrictions to deputy ministers is also a good thing. We need to make sure those deputy ministers are treated fairly, but we need to protect the public interest first and foremost.

I am generally pleased and in favour of this legislation. Our caucus generally supports it. Some of our members worked very, very hard to review and strengthen it. We will revisit it, and we look forward, whether it's through this governing party or after the next election through our governing party, to a series of other bills that continue the process of raising the standards of accountability of this government.

Thank you, Mr. Speaker.

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

Mr. Eggen: Well, thank you, Mr. Speaker. I rise just to make a few comments on this bill as we see it pass through its last stages before it becomes law. I would concur with the previous speaker's comments that this is certainly a step in the right direction in regard to some gaping holes in credibility that we've seen over many years in the provincial government of the province of Alberta. Once again, just going back to my previous comments from Bill 1, these issues of credibility contribute to the erosion of people's belief in and confidence in provincial politics, so Bill 2 does give us something to put our foot on and perhaps move ahead.

Again, my main reason to get up and just speak briefly was to reiterate my concerns about the about-face that took place in the all-party committee stage of developing this bill in regard to the cooling-off period for political staff and senior policy staff. I think initially the committee had agreed to keeping the 12-month cooling-off period the same for both ministers and for senior staff. You know, the essence, once again, of good legislation is that it's simple and has some symmetry to it. Just having this change I think weakens the overall legislation because, of course, senior policy and political staff have tremendous influence on how things move forward in terms of government policy and probably are making more liaisons with the outside nongovernment sector than even some ministers. The incongruity here between having the cooling-off period at six months for one and 12 months for the other I believe is not a particularly wise choice and might send some mixed messages out to the public.

We are encouraged, however, by the fact that this even came through in the first place, and so in congruence with other pieces of legislation and/or strengthening of legislative offices, I believe that we could do a lot to restore the confidence of the public through legislation such as this.

10:50

Once again, in conclusion, I do want to express my concern about the about-face that took place in regard to the cooling-off period for political staff and senior policy staff because it seemed to be a manifestation of perhaps what we would be concerned about in the first place, which is that these people do have quite a lot of influence, and they do perhaps have influence on this very decision that caused the reversal at the committee level in the first place.

I believe we did have an amendment on this, and I believe the Member for Edmonton-McClung brought in an amendment in regard to trying to rectify this. I am a bit disappointed that it didn't pass.

Thank you.

The Deputy Speaker: Hon. members, Standing Order 29(2)(a) is available for questions and comments.

Seeing none, are there others?

Hon. Members: Question.

The Deputy Speaker: Does the hon. Member for Calgary Nose-Hill wish to close?

Dr. Brown: No.

[Motion carried; Bill 2 read a third time]

Bill 9
Tourism Levy Amendment Act, 2007

The Deputy Speaker: The Hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. It's my pleasure to move Bill 9, the Tourism Levy Amendment Act, 2007 on behalf of the hon. Member for Strathmore-Brooks.

The Tourism Levy Amendment Act, simply put, puts into place the provisions that were brought into the budget relative to the tourism levy. It has been explained more thoroughly at second reading and needs no further explanation.

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

Mr. Chase: Thank you very much. Some very brief comments on Bill 9, Tourism Levy Amendment Act. We know that tourism is a very positive contributor to our economy. For every dollar that we invest in tourism, we receive $10 in return. One of the destinations for tourists is our provincial parks. Unfortunately, only 4 per cent of our land area in Alberta is taken up with provincial parks, and those provincial parks and wildlife areas aren't protected to the extent they should be. I won't go into detail about the experiences I had at Cataract Creek, but it reflects a concern I have not even about having buffer zones around our parks but the fact that resource extraction can take place within the parks themselves.

If we want to sell Alberta as a tourist destination, then our wilderness, our parks, and protected areas are our keys zones of

attraction. I just want to suggest that without management plans for those parks and without some future plan that avoids full-scale practices like clear cutting in these treasured areas, there will be nothing for tourists nor Albertans to come to. So please note that we have tourism as a renewable resource, providing that we steward our province. I would encourage the expansion of our tourism market by protecting our limited parks resource and holding it dear to a greater extent.

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

Mr. R. Miller: Well, thank you very much, Mr. Speaker. I will keep my comments brief. I had the opportunity a couple of times earlier, in various stages, to speak to the Tourism Levy Amendment Act, 2007. As you well know, the Official Opposition is supportive of this bill.

I'd just like to put on the record how pleased I am that the Minister of Finance took such care and went to such lengths to consult with any number of groups on this, the Alberta Hotel & Lodging Association and the Alberta Bed & Breakfast Association, in particular, two groups that seem to have a good relationship with this government and seem to be very effective in their lobby efforts.

I guess I would just like to suggest that it's too bad that the government doesn't pay as careful attention to taxpayers as they do to some of these lobby groups. Maybe we would see some real progress, for example, in the elimination of health care premiums.

While I'm supportive of moves to address some of the difficulties that hotel operators were having – particularly, I understood that there were some instances where, in fact, the fines that were being levied against some of these hotel owners for amounts owing were actually in excess of the amount that was owing – clearly, when we're trying to recognize some of the challenges that small business faces, that's the sort of situation that is unacceptable. It looks as if Bill 9 will address that, and we're pleased to support it for that reason.

Thank you.

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

Hon. Members: Question.

[Motion carried; Bill 9 read a third time]

Bill 11
Telecommunications Act Repeal Act

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

Mr. Dunford: Well, thank you, Mr. Speaker. I'd like to move third reading of Bill 11, the Telecommunications Act Repeal Act.

I'll just remind members that this is a deletion, not an addition, repealing an outdated act for a couple of organizations that are no longer with us.

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

Mr. R. Miller: Well, thank you, Mr. Speaker. I'd just like to remind members of the fact that I was actually the one responsible for pulling this particular piece of legislation out of the Miscellaneous Statutes Amendment Act, 2007, back in the spring. I did so for what I felt to be a very prudent reason, and that was because this is truly the final nail in the coffin of publicly owned telephone companies in the province of Alberta.

I'd like to acknowledge the many kind responses I had after I gave that little history vignette a few weeks back on Edmonton Telephones and Alberta Government Telephones. I had many members from both sides of the House comment to me or send me notes suggesting that it was not only informative but quite entertaining to learn some of the history, particularly the very early history. I had referenced comments from the Lieutenant Governor in the very first throne speech that took place in the very first legislative sitting of the Alberta government and had an awful lot of response to that. I'd just like to thank members for their comments.

As I say, it's a bit of a sad day to see this now passed through third reading and know that it's the last time, perhaps, that we'll ever be talking about publicly owned telephone companies in this Legislature. I think I hear a violin in the background, actually. It's a little bit too bad; nevertheless, it's a step in the right direction. I appreciate the fact that we're now dispensing with a piece of legislation that is no longer required.

In fact, it reminds me of the motion that was recently referred to committee to look at red tape. I'm hopeful that we can make some progress on that file as well and perhaps adopt the model that the B.C. government uses whereby for every new regulation that comes into effect in B.C., they actually have to get rid of two. Maybe that's a model that we could look to in terms of legislation, as well. There may well be several other pieces of legislation still on the books that could be dealt with. I know we dealt with – I'm not sure if it was the Horned Cattle Purchases Act Repeal Act, which was actually not in use for many, many years already at this point and had sat on the books, if I remember right, for some 20 years without being in effect. If we have that situation and we know that this particular act as well has not been used now for several years, there may well be many others. So a little bit of pressure on the government in the way of a red tape review that might include legislation as well as regulation probably wouldn't be a bad thing.

11:00

Having said that, as I said before, we're supportive of this legislation, but I do believe that it was important to share a little bit of the history and just play the violin, as it were, for publicly owned telephone companies. We'll all remember fondly both Edmonton Telephones and Alberta Government Telephones.

Thank you, Mr. Speaker.

Mr. Graydon: I'm not sure if I'm older than Alberta Government Telephones or if it's older than I am, but I did start with the company when I was 18 years old, worked summers between high school and technical school in Calgary with Alberta Government Telephones, and spent 10 years with that company, very good, productive years that I enjoyed very much. If the job I was doing then still existed, I would probably still be there. Well, I guess I'd be retired. At any rate, I would echo the member's comments: farewell to AGT.

Thank you.

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

Seeing none, are there others?

Does the hon. Member for Lethbridge-West wish to close?

Hon. Members: Question.

[Motion carried; Bill 11 read a third time]

Bill 13
Access to the Future Amendment Act, 2007

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

Mr. Horner: Thank you, Mr. Speaker. On behalf of the hon. Member for Calgary-Lougheed it is indeed my pleasure to move for third reading Bill 13, the Access to the Future Amendment Act.

Again, a good piece of legislation that has had good debate in this House, and I look forward to the support of all members.

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

Mr. Tougas: Yes. Thank you, Mr. Speaker. I just had to get involved in some way in this exciting, historic event.

As I recall, Bill 13 –I'm reading it on the screen here – first showed up on March 12, so it's a long time that it's been winding its way through the Legislature. As I recall, at the time it came up I said that the bill was so small that I actually read it. So it still stands, and we are quite pleased to support the legislation.

Thank you.

The Deputy Speaker: Are there others? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. Access to the future and providing educational opportunities for our future generations is absolutely essential. I am very concerned, as are a number of our Calgary constituencies and, I would suggest, Edmonton, Medicine Hat, and so on, about the limited opportunities that postsecondary institutions have in providing new spaces.

The government committed that there would be 15,000 new spaces by the fall of next year. They seem to have backed away from that. Likewise, there were supposed to be 60,000 new seats by 2020, but with recent developments, for example, at ISEEE, the institute for sustainable economics, environment, and experiential learning, the thousand seats that were initially intended to be built with that $260 million will not take place. Those are a thousand seats that are very much needed at the University of Calgary. Likewise, the problems with the SAIT program; having to scale back their intended program by half is extremely worrisome.

We know that students continue to be turned away from institutions. That's why I was elected in Calgary-Varsity to represent the University of Calgary, why my colleague was elected in Calgary-Mountain View to represent the Southern Alberta Institute of Technology and the Alberta College of Art and Design, and that is why in our most recent by-election my colleague from Calgary-Elbow was elected to represent Mount Royal. These aren't chance occurrences. What is happening is that over the years the government members have not responded to the needs of postsecondary students or institutions, and as a result they are looking elsewhere.

Thank you.

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

Seeing none, the hon. Member for Edmonton-Calder.

Mr. Eggen: Thanks, Mr. Speaker. I just wanted to make some brief comments on this particular bill, which, by my understanding, is just a mechanism by which to change the wording of the original Access to the Future Act. It's interesting because now we are seeing this original piece of legislation unfolding over more than two years, and it's an opportunity to evaluate the effectiveness of it. Certainly, the intention is honourable, but I think that the actual reality has some problems.

I know that there have been complaints that the funding has not been matched to the amount of the donations that have been coming in to postsecondary institutions, which was the fund's intention in the first place. I expressed, I guess, over the last couple of years the element of a flaw in this logic anyway because, of course, the vagaries of private donations might lead to unstable funding for postsecondary institutions if the donation system is not functioning or, perhaps, is not functioning in an equal sort of way between different postsecondary institutions. Also, there is this issue of the matching funds coming in a timely manner. Once again, it's back to the issue of long-term stable funding that can be counted on for public institutions in general and for postsecondary institutions here specifically.

I think that what we must be looking at to ensure that our postsecondary institutions are strong is that we need to increase the amount of spaces, and in order to increase the amount of spaces, we have to ensure that there's long-term stable funding for the institutions to commit to that. So, obviously, there's I think a gap here in making this all function.

I guess my main concern is to focus more on the student than the institution and making it easier for students to access student loans and reducing the interest rates on student loans to prime lending rates, the removal of parental contribution expectations from student finance calculations. Ultimately, Mr. Speaker, the key is to lower tuition for postsecondary students so that we are accessing the full potential of our population that should be going to postsecondary education.

While this specific bill, Bill 13, has an administrative capacity, certainly, I think it's a worthwhile opportunity for us to reflect on the function of the Access to the Future Act, the larger piece of legislation that has been now around here for two years.

Thank you.

11:10

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

Seeing none, anyone else?

The hon. Minister of Advanced Education and Technology on behalf of the member to close debate.

Mr. Horner: Thank you, Mr. Speaker. I will just take a few moments on behalf of the hon. member. I would like to first of all thank the opposition for their support of Bill 13, Access to the Future Amendment Act, 2007, in its passage. I admire that and applaud it.

I do have some issue with some of the statements from the Member for Calgary-Varsity. While his party supports the bill, he took the opportunity to essentially state some incorrect facts, which I think need to be clarified on the record. The number of seats available at the University of Calgary is not going to be less than a thousand, and that was publicly announced the other day. It just plays to being somewhat ill informed and, obviously, not knowledgeable about the exceptional way that we are working with the colleges, the universities, and the technical institutes. We've expanded seats in Medicine Hat, Lethbridge, Grande Prairie, Fort McMurray, Vermilion, Calgary, and Edmonton this year, Mr. Speaker. We have the joint support and endorsement of all three student groups. We also have the endorsement of the Universities Association and the colleges and technical institutes, which, I might add, are included in the institutes which he rattled off that he represents.

Obviously, they do endorse what this government is doing in postsecondary education. This is one facet of it. I encourage all members to support it.

[Motion carried; Bill 13 read a third time]

The Deputy Speaker: Before I recognize the next member, hon. members, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**

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

Mr. Lukaszuk: Well, thank you. It couldn't be a more appropriate time to do this, as we just passed the Access to the Future Amendment Act legislation. The future is with us today. Sitting in our gallery is a group of grade 6 students from Lynnwood elementary school in Edmonton who are here to observe our legislative procedures, have been spending time with us for the last day or so, I believe, and will be with us for a while. Mr. Speaker, to you and through you I would like to introduce this particular class, who is accompanied by Ms Heidi Medhurst. I would ask them to rise and receive the warm traditional welcome of this Assembly.

head: **Government Bills and Orders**
Third Reading
(continued)

Bill 23
Unclaimed Personal Property and Vested Property Act

The Deputy Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. On behalf of the hon. Minister of Finance I move third reading of Bill 23, the Unclaimed Personal Property and Vested Property Act.

As the House will know, it was a fairly comprehensive rewrite of the rules relative to unclaimed property. The act was explained in second reading. There was an amendment in committee to ensure that gift cards were not included as unclaimed personal property so that there wouldn't be a requirement to handle gift cards with nominal amounts. Other than that, I think the bill was well understood. It sailed through without too much discussion because it's, basically, about a fairly important but obscure area of the law, and it was timely that there be a rewrite before us. I'd ask the Legislature to pass it.

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

Mr. R. Miller: Thank you very much, Mr. Speaker. I'm happy to add a few closing comments to Bill 23, the Unclaimed Personal Property and Vested Property Act, 2007. Before I do that – I can't see whether or not the students are still up in the gallery, but if they are, I'd just like to advise the grader 6ers that they are in fact witnessing a little bit of history today. I'm sure they've probably heard by now that the members of this Assembly have been hard at work since 8 o'clock last night, and many of us have not had any sleep at all. So this is what you can aspire to.

I always tell my students, when we take the pictures with them on the steps of the Legislature, that I still have my grade 6 picture that was taken with my classmates from McKee elementary with my MLA, who was Neil Crawford. I have that picture hanging in my home office, and I look at it every morning before I come to work. I'm hoping that some of the young people up there will make sure that they save their pictures. Perhaps, someday, we'll have an MLA from the gallery down here on the floor, and they can take pictures with their grade 6 classes, too. So, welcome, and enjoy this little piece of history today.

Mr. Speaker, as the hon. Government House Leader and minister for health had suggested, Bill 23, although a comprehensive rewrite of a previous act, the Ultimate Heir Act, really was quite noncontroversial. In fact, although there was $11 million in the Ultimate Heir Act that was to have been transferred to universities to scholarships, I think I mentioned in second reading that when we checked with our stakeholders, most were unaware of that. I suppose it says something about the current state of our economy that $11 million was considered to be a somewhat inconsequential amount of money, and there wasn't a lot of interest. When the government sought out input from stakeholders, there wasn't an awful lot of feedback either.

The purpose of the act, of course, is to establish a primary repository and claims system for unclaimed or abandoned personal property and is consistent with the recommendations that were made by the Uniform Law Conference of Canada. We're supportive of that. I was, for the most part, happy with the explanations that were provided to the questions that I asked in second reading when the bill was in the committee stage. I do still question why this money that is realized from the unclaimed personal property should have to be transferred into general revenue as opposed to being directed to scholarships, as it was originally intended to do under the previous act. Nevertheless, we're certainly not going to hold up the business of the province over that relatively minor detail.

I will wish good luck and say goodbye to Bill 23 and look forward to further debate on the remaining bills this evening, if I can say that. I understand that according to the official records – this is a little fact for the students as well – we're still actually Tuesday evening, so we're in a bit of a time warp.

Before I take my seat, Mr. Chair, I'll just relay a little story from a former member of this Assembly who I was speaking to this morning, one who's well known to the Assembly, Mr. Frank Bruseker, the current president of the ATA. He told me that when he found himself in a similar situation several years ago, he actually stood at the door to the left of the Speaker's chair and had one foot outside the door and one foot inside the Chamber and asked the Speaker if, in fact, his right foot was in Wednesday and his left foot was in Tuesday. The Speaker confirmed that that was the case, so we really are in a bit of a time warp.

Thank you.

The Deputy Speaker: Are there others?

Does the hon. Government House Leader wish to close?

Mr. Hancock: Question.

[Motion carried; Bill 23 read a third time]

Bill 24
Real Estate Amendment Act, 2007

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

Mr. Rogers: Thank you, Mr. Speaker. It gives me great pleasure to stand to speak this morning, even though it is officially yesterday evening, at this great demonstration of the unselfishness of the members of this House, sitting through the night, from 8 o'clock last night until some time yet to be determined, to do the people's business.

With that, it gives me great pleasure to move third reading of Bill 24, the Real Estate Amendment Act, 2007.

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

11:20

Mr. Agnihotri: Thank you very much, Mr. Speaker. I'm pleased to rise and debate again on Bill 24, which I am supportive of. Once again, I thank the hon. Member for Leduc-Beaumont-Devon. This is a good attempt to strengthen the ability of the RECA to investigate cases of mortgage fraud, criminal record checks for the realtors, appraisers, and some brokers. The hon. member was a licensed realtor some time ago.

Mr. Elsalhy: You, too.

Mr. Agnihotri: Myself as well.

Mr. Elsalhy: Did you know him before he became an MLA?

Mr. Agnihotri: Yes. I've known him for a long, long time, and he always had a very good record. He has been very honest and a good realtor in the area.

Mr. Elsalhy: Did he sell lots of houses?

Mr. Agnihotri: He sold many good houses. I don't know how much money he made, but he's a good realtor.

An Hon. Member: Did you make more money than he did?

Mr. Agnihotri: Well, I don't want to discuss what I earn. Okay?

Anyway, Mr. Speaker, it's a good bill. My question I raised in second reading as well. Some realtors in Alberta have a licence and some don't. According to the information I have, the RECA has the power to investigate or interrogate only the licensed realtors in Alberta. What about the realtors who don't have licences and are making deals under the table? I think this is not only unethical; it is wrong and criminal. What are we going to do for those people? All the realtors and even the RECA should be very responsible for the people who are dealing with huge amounts of money.

One more question I raised during second reading was all the regulations. We are giving powers to the minister. How come we don't deal with those regulations here in the legislation?

Another thing I raised in second reading was that I found out that in, say, 10, 20 years there was no member from the opposition involved in the real estate board. I just want to know what the government is trying to hide. Also, we should find some more ways to investigate and interrogate the people who have criminal records. I mean, if they do some sort of criminal act and they have a record, they get away one time. What are we going to do a second time?

Another thing I want to raise, Mr. Speaker, is that in December 2005 I already mentioned that a committee made up of government leaders, law enforcement, and the real estate industry put forward eight recommendations to the government regarding mortgage fraud. The hon. Member from Leduc-Beaumont-Devon knows very well those eight recommendations. I can repeat again.

The first was that the government of Alberta participate in a mortgage fraud prevention committee to encourage communication, develop best practices, and improve training for workers in the mortgage and real estate industry.

Declare mortgage fraud a government priority and establish specialized mortgage fraud investigation and prosecution units.

Quantify the financial impact of mortgage fraud in Alberta.

Amend the Real Estate Act to ensure the Real Estate Council of Alberta has the necessary investigative powers and the ability to share personal information about mortgage fraud perpetrators.

Review privacy legislation and suggest amendments to facilitate sharing of personal information related to mortgage fraud between law enforcement and investigating agencies.

The sixth one, raise public awareness of the criminal nature of mortgage fraud.

The seventh, amend Alberta's Law of Property Act to allow lenders to sue on the covenant except on farmland and owner-occupied residential property.

The last is to review whether the land titles office should send notices to lenders/property owners when there is a suspected incident of mortgage fraud or fraudulent transfer of title.

There were eight recommendations back in December 2005. My question is: how many recommendations has this government implemented so far? Lots of my colleagues in the past were talking about resumption of the mortgage fraud and the sometimes delay in the land titles office, and those problems still exist in the industry. Some time ago it was purely under the provincial government. What is the best thing for Albertans? How can they get the best value? How can they feel protected when they deal with a licence holder or without a licence holder? That's the big question. Lots of people have been asking this question for a long time, and they are still asking.

If the hon. member could discuss it with RECA or any official from the board, that would be really appreciated. I am interested. I want to know what exactly they feel. I'm 110 per cent in support of this bill because Alberta is one of the busiest markets for real estate and mortgage in North America. There are chances. If we don't take some concrete steps now, the effect of this fraud could be even worse in the near future, so we should start working on this. I'm sure we should involve the all-party committees and discuss with the real estate board to make sure that we find the solution for the fraud which has been happening for a long, long time in Alberta, especially resumption of the mortgage.

I think resumption of the mortgage is only available in Alberta. That's the loophole. People flip the properties. They buy and sell it to somebody else. Even the people working in the banks know how they can play the games. Some innocent people don't know, and they suffer because of that.

So these are some concerns that I repeat again, and I request the hon. member who sponsored this bill to pass on my message. This is a good bill. I want to see it better. We should lead on this matter in the nation.

Thank you very much.

The Deputy Speaker: Others?

The hon. Member for Leduc-Beaumont-Devon to close the debate.

11:30

Mr. Rogers: Thank you, Mr. Speaker. I would like to sincerely thank the opposition for the constructive debate on this bill and particularly the Member for Edmonton-Ellerslie, with his extensive experience in the field.

I would say that this bill, being the first major revision of this act in 10 years, tried to encompass as much of what needed to be added to make the real estate industry in this province that much better and to protect the consumer. Whether we got it all I think time will tell, but I would suggest that maybe within a few years after the passage of this bill we will start the process again to deal with some of the pieces that we didn't quite capture in this go-round.

I would also remind the hon. member that it is illegal to trade in real estate in this province without a licence under RECA, and anyone that is found to be trading in real estate is subject to prosecution. There are companies, Mr. Speaker, that operate on the

periphery of this industry, but technically, as the definition stands today, they are not trading in real estate, and as such they are not covered by this legislation. I don't intend to name any of those companies at this time, but suffice to say that I believe that we've made a concerted effort, and I think that this amendment will go a long way to protecting the consumers of this province.

Again, I thank the hon. member for his support of the bill, and I would close debate and move third reading of the bill, Mr. Speaker.

[Motion carried; Bill 24 read a third time]

Bill 35
Alberta Personal Income Tax Amendment Act, 2007

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

Mr. Rogers: Thank you, Mr. Speaker. Again, it gives me great pleasure to rise and move third reading of Bill 35, the Alberta Personal Income Tax Amendment Act, 2007.

Again, Mr. Speaker, just to remind the Assembly that these amendments reflect changes in budget 2007-08 and also are meant to synchronize Alberta tax legislation with changes passed earlier this year in the federal budget, again solidifying the position of this province as the best tax environment across this country. I look forward to third reading.

Thank you.

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

Mr. R. Miller: Thank you, Mr. Speaker. Briefly on Bill 35, the Alberta Personal Income Tax Amendment Act, 2007, as the mover of this bill knows and certainly the Finance minister knows, I spoke for the most part in favour of this bill in second reading and in committee, with a couple of provisos, the first being, of course, that the one income tax change that the Official Opposition wishes were in here and is not – in fact, it's noticeably absent – the one thing that not only ourselves but many others have been calling for for many years is the elimination of the health care premium tax. I would implore the member and the Finance minister to please consider making that change in the upcoming budget in February. It's something that is long overdue and certainly in the current economic climate is achievable. Over the past several years I've been accused when I've mentioned that: "It's not sustainable to remove that health care premium tax." But, in fact, the government's own financial records show that it's perfectly achievable to do so. All it really takes is the political will to do so. So I'll continue to talk about that at every opportunity.

The other thing I would just like to mention before we allow this bill to pass through third reading is the fact that while there are some amendments in here that will be favourable to a number of taxpayers, they don't go far enough. They don't go all the way. As an example, Mr. Speaker, we do have the increased amount of medical expenses that a caregiver can claim, that has been raised from $5,000 to $10,000. As the mover of the bill indicated, that is consistent with federal legislation. It's a good thing. However, it's not indexed to inflation. When I mentioned that in second reading, I know that we had the Minister of Finance nodding his head, and I think he even spoke at one point and suggested that that was a good idea and something that could be considered in future years, so I'm hopeful that the government will consider that.

Likewise, the eligible adoption expense is now a tax credit of the lesser of the total adoption expenses or $10,000 I guess is the way it reads and, again, not indexed to inflation. I wish it were.

Finally, Mr. Speaker, the monthly education expense claims were at $400. That's being raised to $600 for a full-time student, and a part-time student is being raised from $120 to $180 per month. Again, I would like to see those allowances indexed to inflation. In this economy that we find ourselves in, as we're experiencing somewhere between 5 and 7 per cent inflation, if we're not indexing those, then of course the taxpayers involved are actually losing benefits every year to inflation. I would strongly encourage and I know the Finance minister committed to looking at those proposed changes in future amendments. I would encourage the hon. mover of the bill to put the pressure on the Finance minister and make sure that he does in fact give serious consideration to indexing those amounts.

With that, Mr. Speaker, I'm happy to recommend to my colleagues that we support Bill 35 in third reading.

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

Mr. Eggen: Thank you, Mr. Speaker. Bill 35, Alberta Personal Income Tax Amendment Act, 2007. As I had previously stated in second reading, I certainly do approve of this particular bill. It's interesting, when one opens these personal income tax issues, that it brings to mind other personal income tax reform that would be I think welcomed and useful for the public here in the province of Alberta.

The most substantial part of Bill 35 seems to deal with the personal tax credits for donations above $200. I just know from my own experience in looking at people's donation patterns here in the province of Alberta that people usually make smaller donations than that $200. I would have liked to have seen that number lowered in keeping with what regular people are donating and to reward them for making that personal choice to donate to a charity.

I guess the incongruence between the credit donation level that registered charities enjoy and the level of return that political donations enjoy is something that has always concerned me as well because of course the level of political donation return is much more advantageous than any charity you could donate to. I think, once again, it's these perceptions that people have that contribute to a sense of perhaps injustice – right? – between donations to political parties and charities. I think that that could have been perhaps addressed here or later, in the future.

[The Speaker in the chair]

Looking at other forms of personal taxation in the province of Alberta to resolve some outstanding issues I think would be useful as well. The previous speaker mentioned quite correctly that a glaring omission is health care premiums. If we could see some movement on that, I think everybody would be happy. It's an overdue, unfair flat tax on the population here in the province of Alberta which unduly penalizes persons earning less money. I think everybody would welcome a revocation of the health care premiums here in the province of Alberta.

The logic behind them is very thin at best and somehow has some underlying sort of patronizing element to it, where I've heard people say: oh, well, it reminds people that it costs for health care. Well, I think that people know that health care does cost and that people are happy to have a public system and support it because it provides the best value for money and security for individuals and for their families. To suggest that you have to be teaching someone every month or every year to pay a premium to remind them of the value of their health care system seems spurious at best. I think people know that. They also know that a flat tax, which is what the health

care premiums actually are, is not particularly equal and/or fair and/or relevant here in the province of Alberta at this juncture.

11:40

Bill 35, Alberta Personal Income Tax Amendment Act, 2007: certainly I've expressed my support for the substantive parts of this bill, and I look forward to further personal income tax reform here in the future, not the least of which is a return to a progressive income tax system, which, again, is something that is a glaring omission in the regressive system that we have here in the province of Alberta. A progressive taxation system is the basis of an equal and fair tax system for people. It's used around the world, and certainly it would be in the best interests of Alberta to reintroduce it here too.

Thank you.

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

There being none, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

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

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

Mr. Lukaszuk: Thank you, Mr. Speaker. Sitting with us in the members' gallery is a class from Lamont elementary school. They came here to visit us and learn about the process of the Legislature. Perhaps they will not get the regular spectacle of question period that they would normally get roughly at this time or shortly after this time, but I hope that they will learn from this experience and see what it is that we do in the Chamber through the whole night and throughout the day. To you and through you to all members of this Legislature, please welcome students from Lamont elementary school.

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

Bill 35
Alberta Personal Income Tax Amendment Act, 2007
(continued)

The Speaker: Hon. members, are there additional speakers on Bill 35?

Hon. Members: Question.

The Speaker: Should I call on the hon. Member for Leduc-Beaumont-Devon to close the debate?

I'll call the question then.

[Motion carried; Bill 35 read a third time]

Bill 36
Alberta Corporate Tax Amendment Act, 2007

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

Mr. Rogers: Thank you, Mr. Speaker. It gives me great pleasure to rise and move third reading of Bill 36, the Alberta Corporate Tax Amendment Act, 2007.

Mr. Speaker, like Bill 35 this bill amends the taxation act on the business side, on the corporate side, to reflect the changes in Budget 2007 and also to synchronize with the federal budget of this year. I would like to take the opportunity to thank the members opposite for their spirited discussion of this bill and their ultimate support, and I'd move third reading.

Thank you.

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

Mr. R. Miller: Well, thank you, Mr. Speaker. Again, not an awful lot left to say on Bill 36, the Alberta Corporate Tax Amendment Act, 2007, although every time I hear that encouragement coming from the other side, it really does tempt me to find something to say.

I think, again, that for the most part this bill is making changes very similar to Bill 35 that mirror some changes and recommendations from the federal government, and we didn't have an awful lot of concern about it.

One thing I will point out, however, was that when I mentioned in second reading that small business was pleased to see the small business threshold raised from $400,000 to $500,000 in income to allow them to claim the small business tax rate of 3 per cent, I did suggest at that time that small business might really have liked to have seen that threshold raised immediately as opposed to over a period of years. When I made those comments, I can tell you that my phone was practically ringing off the hook and my e-mail was going crazy from stakeholder groups and small businesspeople saying: "Absolutely. That's exactly what we would have liked to have seen." I guess I perhaps struck a bit of a nerve there with small business. You know, as much as they certainly appreciate the gesture, they really would have liked to have seen it implemented all at once as opposed to being phased in.

I guess the last thing to reiterate is just the fact that we've now eliminated the Alberta royalty tax credit and the royalty credit for individuals and trusts, and that is something that the shadow minister for Energy, my colleague from Edmonton-Gold Bar, has been calling for for some time, and he's very pleased to see that that has finally happened. According to the government's own figures it should result in approximately $111 million extra into the provincial treasury.

It is interesting to note that as far as the Alberta royalty tax credit is concerned, industry was given only three months' notice to adapt to that as opposed to the approximately 15 months' notice that industry was given to adapt to the new royalty regime that the Premier announced on the 25th of October. That's just an interesting little side note, I suppose.

As I said, for the most part we are supportive of this bill, and I don't see any particular reason to spend any more time debating it, having made the comments that I wanted to make particular to the small business threshold and the royalty tax credit.

Thank you.

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

Mr. Eggen: Thank you, Mr. Speaker. I just wanted to make some brief comments on this Alberta Corporate Tax Amendment Act, 2007, as well, more specifically because most of it deals with the Alberta royalty tax credit regulation. I find it interesting to see the links between the earning of additional revenue to provincial coffers and just how much it is influenced by our royalty programs. This move is going to certainly bring in quite a lot of extra provincial revenue, but it's interesting to note that if our royalty program would be restructured to reflect the market rates for royalties as charged around the world in some reasonable way, of course, we would realize considerably more money from this restructuring.

I think that, once again, we have to remember the lesson that the royalty structure that we have in the province of Alberta is integral to so many aspects of the public expenditures that we have available to us here in the province, and the sooner we realize that we can collect our fair share in a much more reasonable way than has been outlined here now, the sooner we can get set to plan and to build a more diverse economy here in the province of Alberta that can meet the needs and challenges of the immediate and long-term future for the province. Of course, any of those revenues that we're not collecting, as we are failing to do on a daily and hourly basis here, is revenue that is gone. It's not available for us to collect again because of the nonrenewable nature of our resources. As a result, we've missed that opportunity to build a more diverse economy and to build the physical and social infrastructure that we require to meet the needs of the 21st century.

This Alberta Corporate Tax Amendment Act serves to meet a very functional need that we have, but I think it should serve as a lesson as well to remind us about both the challenges that we have in our reliance on royalty income and the need to diversify our economy and to build strength for the future.

Thanks.

11:50

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

Shall I call on the hon. Member for Leduc-Beaumont-Devon to close the debate, or should I call the question?

Hon. Members: Question.

[Motion carried; Bill 36 read a third time]

Bill 40
Personal Directives Amendment Act, 2007

The Speaker: The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Speaker. On behalf of the Member for Calgary-Shaw I'm pleased to move third reading of Bill 40, Personal Directives Amendment Act, 2007.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'm pleased to be able to get a chance to speak to this bill in third reading. I haven't been able to get on the list prior to this. I'm really glad to see this bill come before the Legislature. It's important for a number of reasons.

I have had a number of constituents ask for improvements in a series of acts that affect dependent adults: the Public Trustee Act, the public guardian, and the Personal Directives Act. That, of course, also brings into play the Dependent Adults Act because we have a situation now where I think some seniors have been or certainly feel that they have been unfairly categorized under one of those acts, in which they are essentially declared incompetent or not able to manage their own affairs and make choices about their own lives. A number of these individuals say: well, you know, I might have had a bad time for a while, but I'm okay now, and now I find out that I've lost the right to control my own life, even to choose who I socialize with or where I live or how my money is handled. So this Personal Directives Act is one piece in a puzzle.

I have I think it's eight high-rise apartments that are dedicated to seniors' independent living in my constituency. Plus, I have a number of seniors who completely live independently on their own in the community. So lots of people who are getting on in years but are still looking after themselves or are partially still in control of their life and choices, and these acts are really important to them.

Aside from that, I have also had constituents – I'm thinking of one particular story where the couple had actually come here from a different province in which a personal directive was not only allowed, but you were able to register it and it had effect. They were very frustrated when one of the couple had a heart attack on the sidewalk and emergency personnel came. Of course, there's no way to inform emergency personnel that you have a personal directive that says: don't revive me if I have a heart attack and fall down on the sidewalk. The emergency medical personnel are charged to revive you, and there's nothing that would allow them to not revive you.

So we have a missing link here. Even where we do have something like a revised Personal Directives Act, we still are missing that link between having that piece of paper that sets out how we want our personal health matters to be organized and handled if we're not competent to do so and having a direct link to those health providers and having it have some standing with them. Even if this individual I'm talking about, you know, had sort of collapsed on the sidewalk holding their personal directive out in their arms and going, "Please deal with me this way," the medical personnel could not have honoured it.

We need to keep working forward on this legislation. What has been done here today in Bill 40, the Personal Directives Amendment Act, 2007, are steps in the right direction. We've got things like a simplification and a standardization of the process for actually writing these personal directives that actually is based on a legislative review. It is setting out a way to determine regained capacity. We've just had a particular episode, that was actually championed by the Elder Advocates of Alberta, with a woman who had to go to court to try and regain her independence because she was deemed under the Dependent Adults Act not to be mentally competent to look after her own affairs. She was able to fight it out in court to regain some of her independence and some of the choices over her life.

I'm pleased to see that this does set out regulations, not legislation, for personal directives that do set out a process for determining regained capacity, care of minor children, a voluntary registry, and a number of other things. These are all the correct steps in the right direction, but we're still missing a number of other linkages that would make this a truly effective, all-encompassing act that fits in well and works well with those other acts, those being the Public Trustee Act, the public guardian, and the Dependent Adults Act.

I'm aware that my colleague did try hard to amend the act and wasn't successful, and I'm sure that when she spoke, she talked about what her amendment was trying to do. Specifically, she was trying to make sure that where a problem had been identified, which is also anticipated in this act, there would be a requirement that an investigation flow from that, and right now we don't have it. We have an obligation that when someone feels there might be a problem, they should take action, but it doesn't specifically say that there has to be an investigation, and I think that's part of the concern.

I have a number of constituents who have expressed a real interest in this act. I think they had high hopes that it was going to accomplish more than it actually does. The overriding concern that seems to be brought up most frequently around dependent adults is their ability to reverse that process and to prove their competence again, and that's a hard fight. There are very severe tests. The bar is set very high under certain pieces of legislation and no bar at all exists in other pieces of legislation where they could, you know, prove their ability to take back parts of their lives. It can be truly worrying.

I have a request from a person who is a constituent, but it's a third party who's requesting me to take action on their behalf. I can't until I can get a release signed by the individual, and we can't get access to the individual in the nursing home they're in because they're now in there under the Dependent Adults Act. So it becomes a very uncomfortable situation.

I'm pleased to see this. Thank you for the opportunity to let me speak to it. It is an important act for my constituents. I hope we will see passage of this but also that we'll continue to work forward on the rest of what we need.

Thank you very much, Mr. Speaker.

The Speaker: Are there additional speakers on this bill? Shall I just call the question?

Hon. Members: Question.

[Motion carried; Bill 40 read a third time]

12:00

Bill 50
Health Professions Statutes
Amendment Act, 2007 (No. 2)

Mr. Renner: Mr. Speaker, on behalf of the Member for Red Deer-North I'm pleased to move third reading of Bill 50, Health Professions Statutes Amendment Act, 2007 (No. 2).

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

Ms Blakeman: Thank you very much, Mr. Speaker. It seems like just yesterday that I was talking about this bill. In fact, I think that, strictly speaking, it is the same day that I was talking about this bill in Committee of the Whole. I am willing to support this bill because it fits in with the Alberta Liberal policy of health workforce strategy.

Essentially, we don't have enough health professionals. We're now facing a situation in a number of different areas that reflects what's being anticipated in this bill, and that is that as we try and either train or offer residencies, which need to be supervised, or to offer competency exams to those coming with international medical degrees, in each case we need a qualified Alberta professional who is going to either do that additional training, oversee that residency, or complete that competency assessment, and we don't have extra people around.

I have encouraged the government to go out and see what could be done to entice some retired professionals back in, almost in the same way that the teachers use retired teachers to come in and supervise student teachers. You know, the competency is still there. They're not that far out of their profession. They understand all of the requirements. They've done it for a while, so they can see the pitfalls of it, and they earn a little bit of extra cash, so everybody's happy. I think that's what we have to look for to solve some of our other health workforce problems creatively.

Specific to what's being anticipated in Bill 50, we have a situation where individuals were willing to conduct these competency examinations or assessments, but they did not want to be held liable if they passed somebody or gave them a satisfactory mark and that individual went out into the community and did harm, because number one in the medical profession is: first, do no harm. As we are aware, the medical profession also ends up with a lot of litigation against them is what I am trying to come around to there, Mr. Speaker. These individuals are not willing to sort of do a good deed by running these competency assessments and then get dinged with a lawsuit because someone that they had passed went out there and did something that harmed someone or killed someone and that they would be held liable. So we had a blockage, a hitch in the git-along of how we were going to move these forward.

Frankly, these international medical graduates are important to us in Alberta right now. They are often highly trained professionals, but they're trained somewhere else. We need to come to an understanding. We have ways now of assessing their training, but we need to know what their hands-on competency is. That's what these exams are meant to test and assess. So this is to expand the liability protection to those members of the health profession colleges who are willing to come out and do these competency assessments.

I think this is a small but simple yet effective step that the government has taken here in Bill 50. I'm very happy to support that move and urge my colleagues to support Bill 50 in third reading.

Thank you.

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

Mr. Martin: Thank you, Mr. Speaker. This Bill 50, the Health Professions Statutes Amendment Act, is an important bill, I would say, a small step in the right direction. Clearly, we all know – and there has been some discussion in the Legislature – about the shortage of health professionals generally and certainly the shortage of doctors in this overheated economy.

We know what's happening within our hospitals and that, the code burgundies and the code reds. We're in desperate need – desperate need, Mr. Speaker – of more physicians. There has always been a group of immigrant doctors coming in here that we should have tapped and tapped sooner. I'm not sure this will solve all the problems, but I see this as taking one impediment away: the fact that doctors training and working with immigrant doctors now can't be sued. I understand that was a big issue with the College of Physicians and Surgeons. So we've removed that. Good. And so we should. I mean, when we travel around and talk – I think the member for Edmonton-Centre talked about this – and you take all the numbers of people that you see driving taxis or other things who are trained physicians, it seems to me we should be doing whatever we can to get them in, with the shortage that we're facing.

Now, I know that not all of the problems are coming from the government level of this. I think that the professional organizations, too, have to accept some responsibility here because I'm told that often it's very difficult for the people that work with immigrants in dealing with their own professions, to get them involved and to get them more inclusive, if you like, and give the professions a chance for these people to get involved and trained. I would hope that there would be some pressure at least to work in that direction, Mr. Speaker.

I mean, this is a step, as I've said, in the right direction, but I'm not sure what this would mean in terms of numbers. The college said this was an impediment, and we're removing that impediment. But I'm wondering, you know, how many numbers this would actually impact in terms of how many more doctors we can get. My own guess is that it's probably not a lot. So there's a lot more work to do on this, Mr. Speaker. As I say, good that we're removing this impediment; the college said that this was an impediment. Well, I guess, in the short run we'll see how much of an impediment it was. I hope I'm wrong, but I don't think that this is going to add to a big influx of immigrant doctors. I think the problem is deeper than that, much deeper than that. But at least this is a recognition that there is a problem, and we will certainly support this bill.

Thank you, Mr. Speaker.

The Speaker: Hon. members, Standing Order 29(2)(a) is available.
Are there additional speakers?
Should I call the question?

Hon. Members: Question.

[Motion carried; Bill 50 read a third time]

Bill 47
Livestock Commerce and Animal Inspection
Statutes Amendment Act, 2007

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

Mr. Mitzel: Thank you, Mr. Speaker. I'd first like to thank everyone who participated in this bill. It went through all the proper stages. Really, given that there were no concerns raised, as was indicated in the limited debate, in the approval of this bill in all the other stages, I'd like to move third reading of Bill 47, the Livestock Commerce and Animal Inspection Statutes Amendment Act, 2007.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'm glad this bill turned out the way it did because I think there was some concern in the very beginning that there was more going on here, that there was something nefarious, something to be worried about. It looks like it turned out with everybody supporting it, which is always a good thing in this Assembly.

I think the concerns at the beginning were that this was somehow hooked to BSE and importing and being able to test and things, and that's always a worry in Alberta. What we actually saw here was clarification of requirements around security interest disclosure, sale documentation, the actual paperwork, prompt payment, and livestock permits. I think that this also has an amendment in it to the Animal Health Act which would add inspection authority over livestock market facilities as well as the other areas that they currently have.

12:10

Just a few concerns. There are a number of items being added into regulations again, and that never pleases me. The government always argues that this is useful for effective management. In this case they're arguing effective management of licensing and documentation and inspections, but I continue to argue that if they're that important, then the issues should be addressed in the legislation itself, and this should not be done behind closed doors. I think that what exacerbates a concern here is other choices that have been made where the government has made regulations weaker, such as with the confined feeding operations. Again, that happened away from the fresh air and the light of day.

The inspection powers. It's a question about whether the inspections will uphold the rules which have been set out. We have heard some concerns raised with us again around monitoring and enforcement, which has become a very common theme with this government. They set something in legislation or in regulations, and then there's no monitoring ability. There's no monitoring staff to follow up and see if, in fact, compliance is being achieved, if standards are being met, you know, if criteria are being handled appropriately.

Then, of course, there's enforcement. If there's actually monitoring and it's found that there's a lack of compliance, then enforcement needs to happen. Unfortunately, that is the one area where this government fails repeatedly. We had a lack of monitoring and enforcement around infection control. We've had problems around environmental protection. We've had other health examples. There's a number of different sectors that this government just fails, frankly, on monitoring and enforcement. They don't put an emphasis on it. We have concerns about that possibility with this act as well.

Aside from those concerns which I have raised here but that have also been raised by others who have spoken to this bill, we did consult as widely as we could with the obvious choices: the Wild Rose Agricultural Producers, Chicken Producers, Alberta Pork, Alberta Turkey Producers, Alberta Beef Producers, and others that you would expect us to be talking to around a bill like this. Aside from the comments that I've raised, they were pretty much okay with it, so we are also.

Thank you for allowing me to put that on the record on Bill 47 in third reading.

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

Mr. Martin: Thank you, Mr. Speaker. Just very briefly, this bill seems to make absolute good sense. I guess, you know, the point is that this is an important bill in some ways because we all know how important beef safety is, not only for the safety part of it but what happens whenever there is a bit of crisis with one cow or something and the R-CALF and all the rest of them get into it. The legal language is important and all the rest of it, but I take it from the minister, who I see is quoted in the paper, that this is really what this is all about: that we have to streamline and be able to move quickly in terms of our beef safety and our monitoring.

If this bill goes in that direction, Mr. Speaker – and I take it that that's what it's prepared to do; I'm not an expert in it, but it seems to me that that's what it's all about – then certainly it's welcome. This may be a more important bill at some point than we realize if we ever have to face some crisis again in the near future. Hopefully, this will go a long ways in the monitoring of beef safety. We certainly will support it at this time.

The Speaker: Standing Order 29(2)(a) is available.
Additional speakers?
Shall I call on the hon. member to conclude? The hon. Member for Cypress-Medicine Hat.

Mr. Mitzel: Thank you, Mr. Speaker. I appreciate the comments that were just made on this, and I assure you that I will be passing them on.
Thank you.

[Motion carried; Bill 47 read a third time]

Bill 49
Traffic Safety Amendment Act, 2007

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

Mr. Johnston: Thank you, Mr. Speaker. I'll move third reading of Bill 49, please.

The Speaker: Okay. Bill 49 has been moved.
The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. In order to support Bill 49, which hopes to cut down on the number of injuries that are caused

by people who speed through intersections and through red lights, we need to know that this is not just a photoradar cash cow circumstance. Like photoradar, the punishment, the fine, comes in the mail some time after the inappropriate action took place, and therefore the potential for changing attitudes despite a fine is somewhat limited. It's kind of like, you know, getting after your young puppy for eating your slipper two weeks after the fact. However, I support this bill if the statistics that the government can produce show that by the actions of these cameras and the tickets that follow, driver safety is enhanced.

We weren't able to bring amendments forward. We talked to Parliamentary Counsel. Two amendments that I would have liked to have brought forward and that I would encourage the government to incorporate were on how the money that was collected would be spent. As I say, rather than it disappearing into general revenue, I was given assurance by members of the Ministry of Infrastructure and Transportation that the money would be spent as determined by local police forces.

What I would like to have and would like to encourage government members to consider is using a portion of the money that is taken from these ticket fines and putting it into driver safety initiatives. There are two very highly successful programs that I would like to see potential investment in. One is the teenSmart program, which is aimed at young first-time drivers during the graduated licence stage of their education process. This program has been enthusiastically embraced in the United States and has demonstrated that by adopting this program, many young lives have been saved. The graduated licence program is improved by a lengthier process through the teenSmart program.

12:20

Another area where I would have liked to have seen the money under Bill 49 spent is on a sim program, a simulated driving education program, which takes a young student, or an older student for that matter, into a very safe environment, and they have an opportunity to progress through a series of simulated driving experiences that they might not have on the road prior to getting their licence. For example, it takes into account road conditions worsening, the onset of snow or heavy rain, and the slipperiness of the roads. In the safety of the chair in a room in front of the simulated program the student has an opportunity to develop the reactive measures necessary to then transfer it to the roads, all within the safety of the program. The beauty of the sim program is that if a student makes a mistake, the program shuts down as opposed to if they made a mistake in real life, which could cost their life or the lives of others. Spending money on safety initiative programs like sims and like teenSmart would be a terrific justification of the money that would be collected under Bill 49.

Another area that I would encourage the government to consider adopting is that if you want the offence of speeding through a red light and identify particular intersections that have become deadly through recurring crashes, then consider the idea of demerit points. If a person, particularly a repeat offender, sees the points on their licence disappearing, then they're more likely to take their actions seriously. We've had the situation of an individual from up in the Lesser Slave Lake area being considered potentially as a dangerous offender for repeatedly driving while under the influence of alcohol, sometimes going so far as to actually steal the vehicles with which his accidents have occurred.

There is no doubt that we need to improve traffic safety, and with the money that comes from these fines, I would hope that it would also contribute to the hiring of more police enforcement officers because no ticket, no fine can take the place of an on-duty officer posted on a frequent stakeout circumstance at these troublesome intersections. I know we don't have resources such that we can have, obviously, a police officer at each of these intersections, but it's through these programs rather than after-the-fact tickets that driver safety will improve.

I do thank the mover of this Bill 49. I'm not worried about the confidentiality or the potential of prying into individuals' rights. These cameras are pre-established, and if they contribute to safer driving and save lives, then I'm extremely supportive of Bill 49.

I'm hoping to see in the near future – and I believe the Member for Calgary-Hays will reintroduce my Motion 506, that I introduced in the spring of 2005 – a ban on cellphones. Hopefully within his piece of legislation he will consider not only the hand-held version but also the hands-free version, as Dr. Francescutti, an emergency physician here in Edmonton, has suggested.

Again, I do thank the member for bringing forth Bill 49. I hope he will take into account the preventative safety measures I've suggested and also the hiring of more police forces for on-the-spot enforcement.

Thank you.

Mr. Ouellette: Mr. Speaker, I feel it's very important that I get up and tell all Albertans how important this government feels traffic safety is in Alberta, and I know that all Albertans believe traffic safety is very important. In this bill today the speed on green seems to be what people are talking about a lot. I just want everyone to realize that what this is all about is strictly an enforcement tool that we are putting out there to help law enforcement make our streets safer, and they're to be used in high-collision intersections.

But I also want to state that unless we get everybody thinking strongly – we know that most collisions in Alberta are caused by people who just happen to not pay attention for a few minutes. The most important thing that will increase safety for all Albertans is for people to pay attention to what they're doing when they're driving. We know there are all kinds of distractions out there, and we are going to try to address those distractions and make sure that we make all of our streets and roads, especially the provincial highways, safe for Albertans so they all get home to their families and their loved ones.

With that, Mr. Speaker, we'll carry on with the bill.

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

There being none, the hon. Member for Edmonton-Beverly-Clareview.

Mr. Martin: Thank you, Mr. Speaker. I spoke in second reading on this, and I want to reiterate an important point, I believe. Frankly, traffic safety is important. The record lately, if you read some of the comments in the papers – and I think the minister of infrastructure is talking about it – is that we have problems. We all have to be concerned about that. I just saw some stats about, you know, the recent increases in casualties, and the number of collisions is going up, and that is a concern to all of us.

Whether this will help or not, though, is somewhat debatable. I'm sure the minister has talked about that. When the city of Edmonton's Police Commission looked at this – I'm talking about the green lights and red lights, not about the drunken driving thing – about the red-light cameras that are there now, they found that the statistics were inconclusive on whether it was solving the problem or not. So is there a better way to do it or not? I worry sometimes about Big Brother – I'm sure we all do – and the Member for Calgary-Varsity alluded to it. Not that I've had any experience with this, of course.

Dr. B. Miller: No. You've heard about it.

Mr. Martin: I've heard about this, getting tickets in the mail after the fact.

I guess I would argue that with the economy the way it is and people moving in, we definitely need more police, and I still think that that's the most effective way to deal with it, Mr. Speaker. There's a big difference between getting a ticket in the mail later on and saying, "Do I go through the court?" or whatever and paying it – there are no demerits – and being pulled over by a policeman and a ticket written. That has some impact.

The other thing I would say about it. I go back into ancient history, when I used to – and I've mentioned this – live in Calgary. I think this program was effective. As a high school counsellor in Calgary at the time they tried to bring in the idea that if you got so many demerit points or at a certain level, then you had to go and take some courses, and one of them was traffic safety and the rest of it. One was just counselling to deal with attitudes. It was interesting to see how people would change their minds after a few sessions there.

I think that if we could bring that sort of program in when people get up in the demerits because there are the perennial speeders, the perennial reckless drivers. The minister has talked about cellphones and distractions – it's true – but we do know there's a certain group of people that get up there and are creating havoc. With more police and more of these sorts of programs I would argue, Mr. Speaker, that this would be a much more effective way to deal with traffic safety, especially in view of the Edmonton Police Commission's study on what's already there, that they found it inconclusive. So I throw that in as an alternative that we should be looking at down the way. That's a budget item to get more police, but maybe there's a better way to deal with driver education and attitude changes and all sorts of things that we need.

Thank you, Mr. Speaker.

12:30

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

The hon. Member to close the debate?

Hon. Members: Question.

[Motion carried; Bill 49 read a third time]

Bill 52
Corrections Amendment Act, 2007

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

Mr. Johnston: Thank you, Mr. Speaker. I'd like to move third reading of Bill 52.

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

Mr. Elsalhy: Thank you very much, Mr. Speaker. I participated in the debate on Bill 52, the Corrections Amendment Act, 2007, in Committee of the Whole.

Mr. R. Miller: What time was that?

Mr. Elsalhy: It was earlier this morning, much earlier this morning.

Now we're in third reading. I have to note, Mr. Speaker, that this bill did not receive second reading, actually, or received it without any debate because it was moved and passed in the span of about 30 seconds.

Mr. Rodney: Excellent.

Mr. Elsalhy: I actually question the Member for Calgary-Lougheed expressing his happiness and admiration with the way that this bill passed second reading. I have to disagree with the hon. member. This is the way, obviously, the government bills it as efficient, and the Member for Calgary-Lougheed calls it open and transparent. I disagree.

However, it did receive extensive debate in Committee of the Whole, mostly from this side of the House because members from the government only reacted to amendments and ideas I think once. It was unfortunate that three amendments were introduced in the House and that these amendments were rejected with really very little debate. I thought that the arguments from the government were particularly weak in terms of: "Well, you know, yeah, good idea, but we're going to do it anyway, so there is no need for amending the legislation. There is no need for putting it on the record. We'll just do it the same way, in regulation again." Which is something that is not debated.

Now, I'm going to briefly reiterate some of my comments from committee, Mr. Speaker. This bill does three things. The first part talks about disclosure, as in telling the victim of a crime the whereabouts, the sentence, and the release information of the offender that committed that particular crime, and we're expanding the definition of a victim to include sons, daughters, spouses, partners, parents, and so on. I agree with that.

Part 2 deals with monitoring or recording inmate phone conversations. I asked a few questions in committee, and I have one comment and one question. The reason we're doing this is to prevent the perpetration of further crime. The reason we do this is to maybe ensure the safety and security of our corrections officers because sometimes they get threatened or harassed or assaulted, and we are also doing this to enhance safety and security for the public outside of the correctional institution. So in that regard I don't disagree. Are we going to just use technology, or is there going to be an individual like a monitoring individual, a call monitor, that is assigned this particular task? I need that clarification because I mentioned places like Alabama and Saskatchewan in my remarks earlier today, and they basically have different ways of doing things. Some people have a person. Some people just rely on technology, and then that recording or that audio is reviewed later if it's necessary.

Then part 3 deals with hearings and appeals in terms of disciplinary action against inmates who break the rules or break the code of conduct within the institution.

My challenge to the hon. sponsor of this bill is with respect to regulations. I would really like this government, if it's true to its commitment to openness and transparency, to either table regulations, to be in the habit or to make this a practice that regulations are tabled periodically. We're not asking for them to be tabled once a month or every two months; we're asking that maybe twice a year regulations that are changed or updated be tabled in the Assembly or be put on the ministry's website for everybody to review and for everybody to go through. I would extend this to ministerial orders as well. People know about orders in council, but they don't know that there is something called a ministerial order, which has a lot of power and does a lot of things on direction from a minister. We don't see these unless we ask for them.

At one point I know that the library here at the Legislature kept some archives. That was the practice, you know, before. I remember, for example, looking through these records. When you, Mr. Speaker, were a minister of the Crown, I noticed that it was your practice to make available your ministerial orders for everybody to see. It was an open and transparent approach, and I commend you.

Mr. R. Miller: Those were the days.

Mr. Elsalhy: Those were the days. Absolutely. This cabinet and this administration should really borrow a page from your book from back then, Mr. Speaker.

I am willing to work together with the hon. member. We expressed support in committee. We're on the same page when it comes to making communities safer, making people safer both who work within the correctional institution and those who are outside.

I'm going to end by issuing another challenge to the sponsor of the bill and to the Solicitor General by extension. If we're truly concerned about the safety and the well-being of our correctional officers both emotionally and physically, I think there's another layer to add, which is their well-being financially. I have challenged the minister to reclassify correctional officers in this province and to modify their pay scale to reflect the value and the appreciation of this government and the people of this province for the work that they do.

In a correspondence with the minister between myself and himself and even in this House the minister has indicated that the situation hasn't changed from 2000 till now, over seven years, that they do the same work and they're exposed to the same stresses and the same difficulties, so maybe it doesn't warrant a pay increase of the same magnitude as the sheriffs have experienced. I have to argue that times have changed, and 2007 is nothing like the year 2000, Mr. Speaker. We have the incidence and the magnitude of violent crime increasing. The sophistication of crime is increasing. Gang activity is increasing, and that gang activity actually translates to the inside of our correctional institutions as well. It is a place that is very stressful. These people do excellent work dealing with these inmates and maintaining order, carrying out sentences. They do inmate transfers between institutions. They take inmates to courthouses and so on.

I think the time has come for them as well to be looked at favourably, with a favourable eye from this government to reflect our appreciation for their work. We worry about their safety. We worry about their well-being physically and emotionally. I think we should add that layer as well and worry about their well-being financially. I think it is ridiculous and it's absolutely unacceptable for a human resources individual to tell members from our corrections community that if they don't like their pay, they either quit and apply to be a sheriff or they quit and reapply in three months to get higher pay. I think this is just absurd.

This is a challenge that I am issuing, and I appreciate the opportunity. I am voicing support. I am urging the hon. Member for Calgary-Hays to continue to work with me as the shadow minister on this side of the House to make things even better in the future.

Thank you.

The Speaker: Others? The hon. Member for Calgary-Elbow.

Mr. Cheffins: Yes. Thank you, Mr. Speaker. I rise in support in principle of this bill. I believe that intervention is required. I believe that we need to be aware of activities that are going on within the institutions, I think, for some of the reasons that have been outlined, including by my colleague here.

12:40

I'll begin by referring to part 1. I do think that our justice system needs to have more emphasis on victims and expand the definition of victims to include those that are parents and children and family members and recognize that when a crime is committed, it's not just committed against that individual. As serious as those consequences may be, it's also committed against the community, in particular those that are closest to that victim. We need to recognize that, and I think we need to take a look at a number of measures that may be effective in that regard. I'm interested in perhaps pursuing that at a future date as well.

I do think we need to be concerned for the victims and bring them into the process and give them options and opportunities and help to make them feel empowered throughout the process. I have some experience with this in my previous work, and I know that improvements can be made in that regard. So I think that turning our attention to these issues is a good idea, and this is why, again, I rise to express support for Bill 52 and for the sponsor of this bill.

I also would like to express my support for measures that improve safety for guards and all the institutional staff that work with offenders, to try to address these issues that so badly need addressing.

I'm also interested in learning more about how this will all unfold. As a result, I do have concerns about regulations that might follow, and I think we do need to have those made public so that we can look at those and improve on them wherever possible.

I think the other thing is that as we're looking into conversations and activities within the institutions – and that's very necessary – I think we want to take a look at why it is that we want to do that. Yes, we want to intervene and try to be able to reduce crime and the incidence of crime. As my colleague has indicated, we have to make sure that our institutions don't become areas where the crime culture gets a boost, in fact. We want our institutions to be an area where concerns around crime and the crime culture actually get reduced by having the public, through the institutional process, including staff members and volunteers, come into the institutions and address some of those issues, including some of the core issues that are involved in the area of crime.

We're all interested in seeing crime reduction. That needs to be the important, critical component here: to reduce crime and to reduce the number of victims and reduce the price that we all pay, as I say, not just the victims and the grave price that the victims pay but also the price that's paid by family members and the community at large. I think we need to take a look at what it is we're trying to do and to what end. I think that as much as we need to address the issues of intervening to see that crime doesn't get increased or enhanced by the activities of offenders while they're in the institutions, we also need to have an opportunity to see that we're able to work with the offenders and try to increase the opportunities for positive interventions as well.

The reality is that many offenders are in the institutions and certainly have got negative contacts out in the community. We have to reduce that and eliminate those opportunities for that type of interaction, but also we want to be able to support the positive interactions because some of the inmates have also got interactions with positive supports within the community, and these are often the key to reducing crime and reducing the chances for recidivism.

I'm glad that this bill has been brought forward to be able to focus attention on these important issues, and I look forward to future opportunities to be able to address these issues.

Thank you very much, Mr. Speaker.

The Speaker: Standing Order 29(2)(a) is available. Hon. Member for Edmonton-Strathcona, are you in the question-and-comment portion?

Dr. Pannu: Yes.

The Speaker: Then I'll recognize the hon. Member for Edmonton-Strathcona, followed by the hon. Member for Calgary-Varsity.

Dr. Pannu: Thank you, Mr. Speaker. I rise to speak on Bill 52, Corrections Amendment Act, 2007, in its third reading. It's a pleasure to make some final comments on the bill. Bill 52 pertains to the trial and punishment of prisoners in Alberta's correctional institutions for institutional disciplinary offences defined in section 47 of the Corrections Act.

The majority of the prisoners held in Alberta's correctional institutions are the pretrial prisoners, who are presumed to be innocent of the commission of any offence. Nearly all of the remainder of the prisoners have been convicted and sentenced to terms of imprisonment of less than two years. The punishments that may be imposed by the disciplinary tribunals at issue include solitary confinement and the loss of early release. Now, the Supreme Court of Canada has noted that these punishments attract scrutiny under section 7 of the Canadian Charter of Rights and Freedoms.

The bill before us, Bill 52, was put forward in response to the decision last year from Hon. Justice R.P. Marceau in Currie versus Alberta. In that decision Justice Marceau drew attention to section 15(1) of the Corrections Act, and sections 43 and 45 of the corrections institution regulations were declared to be of no force or effect in that they're contrary to section 7 of the Charter. So this bill is in response to fixing the problems to which Justice Marceau drew attention.

Justice Marceau's decision in Currie is not limited to abstract theoretical concepts. Rather, the decision documents many actual instances of human rights violations and gross miscarriages of justice which have occurred in Alberta prisons in recent years. Justice Marceau described disciplinary hearings evidence before him as "perverse" and reflecting "institutional bias and unfairness in the extreme." These are Justice Marceau's own words. He found not only reasonable apprehension of bias but the practice of actual flagrant bias on a widespread and systemic basis.

Mr. Speaker, while the first part of Bill 52, that dwells on providing protection for victims, has our support, I think that the provisions of Bill 52 related to providing more protection to victims and on balance giving victims the ability to seek information in spite of the fact that there may be contrary expectations with respect to the privacy of prisoners – I think that the right balance is struck in creating legislative provisions which enhance the rights of victims and the protections that they certainly deserve to have in law.

The concern that I have is with the part of the bill that deals with the disciplinary offences and the manner in which they will be put to trial and addressed. I think that Justice Marceau in paragraph 196 of his reasons held that

> there is such a clear conflict between the duty of staff members of a disciplinary board in Alberta's correctional centres to maintain discipline and staff morale and the right of the prisoner to have his charges dealt with before a tribunal with a sufficient degree of independence and impartiality, that both the perception of lack of independence and bias and the fact (as proved in evidence) that in a substantial number of cases (almost all cases where there is a conflict between the evidence of correctional officers and that of inmates) there is a reasonable apprehension of bias.

12:50

Mr. Speaker, the section of the bill dealing with disciplinary hearings and appeals and the appointment of adjudicators I think falls short of what the problems were with meeting the requirements as set out in Justice Marceau's decision, so I have a fear that the bill doesn't really address the problems effectively. It doesn't effectively address the issues of independence of tribunals and the issue of impartiality.

Also, in terms of the remuneration to be paid to adjudicators, I think that there's an absence of evidence that their independence will be exercised in making those decisions, which means, then, that either the correctional officers or the administrators of the corrections systems will still have a possibility of undue influence both on the adjudication process and on who makes those decisions; that is, in terms of the appointment of people who make those decisions.

That part of the bill is troubling, and I have difficulty supporting it unless the hon. member who sponsored the bill is able to address these issues in the next little while as we conclude the debate in third reading of the bill.

Thank you, Mr. Speaker.

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

There being none, then the hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. At the risk of being considered soft on crime, I would like to go back to my 34 years as a teacher and suggest that most people are reclaimable. In terms of this bill, Bill 52, I am hoping that the government will consider legislation that provides protection not only for guards but for inmates in overcrowded remand centres who are forced into double- and triple-bunking circumstances, to the point where the quality of their life is so reduced, keeping in mind that they have yet to be convicted of a crime. They're there on a holding pattern.

Also, it is my hope to avoid recidivism. For the people who find themselves on the wrong side of the law for a variety of reasons, whether it's fetal alcohol syndrome, whether it's drug abuse, regardless of the reason that they found themselves in prison, I am hoping that this government will look at education programs that will give them opportunities to take the straight path as opposed to the crooked one that they've taken so far.

It's not just that our laws don't allow for the hang 'em high, lock the door and throw away the key. We have to deal with the possibility that these individuals, except in extreme cases, will be released at some point after serving a portion or all of their sentence. If we don't have a program for them while they're incarcerated, then they will have that hands-on, special internship from the person with whom they share that cell or bed to get a training in crime. So we can't just deal with the monitoring of phone calls, the external observations. We have to deal with the root causes that led them to crime in the first place and then, once they're incarcerated, give them an opportunity through education and counselling to straighten their lives around and become productive citizens.

Also, when we are not necessarily tapping or taping phone call conversations, what protection do we have for the person with whom the conversation is being had? For example, are lawyer/client privileges maintained? If the person is talking to a family member who has had nothing to do with that crime, is that family member informed that their conversations are being taped? Between getting rid of recidivism and dealing with human rights both for the individual incarcerated and the third party with whom they are connected, I would hope that this bill and future bills would take into account improving the process, not just oversight but changing attitudes and giving people a second chance.

Thank you.

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

Hon. Member for Edmonton-Rutherford, on Standing Order 29(2)(a) or to participate?

Mr. R. Miller: To speak to the bill in third reading.

The Speaker: Proceed.

Mr. R. Miller: Thank you, Mr. Speaker. I won't take a lot of time.

I would just sort of like to expand upon the comment that my colleague from Calgary-Varsity made regarding the third party in the situation of the monitoring of phone calls. There was a lot of discussion when we were discussing Bill 49 earlier today about Big Brother watching. I share the same concerns that my colleague has mentioned, particularly in the case of lawyer/client privilege.

We've seen big government spy on its citizens this year. I heard the hon. Member for Rocky Mountain House last night describe the treatment of his constituents. I can't recall the exact words that he used. He suggested, I think, that they were treated in a disgusting manner by their own government. Any time we have a situation where, particularly, lawyer/client privilege could be jeopardized, as I believe could be the case here, I think that we should all be concerned that that doesn't happen. I understand now through the ministry that it is up to an individual to make sure that that doesn't happen, that it's not enshrined in legislation that that doesn't happen. I really believe it should be. As I say, we've seen examples of this this year, and it's something that causes most people a lot of distress to know that that happened. Certainly, it caused the Member for Rocky Mountain House a lot of distress to know that his constituents were exposed to that sort of treatment.

Mr. Lund: Point of order.

The Speaker: A point of order?

Point of Order
Allegations against a Member

Mr. Lund: Yes. Under 23(i) and (j). Mr. Speaker, I never said that there was mistreatment by the government. I never said that. There was mistreatment by the EUB in a hearing. I would ask the hon. member to withdraw those statements. I did not say: by the government.

Mr. R. Miller: Well, I'm not sure whether or not there was a citation there, Mr. Speaker.

The Speaker: Yes, there was a citation.

Mr. R. Miller: Certainly, there's no question that the Energy and Utilities Board is a functioning arm of this government. Mr. Speaker, it's been proven now through e-mails that the Department of Energy was aware of the fact that spies had been hired.

The Speaker: The point here is about the personal member.

Mr. R. Miller: Very clearly last night he was talking about the Energy and Utilities Board and the fact that their actions against his own constituents were disgusting. He may not have used the word "government," Mr. Speaker, and if everything hinges on the word "government," then I will withdraw the word "government" and happily suggest that the Member for Rocky Mountain House indicated last evening that the Energy and Utilities Board's actions against his constituents were disgusting.

Mr. Lund: I will accept that apology. I did not say: the government. He has acknowledged that. Thank you.

1:00

The Speaker: Thank you very much for that clarification, gentlemen.

Now, the hon. Member for Edmonton-Rutherford, please proceed.

Mr. R. Miller: Thank you. And thank you for the clarification, Mr. Speaker.

Debate Continued

Mr. R. Miller: I'm not sure if I can pick up my train of thought here. We had talked about the third parties. Indeed, we were discussing the possibility of either the government or its functionaries spying on its citizens and how deplorable that situation would be.

The other point I wanted to make was that now that we're into this situation where we're going to allow these phone calls to be monitored, I'm hopeful that at some point in the relatively near future there would be some sort of an evaluation of this new protocol so that we could determine whether or not this measure is in fact accomplishing the goals that the mover of the bill set out – i.e., that it is either preventing future crimes from taking place or that perhaps it's bringing to light some crimes that have taken place or something – some sort of an evaluation of the protocol so that we know that, in fact, it's a useful thing that we're doing here. If it turns out, Mr. Speaker, that there was no real need for this measure, that, you know, we're monitoring phone calls for no real reason, that we're not accomplishing anything by doing so, then I would hope that there would be a review of this part of the legislation, and perhaps we could dispense with it if, in fact, it's found to be not useful.

The last thing I would like to say, Mr. Speaker, is just a bit of a compliment for my colleague from Edmonton-McClung, the shadow minister involved on this particular file, for the very hard work that he's done on this case. I have had the pleasure of hearing his arguments throughout today and last evening on this bill and particularly on the amendments, which I think were very well thought out and well argued. Unfortunately, there was very little response from the government side and certainly no support from the government side for what I thought to be very well reasoned and very rational amendments. I would like to congratulate my colleague for the effort that he put into this bill, and I hope that at some point perhaps the members from the other side will see the merit in those arguments. Maybe we'll see an amendment again next year that might address some of those points that were raised in debate in committee earlier today.

Thank you.

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

Shall I call the question?

Hon. Members: Question.

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

Mr. Johnston: Call the question.

[Motion carried; Bill 52 read a third time]

head: **Statement by the Speaker**

All-night Sitting

The Speaker: Hon. members, before I call on the hon. Minister of Education, television has now kicked in, four minutes ago, so viewers across this province and anyone who would access the Legislative Assembly website or the television site will wonder what is happening. For all those who are viewing today and for all those in the galleries, normally the Legislative Assembly sits on a daily basis from 1 o'clock to 6 o'clock. We are currently in a unique situation that happens periodically, this being only the fourth time in the history of the province of Alberta that it's actually happened.

Yesterday the hon. members convened at 1 o'clock in the afternoon, sat until 6 o'clock, took a break for two hours, recon-

vened at 8 o'clock last evening, and have now been going continuously since that time, nonstop, so that session has not risen. We are in exactly the same kind of scenario as we were at 8 o'clock last evening, continuing with the work of the Assembly, but as we have now not risen, the normal Routine that would come in at 1 o'clock on a given day will no longer apply. So the business of the Assembly will continue.

We're currently in third reading process, but I'm now going to ask for the indulgence of the members if we might revert to the introduction of visitors and guests.

[Unanimous consent granted]

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

The Speaker: If members will just bear with me. I have this list of notes from hon. members wishing to introduce a guest or a visitor, so it will take a few minutes. Then, in conclusion of this, we will revert, and we'll go to the Minister of Education.

The hon. the Premier.

Mr. Stelmach: Thank you, Mr. Speaker. It's my pleasure to rise and introduce to you and through you to all members of the Legislature the nominated candidate for the Progressive Conservative Association of Alberta for the riding of Calgary-Mountain View, Ms Leah Lawrence. She's seated in the members' gallery. Leah has a great deal of experience in both her professional and community life. She is an engineer, an economist, and a writer. She also helped start Climate Change Central, the first public/private partnership on climate change in Canada, and is a member of the board of the Calgary Chamber of Commerce. She has also worked for EnCana on finding viable answers to the environmental issues that face Albertans. Leah has lived in Calgary's inner city for over 13 years, where she's an active community volunteer, chairing the Hillhurst Sunnyside Community Environment Committee. I am very proud to have such a strong environmental and community advocate as a member of my team as we build Alberta's future. I would ask that Leah rise and receive the traditional warm welcome of the Assembly.

Mr. Speaker, it's once again a pleasure to rise and introduce to you and through you to all members of the Assembly the nominated candidate for the Progressive Conservative Association of Alberta for the riding of Edmonton-Strathcona, Mrs. Hughena Gagne. Hughena is another familiar face for members of this Assembly as she serves in the office of the Minister of Finance. She has a long history of serving Albertans in a variety of capacities. Additionally, just the other day at a fundraiser I had the pleasure of discovering that she has a great singing voice and does an exceptional impersonation of Patsy Cline. I'm proud to have Hughena as a member of my team as we build Alberta's future. I would ask Hughena to rise and receive the traditional warm welcome of the Assembly.

Mr. Speaker, my third introduction today, and again to all members of the Assembly, is the nominated candidate for the Progressive Conservative Association of Alberta for the riding of Edmonton-Ellerslie, Mr. Naresh Bhardwaj. He's sitting in the members' gallery. Naresh is a graduate of the University of Alberta and has over 18 years of experience teaching in the public system. In fact, he's teaching at J. Percy Page high school. He's an active member of the community, a dedicated family man, president of the Council of India Societies, and has contributed vastly to a number of other organizations. He's also the co-ordinator of the registered apprenticeship program at that school. He obviously brings many years of experience to the team. I'm proud to have him as a member of our team. I would ask that he rise and receive the traditional warm welcome of the Assembly.

Mr. Speaker, once again I'd like to introduce to you and through you to all members of the Assembly the nominated candidate for the Progressive Conservative Association of Alberta for the riding of Edmonton-Rutherford, Mr. Fred Horne. Fred is a very familiar face to the members of this Assembly as he currently serves as the executive assistant to the minister of health. He has a great deal of experience in health care, working in the sector most of his life. He's an active member of his community and still manages to spend some time with his wife, Jennifer. I'm proud to have Fred as a member of our team. I'm going to ask him to rise and receive the traditional warm welcome of this Assembly.

The Speaker: The Associate Minister for Capital Planning.

Mr. Zwozdesky: Thank you very much, Mr. Speaker. It's my pleasure to also introduce some of Naresh Bhardwaj's family, who are constituents as well. First, I'd like to introduce Naresh's wife, Synita. She's a very loving, caring homemaker who has contributed so much to the community, and obviously she's contributed a lot to Naresh's success to date. We want to invite her to please stand and receive our very warm applause. Thank you, Synita, for being here.

Also, I'd like to introduce Naresh's father, Mohinder Bhardwaj. Mohinder has had a very distinguished career with the Canadian National Railway since moving here to Canada in 1975. Seated right beside him is Naresh's son Neeraj. He's a brilliant high school student at J. Percy Page high school, and he's also in the elite level of soccer. If they would all rise now together, Naresh. Thank you all.

1:10

The Speaker: The hon. Minister of Environment.

Mr. Renner: Well, thank you very much, Mr. Speaker. Since I have become Minister of Environment, I have come to meet a number of the most dedicated and talented public servants that there are in all of government, and those are the employees of Alberta Environment. Today we have a group of those employees who are visiting the Legislature, having an opportunity to see the legislative side of governance, and I will be very pleased to introduce them. I'll be shortly meeting them in my office to discuss a little bit of what they have seen during their tour. I know that they're all eagerly anticipating my reading their names to see how many I can actually mispronounce.

If I could, I would like to introduce to you and to all members of the Assembly Liana Banek, Megan McLean, De-Nette Sawin, Mallory Chrusch, Camille Almeida, Santiago Paz, Angela McGonigal, Matt Meier, Robert Magai, Michelle Olsen, Joanne Barwise, Kate Spencer, Cathy Kingdon, Karen Thomas, Christy Foley, and Yayne-abeba Aklilu. I'd ask that they all rise and receive the warm welcome of all members of the House.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'm very honoured and touched to be able to introduce to you and through you to all members of the Assembly a number of constituents of Edmonton-Centre. A group of them are residents of the Cascade Apartments and have just had lease renewal notices that indicate their rent is going to be going up between 26 and 68 per cent, so they have come to us asking for help. We're doing our best to help them,

but there's not a lot available. I would ask Minx Le and the rest of the residents of the Cascade Apartments group to also please rise, and we would welcome them to the Assembly.

Also visiting us today is constituent Linda Eckenswiller. Linda, if you could rise, please. Linda is another constituent who is experiencing very high rental increases and a likely condo conversion. She is working but is finding it a real strain and a diminished quality of life. I appreciate her sharing her story and coming down here today to watch us in the Assembly. Please help me welcome Linda as well.

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

Dr. B. Miller: Thank you, Mr. Speaker. I would like to introduce to you and through you to all members of the House 45 students of grades 5 and 6 from Youngstown elementary school in the Edmonton-Glenora riding. I've always enjoyed going to this school and engaging them in discussions about politics, so I'm glad they're here. They are with teachers Cindy Annala, Lyn Korah, Brenda Lemoine, and Nicole Holland; and parent helpers Dawn McGinnis, Kym Varro, Mike Sonier, John Donner, Penny Stinson, Ken Gee, and Laura Kerr. I invite them to stand and please receive the warm welcome of this House.

The Speaker: The hon. Deputy Speaker.

Mr. Marz: Well, thank you, Mr. Speaker. As we know, today may well be the last day of session. That's the rumour I'm hearing, but I've been around long enough to know that it's never over till it's over. But if it is the last day of session, then it will also be the last working day for Barney Stevens as he's retiring from the Legislative Assembly security service. Barney retired from the Edmonton Police Service in April of 1994 with the rank of inspector and has been in the service of the Legislative Assembly since September of 2000. He's seated in the Speaker's gallery, and I would ask him to rise so that we can all wish him well in his future endeavours and thank him for all his good work for this Assembly.

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

Mr. Flaherty: Thank you, Mr. Speaker. I wish to introduce to you and through you my former football coach, Dennis O'Byrne. Would you please stand in the members' gallery and take a bow. He was famous for teaching me to be called Fingers Flaherty. Also, I'd like you to know that in this particular picture is the famous Bob Goulet. We were on the same team together. We have Paul Stehelin from St. Albert, the owner of the St. Thomas café: great cornbread, as hon. Mr. Horner will know, and also the odd drink there as well if you're lucky. They're standing. Would you welcome them. Thank you very much for coming.

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

Mr. Horner: Well, thank you, Mr. Speaker. Everyone in this Assembly has heard me talk a lot about the co-operation and collaboration that we have with our postsecondary system, and that comes about through a great team that we have in our department, both on the innovation side and the postsecondary side. We work together as one team. We have in the members' gallery some members of that team from Advanced Education and Technology's human resources branch. It is an honour for me to introduce to you and through you to members of the House this group of very talented people. As I call their names, I would ask that they stand and remain standing while I call out the names: Miss Carrie Frey, Cheryl Beitel, Connie Scott, Debbie Bilotta, Heather Hansen, Inessa Serebrin-Janmohamed, Khadija Alidina, Laura Barr, Lauren Blasius, and Mike Annett. As I said, they are rising in the members' gallery, and I would ask all hon. members to give them a very warm welcome.

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

Mr. Lindsay: Well, thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to the members of this Assembly a very, very special guest, Dawna McGrath, who began her career as a correctional peace officer in 1966 at the Fort Saskatchewan Correctional Centre. Dawna is here today with her son Greg and his wife, Janice. Also with her today is Cathy Scott, the director of the Fort Saskatchewan Correctional Centre, and my executive assistant Maureen Geres.

For the past 41 years Dawna has worked in different units at the facility, rising to her current position as supervisor. Earlier today I presented Dawna with the first of the new badges we are giving to each of our 1,500 correctional peace officers throughout Alberta. These new badges are part of the renaming of the correctional peace officers to better reflect the extent of their professional role within the law enforcement community. We value the services they provide to all Albertans.

Mr. Speaker, they are seated in the members' gallery, and I would ask that they rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Member for Peace River.

Mr. Oberle: Thank you very much, Mr. Speaker. Having sat in this chair for 22 of the last 24 hours, it's with great pleasure and a little bit of stiffness that I rise this afternoon to introduce to you and through you some very special faces that are already well known to many members in this House and around the building. The staff members of government caucus work tirelessly to ensure that the daily rigours of life in the Legislature run smoothly so that we as government MLAs can efficiently carry out our roles as representatives in our communities and our province.

I know I speak on behalf of all government members as I give my most sincere thanks and I introduce our staff of hard-working people. They are seated in both galleries, and I'd ask them to stand and remain standing as I call their names: from the whip's office Mike Simpson, Joanne Gaudet, and Craig Chupka; legislative assistants Jan Aldous, Alison Cheung, Carmen Frebrowski, Nicole Guenette, Megan Hampshire, Lerena Kelly, Bartek Kienc, Wendy King, Tracy Kully, Cheryl Lees, Barb Letendre, Hana Marinkovic, Brock Mulligan, Tennille Sadeghi, Lisa Stachniak, Robert Stephenson; and from our research branch senior researcher Brad Rabiey, Paul Bajcer, Jonathan Koehli, Andree Morier, Ben Coleman, Jeri Romaniuk, Warren Singh, and Brett Sparrow. I ask that they receive the warm welcome of all members of the Assembly, Mr. Speaker.

1:20

The Speaker: The hon. Member for Wetaskiwin-Camrose.

Mr. Johnson: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the members of the Assembly a visiting delegation from our sister province in Russia, Khanty-Mansii. The group is here on a study tour examining Alberta's economic

development initiatives in northern regions and government programs that support our aboriginal communities. It's been my pleasure over the last hour and a half or so to host them at a luncheon, a very interesting luncheon, at which time we discussed a lot of issues of mutual concern between our two provinces.

Joining us today in the Speaker's gallery are Mr. Sergey Pikunov, who is the leader of the delegation, Ms Tatiana Kuchina, Ms Alena Shipilova, Pavel Kudym, Ms Anastasia Varakina, and Mr. Ivan Shiyatyy. The group is escorted by Mr. Brian Nicholson from the international governance office with the government of Alberta. The delegation's interpreter is Dr. Roman Shiyan. Mr. Speaker, I see they're all standing in your gallery, and I would ask that we all give them our warm traditional welcome.

The Speaker: The hon. Member for Peace River.

Mr. Oberle: Mr. Speaker, I thank you as I make a second introduction. While our staff of the government members caucus are very efficient, they're not perfect. Missing from the list was Berenika Kalista, also in the research department. My apologies.

The Speaker: Hon. members, I'm also pleased today on behalf of the hon. Member for Edmonton-Riverview to introduce a group of 30 young children from Meadowlark elementary school that are in the members' gallery. I would ask them to rise and receive the warm welcome of the members of the Assembly as well.

Now, are there others? If not, then, hon. members, just to repeat to our visitors and the people who are viewing the Assembly today, normally at this point in time we're in the part of the Routine that goes from 1 o'clock to 1:30, but this is a unique event that we're currently in. The Assembly convened last evening at 8 o'clock and has run continuously through, and we're now in the business of dealing with third reading on a variety of bills. There will be no question period today. The remainder of the Routine is suspended as well. We're into the passing of bills, the making of laws, the ultimate objective for a Member of the Legislative Assembly.

head: **Government Bills and Orders**

Third Reading

(continued)

Bill 53

Teachers' Pension Plans Amendment Act, 2007

The Speaker: I'll now call on the hon. Minister of Education as he will move Bill 53, the Teachers' Pension Plans Amendment Act, 2007.

Mr. Liepert: Well, Mr. Speaker, after some 16 or 17 hours of bells ringing and some debate that took us to some new levels in this Legislature, I found the introduction of guests incredibly refreshing. With some trepidation I stand here and ask that we move back into third reading of bills, but I know that we have to do that. So with that, I move Bill 53 for third reading.

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

Mr. Hinman: Well, thank you, Mr. Speaker. It's a privilege to rise and to speak to Bill 53 in third reading. I'll be brief. There are a few things that I want to go back to that I feel I want to encourage the government on. First of all, this has been an ongoing problem for decades that has not been addressed, and I want to refer back to a bill that this government had in that any surplus money was to go to paying off the debt. This Bill 53 is lacking in the fact that it's still open ended, and this government could take 40 to 50 years to pay off this debt when they have a surplus budget and they put it into sustainability funds and other areas.

I think the first and most critical area is that for years they've been denying there was any debt, and now they've acknowledged it. They've taken on extra, that's going to burden the taxpayers of Alberta. Had they three or four years ago put in the $4.1 billion that they had owing, that was their share, which they had signed and agreed was their share, had they put that $4.1 billion the first time there was surplus money to pay off that debt, I do not believe the taxpayers of Alberta would be in the position now of having a possible $38 billion or $42 billion liability going into the future.

An Hon. Member: Forty five.

Mr. Hinman: Thank you very much. Forty-five billion dollars is the actuary's estimate on what the taxpayers will have to pay over the next 40 to 50 years.

I would urge the government to look at this bill and to use its option to pay off the $4.1 billion debt immediately with any surplus dollars and eliminate that debt, thereby benefiting both the teachers and the taxpayers of this province going into the future. It's critical that we want a good working relationship. The neglect of not honouring that debt, especially in the last four years, when we've had huge surpluses, has raised the animosity.

[The Deputy Speaker in the chair]

They've made a deal with the teachers, which I am grateful for, but I don't think the deal was in the best interests of both parties had they honoured their previous deal. Once again I want to stress that they need to put in at least the $4.1 billion debt, go back and live the spirit of their old legislation that all surplus dollars must go to paying off the debt before we look at other things. I know that we can say that we have a $60 billion infrastructure debt, but we still have to pay off our other debts. It needs to be a priority. I urge this government to move on it. We don't need to increase our sustainability funds. We need to pay off our debts. This teachers' debt is acknowledged now. They've signed a new contract, and I urge them to put in the $4.1 billion immediately or in the next budget if they have to wait and to put the surplus dollars in there.

I appreciate the time to speak on Bill 53. Thank you.

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

Mr. Flaherty: Thank you, Mr. Speaker. I have a few comments. The fact that the government paid the public debt I think is good. However, the question becomes: where are they getting the money from? Where does the government put the role of the school trustee in this province? With government making all the decisions, what does this say about the role of school boards?

After a long battle I'm pleased that the government is finally addressing the issue of the teachers' unfunded liability. Last spring I put forward Motion 503, which urged the government to immediately address the issue of the teachers' unfunded liability and save Alberta taxpayers tens of billions of dollars over the long run. Had the government not considered the issue now, the public cost of the unfunded liability would have reached $46 billion by 2060. Nonetheless, pension liability remains a $6.3 billion debt, and the fact that the government of Alberta boasts it will cover the entire thing leads me to wonder where the money will come from.

The teachers' unfunded liability affects every taxpayer and will continue to do so for generations. The fact that the government of

Alberta claims that Alberta is debt free overlooks that the pension liability is a $6 million debt. In that regard, although I say kudos to the Premier for finally addressing the important issue, an issue that former Premier Klein simply disregarded, I'm concerned about where all the money will come from, how it will affect Alberta taxpayers. Will it be drawn from the Education budget? The Stelmach government has said nothing about how the $6.3 billion debt will be paid off or how quickly.

I'm also concerned about the role of the school trustees and Alberta school boards. As elected bodies the school boards are responsible for the governance of education. They have certain obligations to perform and certain powers to carry out their tasks. I'm concerned that the new agreement will diminish some of their roles and take power away from school boards and trustees and place it within the government. Once school boards enter into collective agreements for five years, it is not certain how much power they will have left in this decision-making process, Mr. Speaker.

In the meantime Alberta teachers have to ratify the deal, and in doing so, they have to agree not to strike for five years. As part of the agreement the Alberta teachers will also receive a one-time $1,500 lump sum next April, and thereafter their wages will be automatically tied to the Alberta average weekly earnings index. Previously teachers had 3.1 per cent deducted from their paycheques to pay for the fund. Eliminating the 3.1 per cent deduction is certainly a step in the right direction as it will also encourage new students to join the teaching profession.

1:30

In my opinion, the unfunded liability has been provincial bargaining at its best. It has the appearance of a good deal, but as the shadow minister of Education I can't help but be cautious of the government's move. With elections just around the corner, it seems to me like a Tory attempt at its best to buy votes, not to mention eliminate the possibility of a teachers' strike.

Thank you, Mr. Speaker.

The Deputy Speaker: Hon. Member for Peace River, before we go there, Standing Order 29(2)(a) is available.

Seeing none, the hon. Member for Peace River.

Mr. Oberle: Well, thank you, Mr. Speaker. I wish to take this opportunity to rise today and recognize an exceptional piece of work by the hon. Minister of Education. News of an agreement followed closely on the heels of the news of the exceptional performance of Alberta students on the world stage, speaking volumes about our youth and the future of our education system. The minister and his staff are to be congratulated, and I'm honoured to do so.

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

Mr. Chase: Thank you very much. I wish the government and teachers and school boards, children, and parents every success with Bill 53. The concern I have, as the Member for St. Albert noted, is the potential for political opportunism rather than debt elimination/reduction.

The government, to cover the teachers' unfunded liability on a yearly basis, would contribute $80 million, and the government could continue ad infinitum just paying that yearly amount without addressing the total debt, which approaches $6.4 billion. Unless the government moves rapidly to address that overall debt, it is going to build, as was noted, to the $45 billion figure, so I'm hoping that the government will move beyond opportunism and contribute more than strictly the minimal requirement of $80 million a year to not only address this debt but to remove it. That's going to take some commitment on the government's part.

I'm also concerned as to how well aware teachers are of the fine print of the details. The government has sort of encouraged teachers by putting in a part of their settlement bonus, I suppose you could call it, although it is their money: $1,500. But that does not address the fact that my understanding is that the debt that was acquired between 1992 and 2007, to the best of my knowledge, may continue to be appearing as deductions in future paycheques. So while the government has said, "We will take over from here on into the future," there is still from 1992 to 2007 accumulated debt that the government, to my understanding, has yet to pick up. So when teachers sign on the dotted line, they are not necessarily losing that particular debt.

I'm also hoping that the government will work with school boards and recognize the valuable role that school trustees, elected representatives, provide. Of course, that role has been dramatically reduced going back to 1995, when the government became centralist and decided that locally elected school trustees weren't capable of managing and collecting one half of their total monies. That was from the educational portion of the property tax. When that was taken away from trustees, their autonomy was dramatically reduced. I am hoping that in the near future the government will give back that local responsibility that they took away from trustees, recognize the valuable work they do.

In praising the Minister of Education for his contributions to this settlement, he basically stated that his biggest contribution was not being directly involved. If not being involved contributed to the settlement, then I praise him for his absence.

Thank you.

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

The hon. Member for Edmonton-Beverly-Clareview on the debate.

Mr. Martin: Well, thank you very much, Mr. Speaker. I just want to make a few comments similar to what other people have made. In second reading I recall the minister saying that we misunderstood the bill.

Mr. Liepert: You still do.

Mr. Martin: No. We're well aware that this is $25 million to additional contributions, but clearly it ties into the recent agreement, Mr. Speaker.

Mr. Liepert: Everything in the world ties into that.

Mr. Martin: Well, say what you want, Mr. Minister. I'll give you lots of opportunity later to talk, I'm sure, and we'll look forward to it.

I think the point still has to be made – and all the speakers are saying this, Mr. Speaker – that we're glad that the deal was struck. We give you credit for that. Take that credit when you can from the opposition. But the important point that all speakers are saying here is that now we recognize that before, the government didn't accept this really as a debt. Now we have to accept it as a debt. I recollect – I don't have it down – I think it's something like immediately $2.1 billion, and, you know, if it's allowed to escalate, it could lead up to $46 billion. So that begs a question. This is a serious chunk of cash, and we're still not sure how the government plans to deal with it. Is it going to be done in the short run or the long run? I think that's what we're all saying is missing at this particular time.

I would hope – I know it's not going to happen – that the Minister of Finance is going to jump up and tell us today. I take it that's not going to happen. Oh, he is. I appreciate that. Mr. Speaker, it's incumbent, I think, on the President of the Treasury Board and the Minister of Education and the Minister of Finance that we do know this fairly quickly, about how we are going to handle this, because, as it's said, probably the sooner the better. I know we have to look at other financial things that we have to deal with, but this is fairly big. It's huge in terms of where we're going. So to the President of the Treasury and the Minister of Finance: I hope that fairly quickly we know how they are going to handle this.

As far as the case as a first step, I'm not going to be quite as cynical about the trustees, having formerly been a trustee. I had great rapport with the Minister of Education when we were in Edmonton, the ex-Minister of Education, the Minister of Finance, when I was with the Edmonton public school board and audits and all sorts of fun things that occurred, Mr. Speaker.

Clearly, the liability has to be dealt with at the provincial level. I'm going to give at this stage the benefit of the doubt that this is not another step towards dismantling or moving towards appointed trustees because obviously the boards could not begin to negotiate the unfunded liability because that's a provincial responsibility. So I will give them the benefit of the doubt now, but we'll watch in the future. Again, there's no doubt that we have to support this $25 million for September 1 to December 31, but we'll look forward with great interest to how we handle the more important amount of money that has to be coming down the tube with the debt.

Thank you, Mr. Speaker.

The Deputy Speaker: Hon. members, Standing Order29(2)(a).

Mr. Chase: I just wanted to ask my hon. colleague from Edmonton-Beverly-Clareview if he was aware that the government is on the hook in terms of unfunded liabilities to the tune of $1.5 billion for other public service sectors? Has he heard or been given any sense that the government is addressing the unfunded liability of these other deserving public-sector unions?

The Deputy Speaker: The hon. member.

Mr. Martin: Thank you. Hon. member, I was not totally aware of that exact figure. I was aware that we had an unfunded liability. Thank you for alluding. When you add that together, that is significant. Clearly, the answer has to be that not only the teachers' unfunded liability but the other unfunded liabilities – we have to know very quickly what the government plans to do with that because that is, again, serious cash, even more serious than what I was talking about with the teachers' unfunded liability. So I look forward very quickly to the government telling us how they want to deal with this debt.

Thank you.

1:40

The Deputy Speaker: Others?

Back on the debate. The hon. Minister of Service Alberta and President of the Treasury Board, followed by the hon. Member for Edmonton-Manning.

Mr. Snelgrove: Thank you, Mr. Speaker. Very briefly I just want to respond to the situation, how it will be dealt with. I can tell you that it will be dealt with with respect for the people involved because that's how this long-term agreement was arrived at.

I had the tremendous privilege of campaigning with our Premier a year ago as we met many of the new teachers in this province that were being burdened with an unfair situation through no fault of their own. Mr. Speaker, the Premier dealt with these people in the way he does: open and honest. He came back to cabinet and said: we'll deal with this issue with respect for former teachers, respect for future teachers, and respect for children. The Education minister had enough respect for the system to step back and let the people involved in it do the negotiations. Mr. Bruseker had enough respect for what we needed to get done to step back and to let the people put forward a long-term solution to a very unfortunate problem.

I can only assure you, Mr. Speaker, that when we deal with these issues with respect for what people bring to the table, for what the consequences are, we will have many more solutions to long-standing problems when we are up front and honest about the situation. It was unfortunate for our new and valuable educators. I can assure you on behalf of the Minister of Finance that as we deal with the long-term solution to the unfunded pension, it will be done with respect to the taxpayers, to the teachers, and to the Assembly.

Thank you.

The Deputy Speaker: Under Standing Order 29(2)(a), the hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. I'd very much appreciate it if the minister and President of the Treasury Board could clarify or give an idea, even sort of a futuristic plan, of how speedily you were hoping to address the entire unfunded liability of $6.1 billion. I would like you to clear up the notion of just $80 million a year to get us past the election. If you can provide detail, it would be most appreciated.

Mr. Snelgrove: Mr. Speaker, the government has entered into a long-term planning reinvestment strategy where the hon. Minister of Finance has set up a corporation called AIMCO, that's going to look after the investments of Albertans in a prudent, responsible way to return their investments. It's not just about saving. It's about reinvestment.

The member asked me about long-term, visionary thinking. If it were up to me, I would suggest that we could use the long-term investment of money to reinvest in our schools and pay a return on the schools back to the teachers' pension fund. I think that allows them to say: yes, this wasn't our making; our solution was solved with the injection of money. To show our commitment back to the students and taxpayers of Alberta, as the Ontario teachers' pension fund invests all over the world, we would like to reinvest in what's most important to them and to us: into the education system.

But I would correct the member about the other unfunded pensions being $1.5 billion. It's about $550 million.

I think we've set the stage, that we are going to deal with these issues responsibly, and I think AIMCO is a huge step forward to being able to do that. Thank you.

The Deputy Speaker: The hon. Member for Edmonton-Beverly-Clareview under Standing Order 29(2)(a).

Mr. Martin: Well, thank you very much, Mr. Speaker. I appreciate the minister speaking at this time about this, but I want to come back. I agree that investments have to be done prudently and that we have to balance off different priorities and the rest of it. We all agree with that. No doubt about that. But, again, we're trying to get some handle because time is somewhat of the essence when we deal with this problem. I guess, just to follow up from the Member for Calgary-Varsity's, what sort of time frame are we looking at that we can take a look at how we're going to handle this? Rather than the

generalities about the investments and that, just a time frame. I know we can't begin to deal with it now because the agreements haven't been settled through the boards, and all 64 have to agree. Assuming that goes through, what sort of time frame are we looking at?

Mr. Snelgrove: Mr. Speaker, the time frame isn't as critically important to us as getting it right is. This has been a long, long-standing situation, and I think it's absolutely essential that we get our investment strategy solid first, build a solid foundation for investment. From that vehicle, from AIMCO, we may be able to offer better solutions after that's in place. It would be irresponsible for me to say that we'll deal with it next week, next year, two years. But the fact is that we'll be dealing with it, and the teachers won't have to. It's something they won't have to have over their head every day they go to the classroom.

I can appreciate that it is interesting. All of the progress as we come through will come back through the Legislature, but it really would be unfair to say a week, a year, a month. At least now teachers don't have to worry about it. Just we do.

The Deputy Speaker: Any more under Standing Order 29(2)(a)?

Seeing none, the hon. Member for Edmonton-Manning.

Mr. Backs: Thank you, Mr. Speaker. I'm very pleased to rise on Bill 53, the Teachers' Pension Plans Amendment Act, 2007. Around this time of year I always make a trip around all the schools in my constituency, and I have a lot in my constituency. This has been an issue ever since I was first elected, a little over three years ago, and I've talked to the teachers in the schools. I must very much congratulate the Premier, the Minister of Education, the Department of Education, the ATA, and its president, Frank Bruseker, for this tremendous achievement in settling this thing, which has lasted as a problem for so many years. Especially coming on, as the Member for Peace River mentioned, some test results which showed Alberta's students among the top in the world in science and math.

The importance of this bill just cannot be discounted. The Member for Vermilion-Lloydminster mentioned that a year ago there was a leadership race in the Progressive Conservative Party, and this was brought up as a problem of many teachers and a problem for teachers coming in and holding them back. This is something that I heard a lot as well, and it's just so great to see this. I think that it can be said again: thank you, Mr. Premier; you're certainly a promise keeper on this one, and I congratulate the government on this.

Thank you.

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

Seeing none, are you ready for the question?

Does the hon. Minister of Education wish to close?

Mr. Liepert: Mr. Speaker, a lot of great speeches and good questions but, as so often happens in this Assembly, none of it relevant to the bill. This particular bill, I need to remind everyone, simply allows us to pay the $25 million or pick up the 3.1 per cent of teachers' salaries between the months of September and December. I would move that we approve third reading of this bill because that $25 million has just about expired.

With that, I would say that next spring we'll have lots of time to hear these speeches all over again when we bring in legislation relevant to the actual deal. I would ask for third reading on this particular bill.

[Motion carried; Bill 53 read a third time]

1:50

Bill 41
Health Professions Statutes Amendment Act, 2007

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

Mr. Hancock: Thank you, Mr. Speaker. It is my pleasure today to move third reading of Bill 41, the Health Professions Statutes Amendment Act, 2007.

I'm not going to go through the details of the act. We did have that opportunity at second reading and in committee. I do want to say thank you to members of the House for your support in what I believe to be very necessary if somewhat painful legislation. Very necessary legislation because – I will say it again; I want to emphasize – this is about assurance. This is about government delivering on its need to be able to say to the people of Alberta: "We have a health care system which you can be proud of. We have a health care system which is of top quality. We have a health care system which is safe for you when you need it." And in that health care system – whether it's the health care professionals, which are the subject of Bill 41, or in one of the next bills coming up, the health facilities, Bill 48 – we have the tools as government to be able to say to the public: "You can have public confidence in your health care system. You can have confidence in the quality of the system. We have the structure in place to be accountable for that system." Bill 41 will help us do that.

Thank you.

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

Mrs. Mather: Thank you, Mr. Speaker. I'm pleased to speak to the third reading of Bill 41, the Health Professions Statutes Amendment Act, 2007. It was a privilege to participate in discussions on bills 31 and 41 as a member of the Standing Committee on Community Services, and I'm delighted that we had a very democratic process. I appreciated the work that I was able to do with the minister and with the Parliamentary Counsel staff.

The more I think about this bill, the more I am surprised to see a bill like this coming from a Conservative government. I would be less surprised if it were coming from another party. It is my understanding that "conservative" in its historic sense means holding onto what is good and not being in a rush to overhaul institutions, customs, and practices that have served us well.

Conservatives uphold traditional pillars of society such as family, church, and the historic professions going back to early trades and guilds. They were loath to meddle in those without serious cause. There are, of course, exceptions in case of emergency or special need. The state will intervene if families where children are at risk need it. It will not permit religious practices that jeopardize life, health, and basic human rights.

In the case of a profession the state may supersede or override an action which it deems to be clearly against the public interest: a medical strike that jeopardizes health services, a teachers' walkout that drags on indefinitely and leaves children unoccupied. These may be grounds for government to intervene. When it does so, it is usually after a prolonged disruption and public calls for action: in short, when the nature of the emergency is clear for all of us to see. This is recognized as emergency legislation, and this is one occasion when a House may sit all night to enact it and to deal with the emergency. Even though some may not agree with the government's proposed course of action, most accept the right and need of government to act in such circumstances.

What is before us here, though, with Bill 41 is something of a very

different order. This is not a crisis that we must face but a list of possibilities that we may face at some time in the future. Conservatives and liberal democrats have generally been reluctant to resort to legislation for every ill or situation one can imagine. We accept that those who are members of the professions are for the most part responsible individuals with a right to make choices and set standards for their professions, accountable collectively to the public if they fail to do so. If they abdicate or derogate their responsibilities, the public may demand that government act, but there's no evidence of that here.

Some say we need this type of contingent legislation like we need fire extinguishers: as a backup we hope we will not have to use. There are stringent regulations around the use of fire extinguishers. We put them behind glass or under seals that must be broken if they are to be used. We don't permit their use casually to put out barbecues or douse fireplaces. They are strictly for emergencies, and there are fines and other penalties for misuse.

In the case of the legislation before us with Bill 41 we have a blend of emergency and extraordinary powers that is extending to situations that do not need them. If this government believes that we need legislation to deal with a breakdown in public order, let them enact it. Let them call it the emergency powers act for professions. Let them stipulate the criteria for determining what makes an emergency: who will decide this, how long it will apply, and how those who wield these special powers will be accountable for their actions and use of those powers afterwards. Let them not include organizational housekeeping duties in the same legislation as emergency powers. Let us not make it open season for fire extinguishers by making such powers available for annoyances rather than for emergencies. Fire extinguishers are not needed to zap flies and blow out candles.

History is littered with stories of abuse of powers intended for emergencies and used when there is not: martial law to stop street marches in Pakistan, pepper spray against protestors in Vancouver. B.C. has fired duly elected school boards when they stood up to education cuts. Alberta has fired health authority members when they criticized provincial policy. Let us not add traditionally self-regulating professions to the list of groups against which government can move when it finds itself in disagreement.

Mr. Speaker, this is a time for small "l" liberals and small "c" conservatives on both sides of this House to look beyond labels and see what's happening here. Conservatives are not living up to their principles if they allow the interest of being in government to give them a pass-key to people's houses, apartments, and professions for some unspecified circumstances that may arise in the future, and Liberals are not being liberal if we allow public leadership and planning to override the rights of citizens and professions to go about their duties unhindered.

In its broadest sense the word "conservative" means holding onto what is good, and "liberal" means benevolent, generous, and giving the other a break and the benefit of the doubt. These qualities are not mutually opposed. That is why the government that gave us Confederation, the party of Sir John A. Macdonald, was called Liberal-Conservative. This moment in our own province is another time that these two complementary perspectives of holding to the good and allowing for the better need to reach out and join hands across the floor. Conservatives are not holding to their values in allowing professions to be brought under state control, and Liberals are not serving the public by allowing that to happen. I really want to call on members on both sides of this House to defeat this bill on grounds of principle.

During the work with the standing committee I and all of our members heard and read many concerns from many stakeholders and also from our own constituents. All agreed that public health must be a paramount concern of government. The amendments that are covered in Bill 41 are about a range of changes, a number of which are housekeeping amendments that will address some identified gaps in the legislation and streamline or clarify the process. Others, however, have much greater significance to the medical and other health professions and could undermine the principle of self-regulation.

Bill 41 requires the immediate notification of the medical officer of health should a health professional or a college employee, officer, or agent know of or have reason to suspect the existence of a nuisance or threat that is or may be injurious or dangerous to the public health. I believe that this amendment helps clarify the role of health professions when a breach of infection control practices may put the public at risk.

We heard concerns about the fact that this Bill 41 raises some significant points regarding the medical profession in particular but all health professionals because it empowers the minister to make orders directing the college to adopt a code of ethics for standards of practice, to appoint an administrator to carry out powers and duties of the college if in the opinion of the minister it would be in the public interest. The minister could make any regulation, bylaw, code of ethics, or standard of practice that a council may make, and those decisions override any made by the college. This potentially violates the principle of self-regulation that this government has said it was committed to over several decades. It raises a number of questions, the most fundamental of which is: what problem is being addressed by this, and what, really, is the best way to solve it?

The College of Physicians and Surgeons has pointed out that sections 135.1 to 135.4 are of real concern, especially 135.4, which would give authority to the cabinet to make any regulation, bylaw, code of ethics, or standard of practice that a council may make under various sections of the Health Professions Act, and such standards, codes, regulations, or bylaws made by the LGIC prevail over any order made by a council. As I'm looking at this, I am concerned about: what is the problem being solved or intended to be solved by this bill, or what policy issue is being addressed by the proposed amendments?

2:00

I believe that colleges and their employees take their statutory duties very seriously. They strive to fulfill their obligations to serve the public and guide the profession to the fullest of their ability. It is important to recognize the effective role of self-governing professions and the part that they play in setting and enforcing codes of ethics and standards of behaviour and practice.

In conclusion, I oppose Bill 41 because of the potential of undermining self-regulation of the medical professions. At the same time, I salute and want to champion the other part of this bill, which is making it very clear when we have concerns about infection or disease how the health professions need to handle those concerns. Overall, I think that the unfortunate part of this bill requires me to oppose it.

Thank you.

The Deputy Speaker: The hon. Associate Minister for Capital Planning.

Mr. Zwozdesky: Thank you very much, Mr. Speaker. It's indeed a pleasure to rise and make a few comments with respect to Bill 41, the Health Professions Statutes Amendment Act, 2007, during this very interesting third reading of the bill.

It's also of note that we have been sitting now for I believe it is 25 consecutive hours, so it's a bit of a historic day that way as well.

Directly with respect to the bill, I've been through the bill, Mr.

Speaker, and I've been listening intently to what comments others have made during third reading and as well during committee prior to this and also during second reading, and I appreciate a lot of the comments and the diversity of views that are being offered. I just want to reassure colleagues that the central parts of this bill really deal with things such as accountability and safety and protection of a health system that we're very proud of and one that we would never do anything to harm. I know that our Premier stands firmly in front of and behind as well – both sides, so to speak – anything that strengthens and improves accountability and safety of patients, care of patients, and so on.

In my view, there are some very good points in this bill that address exactly that. We know that no matter how perfect a system might wish to be, there are always going to be some small issues, some larger issues, and so on that arise. But I can tell you, Mr. Speaker, that when I was the associate minister for health for a couple of years, I saw a lot of aspects of the health care system that really opened my eyes to different approaches. I was delighted when we renamed the department to Health and Wellness because I focused a lot on the wellness side as the associate minister.

I know that at that time there were many speculations about what we could be doing to help improve accountability and patient safety. We know that nurses are accountable. We know that doctors are accountable. We know that administrators are accountable. But, you know, when it comes right down to it, the minister of health or the Premier, perhaps, is the person that people turn to when certain things need immediate attention that perhaps others cannot fix. This bill would enable some of that kind of additional, let's call it, accountability and additional concerns with respect to safety to be specifically addressed.

The other part is to instill in people a greater sense of confidence: confidence that the health system will be there, that it will remain as it always has, fully accountable in accordance with the five principles of the Canada Health Act, whether it's to do with the accountability or the comprehensiveness or the universality or the portability or the public accounting and administration of it. Those major principles of the Canada Health Act: no one is changing or altering anything of significance there. People need to understand that this is also about the confidence that we have in the system, not just confidence that we want Albertans throughout the province to have but also confidence as exhibited by our government.

I'm impressed that various stages of the committee looked at the details of this bill. I know that there were some changes made, and I have to support those. I think they are very proper, and they are very consistent with these kind of assurances that we're talking about. In the end quality care is what this is all about. We need to make sure that quality care continues to be provided and where and if it isn't that there are mechanisms in place, there are assurances that we can give people that those changes and improvements will and can be made. Do you know what, Mr. Speaker? Ultimately it's the government that has to usher in those kinds of changes. We know that people at the grassroots level that are at the first point-of-contact level are doing their best, but we also have to lead by example with the powers that we have as legislators and as a government.

I'm going to support this bill through its third and final reading to ensure that we don't get into more of those awkward situations that we've perhaps experienced on occasion up until now and to make sure that people feel the kind of confidence that we're hoping they will feel in the end.

I'll just close by saying that the Alberta health care system is one of the best in the world. We know that here in Edmonton, for example, our Capital health authority has been rated number one in Canada time and time and time again, and we want to ensure that that level of patient satisfaction, of public satisfaction, of consumer use remains at that very high level of excellence which Albertans deserve and expect from this government.

Thank you.

The Deputy Speaker: Hon. members, Standing Order 29(2)(a) is available for questions and comments.

Seeing none, the hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. I, too, have grave concerns about Bill 41, the Health Professions Statutes Amendment Act, because it intrudes into and questions the professionalism of doctors. Bill 41 resulted to a large extent from the infection spreading at the Vegreville hospital, and it is my feeling that doctors have been unnecessarily targeted for that particular failure. The failure occurred because the various levels of responsibility were not clearly delineated, and the sort of buck-passing and scapegoating that Bill 41 represents I don't believe addresses the problems into the future. A clear delineation of powers and responsibilities would accomplish that end.

I do want to under concerns over Bill 41 put a thank you out to a number of medical professionals that I've had the good fortune to deal with. To begin with, I'd like to thank the team of Dr. Brody, Dr. Davidman, and Dr. Gary Haywood. As a result of their concerns and diligence and many sleepless nights they saved the life of my daughter and wife 35 years ago. Dr. Brody, unfortunately, is no longer with us, but his family would appreciate the fact that he was a terrific heart specialist and specialist in blood pressure. Dr. Davidman, a fantastic kidney specialist, was recruited to the States, and to my knowledge he hasn't returned. Dr. Gary Haywood has been our family doctor for numerous years, and Dr. Haywood is carrying out a battle of his own right now. He has been a fantastic doctor throughout my time. I played rugby for 17 years, and my wife kept trying to convince him to have me stop playing rugby, but as he was a hang-glider, he saw that danger was part of the enjoyment.

Speaking in terms of life-saving and quality care, I'd like to thank the doctors of the neonatal team and the pediatricians at the Peter Lougheed Centre who made sure that both my grandchildren entered this world when initial complications arose for my daughter, Christina.

2:10

I'd like to recognize the contributions of Dr. David Patton at the Alberta Children's hospital in the constituency of Calgary-Varsity. Dr. David Patton is a pediatrician and a former student from my first year of teaching in 1971 at Jerry Potts school. Dr. David Patton and the terrific staff of the Alberta Children's hospital did their absolute best to stabilize a young Egyptian constituent, Malak Gouhar Youseff so that that little child could be transported safely to the Stollery hospital in Edmonton, where, unfortunately, due to circumstances beyond any doctor's control the young baby died.

I'd like to recognize the contributions of Dr. Louie, an infectious disease specialist at the Calgary Foothills hospital, who does constituency house calls and whose hard work and attempts to conquer MRSA will deal directly with the problems that occurred at Vegreville and occur throughout this province.

I'd like to recognize the efforts of Dr. Michael Hill of the Calgary Foothills heart and stroke unit, whose tremendous research efforts are saving lives and whose program needs the stability of provincial funding.

I'd like to recognize the tremendous contributions of Dr. Chris

Andrews, who has received training in Minnesota on treating gastroparesis. He has contributed to enhancing the lives of Krysta Livingstone, a nurse in Medicine Hat who is now, thanks to a gastroparesis device, able to return to nursing. He also was very instrumental in following up on and supervising the care of the children of Jeanne Keith-Ferris, who, both adolescents, received the implanted device in Minnesota. Thank you to Dr. Chris Andrews, who has the ability to provide the supervision and care of that device.

I would like to thank, without naming, my own doctor/colleague from Calgary-Mountain View, whose humanitarian efforts on behalf of the citizens of Iraq, Uganda, and Darfur, in addition to his constituents, require recognition. It is in his honour and the Darfur individuals who he is trying to protect by encouraging the federal government to provide funding to stop the terrible civil war in Darfur that he is not with us today.

I'd like to recognize the efforts of Dr. Bob Dickson, who like my Mountain View colleague, is working very hard. Dr. Dickson is one of the founders and supports of Results Canada. One of the biggest efforts that Results Canada is working on is making poverty history.

I recognize the tremendous talents and contributions of medical professionals throughout this province, and I believe that Bill 41 does them a disservice.

The Deputy Speaker: Hon. members, Standing Order 29(2)(a) is available for questions or comments.

Seeing none, the hon. Member for Edmonton-Beverly-Clareview.

Mr. Martin: Well, thank you very much, Mr. Speaker. This particular bill, Bill 41, as I said in second reading, was like taking a sledgehammer to a nail. We all recognize that there was the problem, specifically, that the minister was upset about it, and rightfully so: what happened in Lloyd. I know the minister has been attempting to deal with the health professionals.

There seems to be some split. It gets difficult as a legislator to figure it out because one day you see a full-page ad in the paper by the College of Physicians and Surgeons, and then we get a letter from the optometrists saying: disregard that; we support the bill. Then you get other people. I think the minister has made a serious attempt to deal with the more controversial parts of it. I guess the argument is whether this is enough and: why do we need it?

The minister has said that amendment A would allow the government to establish a consultation procedure through regulations. The consultation process would be used whenever an order is made under sections 135 and 134, and the minister would not be able to direct a college to adopt a particular code of ethics. I think that that goes some way. It would restrict the minister to providing support to colleges only in cases where "a college requires [such] support in carrying out its powers" or where "it is in the public interest." I think that's the smaller health professions that don't have the same clout or expertise as CARNA or the medical profession. The minister would have to act through an order in council only after following the consultation procedure laid out in regulations. The minister can only vary the provisions of the act as it applies to a college after he's followed the consultation process and resolved references to a code of ethics. It forces the minister to follow the consultation procedure.

It makes the same sort of changes to the Medical Profession Act amendments. That is, the minister must follow a consultation process and then act only as an order in council, which begs the statement – I know the minister sent out a press release after the full-page ad in the papers from the medical profession and then, as I say, the optometrists and others, which leads me to two sort of themes here, Mr. Speaker.

These amendments, clearly, I think are an improvement, but it begs the question of why we needed this to begin with, you know, the all-sweeping powers in dealing with it. I'd be interested in knowing from the minister if in the consultations that he's had – it's clear what the optometrists have said – is there anything new since he has come forward with his amendment, or is there still the same concern from the college of physicians and CARNA, for example? I'd be interested in that.

But, Mr. Speaker, even still with the amendments – and I give the minister credit for that – it begs the question why we needed those sweeping powers to begin with. I know the minister has said that it's only in an emergency; I take it that it's only in emergency sort of situations like a pandemic or something like this that we actually would need to use these. I think, then, that if that was the case, we could come back to the Legislature fairly quickly and do whatever we needed to do in an emergency way at that particular time.

I think the minister always needs the authority to deal with emergency situations. If there was a time when there was something like that sort of last resort that the minister talks about, I think he would still have the power. If not, we could, as I say, come back to the Legislature to deal with this. I give the minister credit for trying to bring in amendments that satisfy some of the concerns of the health professions. But, you know, putting that all together begs the question: what was the need for this particular power to begin with when we're dealing with the physicians?

We'll be talking about Bill 48 later. I certainly accept the premise of Bill 48 that the buck stops with the minister. I've said that he needs those sorts of powers, but I've never quite understood this bill, Mr. Speaker, and why we wanted, you know, to have this even in here even though, as the minister says, it's as a last resort. People say – and they have a powerful sort of a group that talks about things – that this could hurt us in recruiting new physicians, nurses, whatever the case may be. It could be counterproductive.

I still have not figured it out in my own mind. Again, as I say, the amendments are obviously good amendments to the bill, but the bill I think is flawed in the sense that we don't actually need this sort of power to deal with those sort of last resort or those emergency situations that the minister alluded to. Until he can give me a better idea why that is needed, you know, I can't see supporting the bill at this particular time.

Thank you.

2:20

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

Seeing none, the hon. Member for Edmonton-Manning.

Mr. Backs: Thank you, Mr. Speaker. I'm very pleased to rise and speak to Bill 41 and to speak in support of Bill 41. The committee of which I was a part looked extensively at this bill and looked at the various parts of it and met with many stakeholders, many of the professional organizations. Many of us met with them separately and took their concerns to heart and were very pleased to even see the minister appear before the committee.

All of those associations very clearly looked at and agreed with the fact of the first section in dealing with potential pandemics. Certainly, this is an area that is of tremendous and increasing concern as we see new strains of superbugs and such and new types of diseases hit the news, communicated through an ever more efficient media very quickly to the public, and the need for government to act quickly if there is a problem.

The nature of professional organizations or professional associations means that they must represent their members and must represent them strongly, and certainly the more powerful ones in our

province have been doing so. I would be surprised if they wouldn't, Mr. Speaker. The nature of some of them is to do so. In the committee meetings it was clear that the need for this legislation was directed more at some of the newer associations, those with less and fewer resources, those with a lesser ability to deal with some of the challenges in the new and modern health care system that many are facing. The need to bring them all together is crucial in coming forward for our health care system in order to provide the best health care for Albertans. I think that something like dealing with health care professions will always be controversial, but sometimes it has to be done. I commend the minister for doing so, and I support this bill.

Thank you, Mr. Speaker.

The Deputy Speaker: Again, Standing Order 29(2)(9) is available.

Seeing no one, the hon. Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Speaker. After 25 hours minus three for a nap, I would like to be able to just say amen to most of the speakers on this side of the House. However, I do feel very strongly that this Bill 41 remains very flawed despite the amendments. I believe that it's also an overreaction to the infection problems that occurred in Vegreville. I believe that it is flawed because it's reducing the self-regulation of doctors, nurses, and pharmacists among many others that I could name. I so fear that these professionals will become widgets in a huge unhuman system called the health care system. I look south of the border and I fear, but I don't fear for the rich. I do fear only for the perfectly ordinary Albertans.

The word care cannot be used in the same breath as efficient, business plans, teams, et cetera. Care equals time required to deliver that thinking care. Some decisions cannot be made as a team. Care is on-the-spot decisions by professionals who stand by their decisions, which in fact really just boils down to common sense, but that common sense is based on education and experience and backed by a self-regulating profession. When something goes wrong in such a large system, it can become systemic very, very quickly and also very difficult to track and correct.

Big is not always better in health care. In fact, I would put it to you that the bigger the system to deliver the care, the less efficient it is. It is the vulnerable person who is left at the mercy of this system who will actually end up losing out. I have many letters in my office regarding that very point and backing up my words.

I cannot support this bill mainly because of the degradation of the self-regulation of the professionals with whom I'm going to trust not only myself but all of my loved ones to receive personal, loving care when they need it.

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

Seeing none, the hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much, Mr. Speaker, for the opportunity to speak at third, in which I am speaking about the anticipated effect of the bill once enacted. I have to say, looking back at this, that the original version of the bill, the idea of the bill, the principle of it was one-quarter good and three-quarters bad. Then we went through a series of amendments in Committee of the Whole, and again I think there was good intention behind two-thirds of the amendments, and one-third didn't come up to the mark for me. I think there is still more about this bill that I am not comfortable with. I'm not willing to go forward with it.

A number of people have spoken about the anticipated effect upon our self-regulated professions. I agree with all of that. I've raised those issues. I think this continues to be very problematic for the government. I would not want to be in the Minister of Health and Wellness's shoes at this point. I can tell you that if I am wearing the Health and Wellness minister's shoes after an election this spring, I would be repealing section 135.1 through to 135.3. I would in fact stand behind that at this point. It just is not right to me, what is being anticipated in this bill. I think it's wrong. The minister giving himself or herself additional powers without the corresponding responsibility and accountability is not good government, as far as I'm concerned.

I've thought about this a lot. I've spent a lot of time in debate on this bill now, and I can't support it. I won't support it. Thank you for the opportunity to put those comments on the record.

If I could just ask if there is unanimous agreement to waive Standing Order 32(1) for any upcoming division bells, which would bring the division bells down to one minute. Is it possible to have that agreement?

An Hon. Member: Pardon?

Ms Blakeman: Well, we've all been in here for a good long time.

[Unanimous consent granted]

The Deputy Speaker: Are there any others who wish to participate in the debate?

Does the hon. Minister of Health and Wellness wish to close?

Mr. Hancock: Well, thank you, Mr. Speaker. I must say that I'm very disappointed. I'm disappointed with the members of the opposition, who this spring, when we were faced with an issue of importance to the quality of care and assurance to Albertans, suggested that the responsibility lay with the minister, and when the minister takes that responsibility, accepts that responsibility, looks at the legislative framework to be able to deliver on that responsibility and says that the legislative framework needs more tools, they turn around and say: you're going too far; you're power hungry. It's just not a consistent or appropriate reaction. However, it is their viewpoint, and they're entitled to it. That was the Liberal opposition that talked about it. The New Democratic opposition, my friend from Edmonton-Beverly-Clareview, was good enough to say, at least, that he didn't understand.

2:30

I do want to be clear again why this is important, because it is important. This is not about taking away authorities from self-regulating professions without any purpose. This is about making sure that government, the people that are elected to represent Albertans and the people who Albertans constantly look to for assurance in cases of pandemic, in cases of failure of the system – they don't look to the College of Physicians and Surgeons. They don't look to CARNA. They look to their government for these sorts of things. We saw that in Ontario in the SARS epidemic. We saw that in Ontario with the water issue. They look to government, and government needs to have appropriate tools.

This is not about denigrating professions. I think every member on the government side of the House, certainly those of us who are members of professional organizations, believe very strongly in self-regulation of the professions. This is about having the authority, the ability not just to deal with an emergency situation after the fact. It brings small comfort to Albertans that the government has the authority to come in after the fact in the case of an emergency. Yes, you need the power to do that, but that's not enough.

What you need to be able to do is to look proactively at the

systems in place and say: are they good enough to protect Albertans? If they're not, you need to be able to say to the professions if it's the professional area that you're dealing with: there are holes in the system, and you need to work on those holes and fix them. And if they don't, if they don't see the same holes, if there's a disagreement with respect to whether there's a hole in the system, the people that are accountable are the elected representatives, and they need to be able to say: we believe that there is a hole in the system, and it needs to be fixed.

That's what this bill is about. That's why the authority of Bill 41 is necessary, to my colleague from Edmonton-Beverly-Clareview. It's absolutely essential that there be not an opportunity, as was mentioned in one newsletter from the AMA to their members, where the minister can act on a whim to interfere with self-regulation. Anybody who thinks that that is what's happening here has got it horribly wrong. Always an elected representative, a member of government has to act in the public interest. You just can't act arbitrarily. You have to use the authority of the legislation responsibly, and that's obviously necessary in this sort of case. Obviously – and we've now built it into the bill with the amendment on consultation – the first thing that one would do in a circumstance where you've determined that there's a failure of the system or a potential failure of the system is ask the people that are involved directly to have a look at it and to fix it and to work with them to get that done.

Now, there's another reason why the minister of health should have the responsibility and the ability in this area, and that reason is because we have a very complex system now where health care professionals are working together, and we want them to work together as teams. They've previously had a long history of working separately in the same system. Now they need to work as multidisciplinary teams, and the systems that they have need to be collaborative, need to be co-operative. They need to be able to work together and understand each other well. They're doing that, but we're not completely there yet, and there needs to be work done.

Why is Bill 41 here, and why is it essential that the House pass it today? It's here because we have had an incident that's pointed out that there are holes in the system, and we do need to fix those holes in the system. As a result of the incident, we did a review of the professions across the province, a self-reporting review of the professions across the province – there was a report made public in August as a result of that – and it disclosed that there were differences between the professions and that there were issues that needed to be dealt with. That's why we need Bill 41.

I hope that I have been able to answer the hon. Member for Edmonton-Beverly-Clareview's questions as to why this is necessary now and to clear up the fact that it's not just about emergency powers to act when an emergency happens, but it's the ability to act and to intercede and to work with the professions and to insist that situations be dealt with proactively so that Albertans don't have to be hurt first before you fix the system.

I'd ask the House to support this bill.

Mr. Chase: Mr. Speaker . . .

The Deputy Speaker: A point of order?

Mr. Chase: No. Under 29(2)(a).

The Deputy Speaker: It's not applicable on closure.

Mr. Chase: Thank you.

[The voice vote indicated that the motion for third reading carried]

[Several members rose calling for a division. The division bell was rung at 2:35 p.m.]

[One minute having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Abbott	Groeneveld	Oberle
Ady	Haley	Ouellette
Amery	Hancock	Prins
Backs	Jablonski	Renner
Boutilier	Johnston	Rodney
Cao	Knight	Snelgrove
Cenaiko	Liepert	Stevens
Evans	Lindsay	Strang
Goudreau	Melchin	Zwozdesky
Griffiths	Mitzel	

Against the motion:

Blakeman	Martin	Miller, R.
Chase	Mather	Pastoor
Elsalhy	Miller, B.	Taylor
Flaherty		

Total:	For – 29	Against – 10

[Motion carried; Bill 41 read a third time]

2:40

Bill 31
Mental Health Amendment Act, 2007

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

Rev. Abbott: Thank you, Mr. Speaker. I'm pleased to move third reading of Bill 31, the Mental Health Amendment Act, 2007.

First of all, I'd like to thank the all-party Standing Committee on Community Services for all of its hard work. During the summer and the fall the committee reviewed the bill, and it was also the subject of extensive public consultations. Based on these public consultations, additional amendments were proposed and accepted. Members from all parties put in considerable time and energy to make Bill 31 better legislation. So, again, thank you to all.

[The Speaker in the chair]

The primary purpose of Bill 31 is to improve the care provided to Albertans with mental illness. Bill 31 includes new admission requirements that enable care to be provided sooner, community treatment orders, and a requirement that treatment recommendations be provided to an individual's family physician after the individual is discharged from a facility or a community treatment order ends. I will speak very briefly to each of these key amendments.

The Mental Health Act allows for the apprehension, examination, and involuntary admission of a person who is suffering from a mental disorder unwilling to be admitted voluntarily and in a condition presenting or likely to present a danger to self or others. Bill 31 proposes to amend the criteria from the current wording to apply to persons who are in a condition "likely to cause harm to the person or others or to suffer substantial mental or physical deteriora-

tion or serious physical impairment." Plain and simple, Mr. Speaker, this amendment will enable care to be provided sooner.

Bill 31 also introduces community treatment orders. Despite the existing provisions in the Mental Health Act some individuals with serious mental disorders end up caught in a revolving-door syndrome. Time and again they are admitted to hospitals when they meet the criteria for involuntary admission but then are discharged once they are stabilized. When they are discharged, they often cease treatment in the community and thus are readmitted when they once again meet the criteria. So it goes: around and around. Community treatment orders introduce another option for providing ongoing treatment and care in the community.

Bill 31 also stipulates that a community treatment order can only be issued when the treatment or care the individual requires exists in his or her community and is available to him or her. The bill also includes safeguards for patients such as automatic reviews upon renewal.

Finally, Mr. Speaker, the bill includes amendments requiring that treatment recommendations be provided to an individual's family physician after the individual is discharged from a facility or a community treatment order ends. Again, this assists with the ongoing care of the individual in the community.

Mr. Speaker, I've had a number of constituents asking for these changes over a number of years. As I mentioned in my opening speech, I did begin this process as a private member's bill and am very glad that it has turned into a government bill and that it's going to possibly be passed here in a few minutes.

Again, I would like to thank my constituents for their patience and all the staff and everybody who worked so hard on this bill. I urge all members to join me in supporting Bill 31 to help bring about improvements to the manner in which we care for Albertans with mental illness.

Thank you.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I don't have the Blues, so I can't get the exact wording of what the member started out by saying, but as I listened, my reaction was: no, it doesn't. This is a difficult bill, certainly for me and for a number of my colleagues in this House. It may well be that no one else in here has a struggle with it.

I had hoped that by the end of the process I would see enough change that I would be able to support the bill, but I'm not. When I listen to the sponsoring member do his recap, again what comes into my brain is: no, we are not actually offering additional supports or help to people with mental illness with this bill. What we are offering is a process by which they can be apprehended, assessed, incarcerated, which some may view as assistance or help, but I would argue many would not, and put under a medication order in which they must take their medication.

This bill is not getting us any more community assistance for people with mental illness. It is not getting us any more emergency treatment beds. It's not getting us any more community treatment beds. It's not getting us any more transitional housing for people coming out of treatment. It's not giving us any specialized housing for people with mental illness. It's not giving us any more day programming or respite care. It's not giving families any more direct assistance in trying to help a loved one that is struggling with a mental illness in Alberta.

This is a process tool. Community treatment orders are a process tool that is available, essentially, to take someone off the streets and either get them to agree to a certain treatment program or make them take a certain treatment program. This bill goes against my belief in personal autonomy. It goes against an increasing movement towards the right to refuse medical treatment. It takes away choice and, I would argue, in some cases dignity and autonomy for individuals who have a mental illness.

I think that the committee worked very hard, and in no way do I wish to diminish their genuine concern for people, for their own constituents, for other people's constituents. I think everyone went in there with a pure heart and really, really tried to do the best they could. But for most people struggling with mental health issues, this bill is not going to improve their lives in any meaningful way, I would argue. It's not going to give them a place to stay or food to eat or a better way of managing their money or access to a shower or other ways to improve their personal hygiene. None of that is in this bill.

Of all of the studies that were looked at, that the committee looked at, that I read the *Hansard* about, none of them could prove conclusively that community treatment orders were it, that they were the panacea, that they would solve the problem. The best results we could find was when community treatment orders were absolutely partnered with, coupled with, Velcroed to community-based treatment, sometimes called assertive community treatment. That is not happening with this bill. This is not the community treatment order and assertive community supports bill. That's not what this bill is. This is an amendment to the mental health bill that puts in place a process so families or individuals can apply for a community treatment order, which is an apprehension order in most cases.

The other thing I want to acknowledge is that the committee did work hard to try and recognize that there is a lack of mental health professionals outside of the metropolitan areas. The committee really tried hard to find ways to assist people, especially for psychiatric assessment, that were outside of the metropolitan areas. I think it could be said that there were misunderstandings or maybe mistakes were made in the amendments that were brought forward from the committee that redefined the people able to make assessments as health professionals. That's now been addressed in the amendments that were brought forward by the government, and I appreciate that.

2:50

We agreed in the Official Opposition caucus that this would be a free vote for our caucus, and we have maintained that. This is a free vote. I'll put that on the record. I will not be supporting this bill. I will be supporting the wishes of my constituents on this. I received probably 10 to 1 visits, phone calls, letters, documents from constituents saying, "Please don't support this bill," for the number that I did receive saying, "Support it." So I will be supporting my constituents on this bill.

I really think what we really need and what the families need that are trying so desperately to look after their family members and their friends and co-workers and colleagues and everybody that gets concerned with this issue is a commitment to supplying and underwriting those community supports that allow people to stay in their homes, to be connected to communities, to have meaning in their life, to be able to volunteer or work or be engaged with their community, to have a safe place to live, to have some kind of economic security, to get assistance, if they need it, with their finances but to have essential control and dignity and meaning in their life. I don't think this bill gives us that.

I know that there are a number of other people that wish to get on the record with this bill, and it's getting very late. Maybe we'll see in a budget that the government brings forward that there is a real commitment to enhancing mental health services in the province.

The minister has said that he allocated some money to Canadian Mental Health to study the effects of this bill, if I heard him correctly.

I think we have failed this community. We continue to fail this community. This community is us. It's acknowledged that 1 in 5 will deal with a mental health issue in their life. If you're actually working closer with the mental health professionals, they will tell you that it's closer to 1 in 3 Canadians who will deal with a mental health issue at some point in their life. So this issue is us. How we look after ourselves, how we look after our colleagues, our loved ones is very important, and I don't think we have achieved a level of service that is really acceptable. I don't think any one of us in this House would want to find themselves in that situation. I think that's not good enough.

I continue to press for leadership. I continue to press for support, real leadership and funding support, for people that are dealing with a mental illness and support services for those people that work in the sector and for their families and friends.

Thank you very much.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview, followed by the hon. Member for Edmonton-Mill Woods.

Mr. Martin: Well, thank you, Mr. Speaker. Bills like this are always difficult. There's no doubt about that. When I look at the letters I've been given, apparently the people that came to the groups, the people that deal with mental health, like the Schizophrenia Society and the Canadian Mental Health Association, are asking for a bill like this, a community treatment order. The other thing that came to me is the letters that I was getting from individuals that were forced into treatment by their families and these sorts of things, and they were saying to me: please have this bill; I would not be alive now if there was this situation because I was not able to make those decisions on my own.

Now, the Member for Edmonton-Centre is correct. We do need the treatment and mental health treatments after the fact. But I think the important thing here as we're dealing with this bill is the community treatment orders, Mr. Speaker. The people that deal with this are the ones telling us that this is the first step. I believe it may be a first step. We should always be cautious – no doubt about it – when we're taking people's civil liberties away. But I think that the bill in itself is a necessity. I think there have been some changes that, you know, deal with health professionals, amendments and those sorts of things, that make the bill a little more palatable.

The only thing I would say – and it's not enough for me not to support it – is that where the original bill itself, which they talked about hospitalization in the previous two years and the amendment extended it to three years, then instead of hospitalization on at least three previous occasions it would be two, and instead of a total of 60 days it would be 30 days, I think we probably should have erred on the side of civil liberties. I didn't think that that amendment was necessary. I know that on third reading we're not going to be able to do much about that, but perhaps in the future I think the original criteria were better.

Mr. Speaker, when people that deal with these issues come to us and say that they need it, and when I read the letters that I've read from people, then I have no qualms about supporting this bill. I think we all agree on both sides of the House that we always have to be cautious, indeed. The fact that the amendments have made it a little easier for the health professionals, you know, to deal with people: I would certainly add our support for this bill.

Thank you.

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

Then the hon. Member for Edmonton-Mill Woods.

Mrs. Mather: Thank you, Mr. Speaker. It has been a privilege to participate with the Standing Committee on Community Services in careful consideration of Bill 31, the Mental Health Amendment Act, 2007. I appreciate the letters, the calls, and the meetings that I've been able to participate in with regard to Bill 31. I fully support CTOs, and I believe they are an important tool for families dealing with mental illness. They are not a panacea, but they are an important tool.

The intent of Bill 31 is in consideration of chronic illness with a subset of the mentally ill population. It is in reference to the needs of individuals with limited insight who are incapable of making decisions for themselves. These individuals may be addicted. They may have chronic schizophrenia and have bipolar mood swings. Undoubtedly there is a disruption for their families as well as for society. Their life is falling apart, and they may not be aware of it. Bill 31 will enable professionals to intervene earlier.

Every individual has the right to treatment even if they are not capable of making that decision. We must not deny appropriate care to this small and very difficult population, the majority of whom are unable to make decisions for themselves. It is not a coincidence that the main groups who care for this population, physicians and mental health workers along with families, are in support of Bill 31. There is overwhelming clinical evidence that it is needed for this population. Of course, this means comprehensive and intensive programming to help the individual and family on the road to recovery. Otherwise, the individuals in this population generally become victims, burdens to families and society, homeless, and probably self-medicating. There is no quality of life.

Bill 31 will allow intervention before destruction. Early intervention can prevent criminal activity and a record for life. Swift, efficient, and competent input is needed for recovery with the possibility of an individual becoming a contributing member of society who keeps appointments and pays his bills. There's a social spin-off as a result of the contact with a nurse or social worker or case manager on a regular basis. Once an individual is stabilized on medication, it is possible to start education for the individual and the family.

Essentially, we need to achieve a balance between the rights of the individual and the importance of treatment and the importance of the ability to help families who have adult children with mental health issues deal with those issues on a timely basis. This act has the right of appeal, and that right is crucial. Bill 31 will be a positive step if it is implemented properly with proper community services.

For many reasons the individuals that would benefit from a CTO tend to congregate in the urban areas of our province, where there are services, so CTOs can be a tool right now. However, housing concerns and the lack of outreach workers and crisis workers continue in the urban areas, and we need more resources, of course, in the rural regions.

3:00

A benefit of CTOs will be that some chronically disabled patients will be kept in the community with continuous treatment. There is evidence in New Zealand and other jurisdictions of tremendous success where there are good community supports. The Canadian psychologists association's position paper on CTOs is also encouraging. Some patients become less cognitively impaired, and families benefit with a more stable relationship.

Our focus must be on the target population. We have learned that this population is getting younger and will need care for the rest of

their lives. Many are addicted to drugs like crystal meth, which cause significant damage to the brain. They are more volatile and more dangerous. They have a limitation of insight. They do not exercise appropriate judgment in making decisions for themselves. Competency is subjective, and some who are deemed competent at times may not agree to treatment. There must be flexibility in allowing psychiatrists and physicians with experience, who can foresee problems, to make recommendations on behalf of the patient.

The idea of Bill 31 is that there will be an outpatient team or an outreach team with a nurse, possibly a social worker, and a psychologist. Treatment is more than medication. There must be qualified resources to help with psychotherapy and social needs. Family medicine is important, and the psychiatrist and other health specialists must work with the primary care network.

In time this act will make a great difference with the population it addresses. It will break the dreadful cycle of recurrent relapse, which is a tremendous cost to the system but also a human cost and a family burden. These patients need help, and we must provide leadership to make difficult and unpopular decisions with some in order to get the care for those who have a right to it and are unable to advocate for themselves. Early intervention and a broad range of community support services can help people experiencing mental illness enhance their quality of life, achieve their goals, and live in the community. This bill commands the mental health system to provide resources.

Families need support as well. There must be a team of psychosocial supporters – for example, occupational therapists, social workers – and there must be adequate housing. Pharmacists are also part of the team. We must build supportive communities, including rural areas. Telepsychiatry may be one of the tools.

As these individuals are stabilized, there is hope that their level of functioning will improve. CTOs will provide an opportunity for someone to visit the patients and direct them to resources. Help needs to be better co-ordinated through work with the general practitioners on joint care initiatives and with a mental health co-ordinator. Psychologists working with a physician would make a great difference, and the need to see the patients will decrease as they get better.

Housing, again, is still a huge issue. Another issue is with the general public, which stigmatizes this very disabled and difficult population. We need to get away from that bias.

A review panel and appeal system need to be in place with the opportunity to clearly articulate the processes and opportunities to the patients and/or the guardians. The current Mental Health Act does have an automatic appeal, and Bill 31 must ensure the same.

This bill is not a solution. It is an extra legal tool that the psychiatrist has to deliver care to a very vulnerable population that is getting younger. A review panel lawyer, family, and physicians will be able to act on the patient's behalf with safeguards in place. It is essential that physicians be involved to ensure proper implementation and standards of care to individuals who need a very high level of care. Physicians are more familiar with long-standing, noncompliant, and potentially aggressive patients. Prescription and supervision of medication is also a key component of CTOs, and this is a key responsibility of physicians.

We need to make use of specialists that we have for those that need psychotherapy. Primary care networks are still flawed because psychologists are not included under Alberta health care fees, yet many psychologists have appropriate skills to offer. At present the patient must pay for their service. Consequently, most psychologists are in private practice. Consequently, a large group of citizens do not have access to treatment. We have 2,138 psychologists in this province while we only have 552 psychiatrists. Many psychologists are able to assist psychiatrists with assessment and treatment because treatment must be more than medication.

If psychologists were involved more in the health system, we could reduce the lengthy lineups we have for mental health clinics. Chronic cases need continuous access. We need adequate community resources to implement CTOs. CTOs are not a substitute. The argument not to introduce CTOs for this reason is false and unfair. CTOs are an extra tool in caring for patients. We must allow physicians and psychiatrists to do the best they can with what we have in the communities. At the same time we must recognize the need for resources and work to ensure that everything possible is being done to improve access to resources.

Bill 31 is a medical/legal solution to complex medical, legal, and social problems. In order to achieve the desired benefits of this legislation, resources must be available and accessible to people experiencing mental illness, to the community, and to the care team. In this regard drug costs should not deter us from trying to provide the best and safest treatments possible. We heard of the benefits of Consta, which is a cleaner drug in that it does not produce the undesirable side effects of other drugs that have been used for years. Yet Consta is not supported by Alberta health care. Bill 31 needs to be supported in the community. There needs to be assertive community treatment with resources available.

Again, housing is an issue. There need to be resources available to deal with these situations. This legislated piece is one of the pieces. The resources are another important piece that we still need to address for mental health issues. Many of the stakeholders that we spoke with say that we need the resources to back it up with respect to the community support. However, Bill 31 will make a significant difference for the target population.

I have a friend who returned to Edmonton in the middle of winter a few years ago to be part of the funeral of a man who ended his life by jumping off the High Level Bridge. The man who died was gifted and artistic. He was a member of a grown professional family with siblings who loved him, and he was bipolar. To the best we know, he never harmed anyone but himself, but he could not maintain any stability in his life – housing or job or intimate relationships – because of his condition. Sometimes when he was in need, he called on family members, but they could not allow him to move in as he was a grown man, and his erratic mood swings and comings and goings, often in the middle of the night, were enough to destabilize any family. Sometimes he was picked up on the streets and taken to a psychiatric facility. There he was made to take his meds and monitored until he seemed to no longer be at risk. Then he was let go. This repeated time and time again. He'd forget to take his meds, become more and more disoriented till he was picked up and placed in treatment again, but because he seemed to be normal when he was medicated, because he was only a nuisance to others but not harmful or criminal, because he was of age and otherwise competent, he was left on his own, to his own devices, ultimately to a self-inflicted death. "We all feared that this is what would happen," one of his siblings said at the funeral. They feared and they dreaded and they were powerless to avert it.

To speak of individual rights and responsibilities in a case like this is as tragic and pointless as his ending. The only right that applies was the man's right to be well. The only responsibility is ours collectively for those who cannot be self-sustaining. By passing this bill, those of us who call ourselves well are shouldering that responsibility. Let us not leave others like him on their own to perish. Bill 31 needs our support.

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

Seeing none, the hon. Member for Calgary-Varsity, followed by the hon. minister.

Mr. Chase: Thank you, Mr. Speaker. I find myself torn between supporting and rejecting this bill because it is such a personal circumstance. One of the worries I have about Bill 31 is the same concern that I had I believe it was two years ago, when the Member for Red Deer-North brought forward the crystal meth bill. The Member for Red Deer-North in her wisdom suggested that a solution to treatment was a 90-day program. In order for that program to work, you had to have 24/7 care. You had to have facilities that would provide the treatment, not just strictly a lock-up circumstance.

3:10

After her colleagues reviewed that plan and after we took the special steps of moving that plan ahead in legislation and on the Order Papers because we felt that it was a very good plan, partisanship went out the window. But that got reduced from a 90-day plan to basically a five-day voluntary detox circumstance. Here again we're talking about not voluntary but a commitment, after a fashion. I have great sympathy with the families of individuals whose hearts are broken as they see a family member out on the streets in an uncontrolled fashion that the medication could at least deal with. I understand the need for human rights, and I can't help but think of the film *Miracle on 34th Street*, which is somewhat of a comic/tragic story of Christmas, but it's also a story of commitment. The individual who was committed was committed for the wrong reasons, so there's always that balance.

One of the problems associated with Bill 31 is the lack of specialists, the lack of psychiatrists, the lack of mental health professionals to provide the diagnosis and to provide the necessary 24/7 support care. Also, there is a great desire by both specialists and community support workers to get rid of the old-style institutions, like what we had in terms of mental hospitals such as in Ponoka. There is a desire to try and provide that kind of care in the community and as much as possible in as close to a home circumstance as possible.

One of the problems, again, is the lack of a transitional facility. We know, for example, that over a third of homeless people suffer from mental illness, and last year at the drop-in centre there were 14 individuals who had amputations, and it wasn't just fingertips and a frozen toe. We're talking about some major limbs being removed because of frost and gangrene and health concerns. We have heard of programs that both our Alberta Liberals and the government support, and those are programs like the one that Dr. Sam Tsemberis from New York provided and shared with us at the Rotary House at the Stampede grounds in Calgary. Dr. Sam Tsemberis's program takes people who suffer from mental illness, people who are addicted, people who are, in quotations, hard to house, and what it does is provide 24/7 care.

One of the reasons this program is so successful in New York – I believe a similar program has taken place in Seattle and Toronto – and is being embraced in many cities in the States is that it provided 24/7 care, but a key component beyond the 24/7 care was the fact that there was accommodation. In Calgary, where we have a .5 per cent rental vacancy, and in Edmonton, where I think it's at 1 per cent, trying to find housing for these individuals is extremely difficult.

Now, the 10 years to end homelessness group, that members of my caucus have met with and planned with on numerous occasions, particularly our deputy House leader, the Member for Calgary-Currie, have gotten together with groups like Boardwalk, for example, which is among those with the greatest amount of real estate, and with the support of the government they are going to do an initial sort of pilot project determining 50 individuals based on input from drop-in centres, from the Mustard Seed, from community groups who work with the homeless, to see if the type of program that has had success in American cities and in Toronto could potentially be moved into Alberta. I wish tremendous success for this program. Whether the government sort of rushed to get in front of an already existing parade or not, I appreciate the fact that they support or will at least initially support this pilot project.

[Mr. Shariff in the chair]

The Member for Calgary-Currie committed himself at a public forum during Homeless Awareness Week, that we held in Calgary-Varsity the third week in September, to come up with a plan to end homelessness within a 10-year period, and to his credit the deputy leader, the Member for Calgary-Currie, delivered on his plan. This isn't something that one political group or another or one community group or another can do in isolation. This is going to take the combined efforts of all of us. We have a number of community support programs that to a degree are co-ordinated under the 10-year plan. We have also programs like – and I'm afraid I can't recall the exact name, but what it is is a schizophrenic outreach on 10th Avenue S.W. in Calgary where individuals provide support for each other. In this equivalent of a day program drop-in circumstance, individuals provide help for each other. This is a wonderful program.

There is no simple solution. Bill 31 raises the challenge that individuals with mental illness need our support. One such support that I had an opportunity to attend the groundbreaking for was in Inglewood, in an area very close to the Inglewood bird sanctuary, along with a number of members of the Calgary Conservative and Liberal caucuses. We stood and sat in the glaring sun and looked at a stretch of gravel which will eventually turn into I believe it's a 120-bed facility. Other members who were there can correct me if I'm overestimating the number of beds. The history of this particular facility was three and a half years in the realization and three and a half years to get to a piece of gravel that was partially government funded and, to the larger extent, funded by a series of philanthropic organizations.

The problem is that we can't wait three and a half years. We can't wait for 10 years to finally come to grips with the problem. That's one of the problems that we're facing right now. The government has announced, so many times that I've forgotten, $285 million that's going to go into affordable housing. I am not aware of any actual completed house or project, and members opposite may wish to correct my lack of understanding. The point is that from the idea of accepting the $285 million, which incidentally is half of what the Affordable Housing Task Force recommended, to actually putting that money into projects that rise from the ground and have the community and the 24/7 government-funded support will take years. As a result, we need immediate action.

3:20

The Boardwalk program and the identification of the individuals is as close to immediate as we have, but taking 50 individuals off the street is a very small first step. The individuals that we encounter on our day-to-day walks who are talking to themselves or communicating with imaginary friends are suffering, and their families are suffering, if they're lucky enough to have families. We need to do something immediate, and if Bill 31 speeds up the process of supporting individuals with mental illness, then my leaning would be to support Bill 31 in the hope that that goal, that extremely important goal, could begin to be accomplished.

We need the facilities. Just talking about legislation without 24/7 funded support and facilities in which this care will take place to

support the family members who can no longer control the efforts of the person who wanders continuously away from their home – this must take place. Again, if Bill 31 addresses it even in a small way, then there is validity to it.

Thank you.

The Acting Speaker: Anyone under Standing Order 29(2)(a)?

The hon. Member for Edmonton-McClung.

Mr. Elsalhy: Thank you very much, Mr. Speaker. I rise to participate in debate on Bill 31, Mental Health Amendment Act, 2007. I had actually spoken in second reading early in the spring, when we first received this particular bill. After that, it got referred to one of the four standing policy field committees. I must commend the Assembly for referring it to the committee, and I must also commend the members of the committee for their extensive work and, in particular, my colleague from Edmonton-Mill Woods, who served as the deputy chair of that particular committee.

Now, as with my committee, Government Services, this particular one, Community Services, received a lot of submissions and a lot of information from concerned Albertans and concerned stakeholders. I noted in the committee report, which was tabled in the Assembly in November after the committee finished its work, that individuals, private citizens, made many submissions and that church groups made submissions and then people who are experts in the field, if you will, Mr. Speaker.

I am going to reference the fact that, for example, the Alberta College of Social Workers made a submission. Just as examples: the Alberta Medical Association; the Canadian Mental Health Association; the Psychologists' Association of Alberta; the people who represent the Citizens Commission on Human Rights; the Information and Privacy Commissioner, who is actually an officer of this Legislature; again, the department of psychiatry at the U of A; the Schizophrenia Society of Alberta; and so on. Definitely, there was a lot of interest in this particular bill, and it received a lot of attention. I know that the committee struggled, as did all of us in the Assembly, with whether we should support this particular idea or whether we should oppose it.

Now, with all due respect to my colleague from Edmonton-Centre, I think that where you are an MLA actually does make a difference. She represents downtown Edmonton, and downtown Edmonton has a certain constituency that is probably more needy or requires more assistance and requires more support. She has, really, a pronounced issue with respect to homelessness, with respect to mental illness, poverty, drug and alcohol abuse, and so on. So her constituency is different in this way.

I represent part of the west end, Mr. Speaker, and I have to confess that if she received 10 to 1 communication from people in her constituency telling her to oppose this particular idea, I think the opposite is quite true in my case. I received communication, mostly from parents and families, urging me to actually support it. That's why it was deemed prudent and the right thing to do for our caucus, the Official Opposition, the Liberal caucus, to treat this as a free vote. We felt that we were not going to reach a consensus or a united opinion on this one. It does vary from constituency to constituency, and it changes depending on the nature of the communication that we're receiving. I was certainly receiving more communication that was in favour of community treatment orders, that was in favour of Bill 31.

Now, although not as much as I had hoped to, I followed the work of the committee. I like the fact that now we are talking about the referral being conducted or done by two physicians. I like the fact that we're now advocating that one of the two has to be a psychiatrist because these are the people who are qualified to make these decisions. It's not just any two practitioners because that was very broad and very elastic.

I'm a practitioner. I'm a pharmacist. I think I know a thing or two about mental illness, but I don't for a minute think that I would be qualified to make a judgment of this nature and say: "You look like you could use a community treatment order. I think you should be committed." I don't think I'm qualified. I don't think that necessarily people who are considered practitioners in that expanded definition have that ability. I think it's actually quite favourable that we're now limiting it to two physicians, hopefully one of which is going to be a psychiatrist.

I'm going to emphasize something that was said before. I'm not repeating stuff that was mentioned before; I'm basically highlighting it and emphasizing it. Hopefully, it is the way the government is going. We have to look at the big picture, Mr. Speaker. It is more than just drugs. It is more than just pharmacotherapy. It is psychotherapy. It is social. It is income related. It is looking at life skills, looking at employment, and so on.

We have to look at the triggers for why somebody falls through the cracks, why somebody is sucked in or brought into the situation that we're trying to deal with here. Also, we have to look at the triggers that maybe may lead to relapse. Someone might be looked after. They're looked after for 30 days, and they're released. Then they fall into a relapse quickly, within a day, within two days, within a week. We have to look at that big picture to avoid something like this happening.

Part of that big picture, Mr. Speaker, would involve the supports in the community. When these people are in care, when these people are under care of government – and that's what the parents are advocating – yes, it is allowing these parents to maybe relax or recuperate or recover from that continuous pressure that they're under, the continuous struggle to look after their son or daughter, to provide for that son or daughter, and to still conduct their daily life. You know, these people are employed. They're not dedicated caregivers; they're basically trying to juggle two or three things at the same time. These parents understandably want government to shoulder some of that pressure and to shoulder some of that responsibility.

3:30

I think we have to look at ways to empower these parents and empower these families to maybe do some of that work. And do you know what? I am not going to stop at maybe offering them visits from social workers or case management assistance. I'm going to say: "Do you know what? Maybe the time has come for us to consider even financial assistance for these parents and these families because they are saving taxpayers a lot of money." When somebody is committed and somebody is in care, as in a community treatment order, well, who's picking up the tab? It's the taxpayers and it's the government, when these parents are doing that excellent work. Let me tell you, the best work is going to be done by parents and by families. It's the best type of care because you're in your home in the setting that you're used to and that you're familiar with and that you're feeling safe in. They don't receive any compensation. As a matter of fact, it probably adversely affects their regular life. So I think these parents need to be empowered and recognized. If financial is one of the ways we can do it, I think we should be investigating this.

I mentioned the big picture: the continuation of care, the maintenance of care. When somebody is finishing their community treatment order period and they're being released, I think there should be the mechanism in place to utilize the electronic health

record, for example, to maybe carry on that information back into the community. If someone was receiving assistance and they're released, I as their pharmacist, for example, need to know which therapies they were on, the dosage, the combination of whichever therapies they were receiving, and so on, so I can provide better care.

We have a tendency sometimes to press reset and start all over. Somebody is on a certain medication or a certain modality, a certain package. Then, when they're released, we just press reset and we start all over. You know, sometimes these medications need to build up over time to reach something called steady state. If we press reset and start all over again, well, you've just wasted 10 days at least because your body doesn't have the medication stored in adequate enough amounts to take you to that steady state and to avoid the fluctuations, the ups and downs, especially with something like bipolar. So communication with community practitioners has to be highlighted. We need to maintain that level of care, and we also need to look at ways to avoid relapse.

The other thing is that when somebody is in care, they're in custody, we have to look at other angles and other skills; for example, interaction with other patients, interactions with the outside world in terms of visits, in terms of communication, maybe taking day passes to visit their family or to allow their families to visit them.

It's not just about drugs, Mr. Speaker. You know, we were approached by an agency like the Church of Scientology, for example, which is led by people like Tom Cruise, who advocated that we oppose Bill 31 because they think that the population is being overmedicated. They think that psychiatrists are crooks – not Tom himself, but he is basically leading that church – and they think psychiatrists are up to something and governments are servants of that big conspiracy. I think that while we don't believe that to be the case, there is also a point to be made that it's not just about drugs. Drugs are one component – and I'm a pharmacist; I should know – one component of many. It is one part of many.

I want to tell these parents that we heard their plights and we heard their concerns. We're hopefully moving in the right direction, but they're watching us. I'm going to be watching the government as well, that supports have to follow . . . [interjections] Well, that is the duty of, hopefully, every member in this House. If we're going to agree to a good idea, it has to be followed with action, and it has to be done in such a way that it's a comprehensive package, that it's not just done in silos where Alberta Health doesn't talk to Seniors and Community Supports; they don't talk to Children's Services; they don't talk to Education. It has to be in that big collaborative approach, where all of these ministries work together.

That's our duty in the opposition to maybe talk to them and hold their feet to the fire, quite frankly, and to also keep these parents in the loop because these parents need to be involved. They need to be communicated with, and they need to be engaged.

I'm hoping that there's also going to be periodic evaluation, certainly within maybe a couple of years, to see how effective this has been and if it should be continued. I'm hoping that there is going to be an advisory element, where parents sit on that board or that committee in an advisory capacity and tell us what they think. The government might think it's a successful project or experiment, but maybe the parents or the families think otherwise.

We need to maybe engage some of the patients who get better, some of the patients who find it useful and beneficial, to tell us what they think and to learn from their experience, to make it even better and to further benefit other members in the community who might need community treatment orders. So evaluation initially and periodically afterwards, collaboration between the different ministries, Mr. Speaker, and the reporting mechanism to see if it did what it was intended to do and what more we can do besides just giving drugs and keeping people medicated. We have to look at the bigger picture, as I mentioned.

I am going to voice support, and I'm going to vote in favour of Bill 31. We're certainly treating it as a free vote. I commend both the sponsor of the bill, the Member for Drayton Valley-Calmar – this is not an easy bill to be introducing, and he probably went through a lot of soul-searching to arrive at this – and I commend the members of the committee and everybody in this House for their participation and co-operation.

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

Mr. Rodney: Thank you, Mr. Speaker. Just a very, very, very short speech, and that is to indeed add additional thanks to our hon. Member for Drayton Valley-Calmar and, if I may, not just for his effort on this bill but his efforts for the people of his constituency over the years.

Thank you.

The Acting Speaker: The hon. Member for Calgary-Currie, followed by the hon. Member for Edmonton-Manning.

Mr. Taylor: Thank you, Mr. Speaker. It's been very interesting to sit here and listen to the debate in third reading on Bill 31 this afternoon. As a couple of my colleagues on this side of the House have indicated, for the Alberta Liberals this is a free vote. It's obvious that different members of our caucus are going to vote in different ways, and that's because this is a complex and contentious piece of legislation, I think. It has its good points; it has its bad points.

In my view, on balance the good in this bill outweighs the bad, but some very key issues I think have been raised here over the last hour or so, that this House ignores at its peril some very key issues that this House has a responsibility to address when we come back next year for the 27th session, or however it numbers, 27th and/or 28th, however it goes.

The Mental Health Amendment Act does allow for community treatment orders. I found it interesting that when the Member for Edmonton-Centre was speaking, she said that her correspondence with her constituents is running, I believe she said, 10 to 1 against the concept of community treatment orders and against support for this bill. I would have to say that the response, the correspondence that I have had and the contact that I've had with constituents in Calgary-Currie must be pretty close to 10 to 1 the other way around, in favour. This is a tool requested by family members of seriously mentally ill people, this is a tool requested by organizations that speak for the mentally ill in some cases, and as I said, this is a tool that has been requested by a number of constituents of mine who have been touched, usually indirectly, by serious mental illness involving a family member.

Some of them have pointed out to me, Mr. Speaker, that this is a particularly difficult issue in the family because family sometimes are reluctant to intervene, to get involved, to try and get a loved one committed because the options without community treatment orders, the options available, are really quite limited and quite awful in some cases. So I think this is a tool that's needed.

When we look at tools like this, there is always the danger of getting too heavy handed. I think, as we discussed in committee earlier this afternoon, there is a very real, potential danger in the way in which this bill is worded, that there could be a heavy-handed approach taken to community treatment orders.

3:40

Over the short term, Mr. Speaker, I'm going to assume and I'm going to trust and I'm going to watch to make sure that these community treatment orders are issued in the spirit in which I think this bill, the sponsor of the bill, and the committee that did such hard and really very good work on the bill intended. That is that they will be used sparingly in cases that are really quite serious, quite severe, quite acute, quite urgent.

I do believe that we would have been better off had we – and I'm sorry, Mr. Speaker, the number of the amendment escapes my memory right at the moment – passed the amendment that spoke specifically to the issue of competence and consent because I do agree with the Member for Edmonton-Centre that there is a chance that the bill as it is worded now could see us applying community treatment orders to people suffering from lesser mental illnesses, such things as severe episodes of chronic depression. But as we know, chronic depression can be treated in many cases quite successfully over a relatively short period of time.

There is a danger that if you get into the community treatment order stream, you could get better yet still have the ongoing nature of community treatment orders, the potential ongoing nature, the fact of the community treatment order having negative effects on your ability to get insurance, et cetera, et cetera, that sort of thing. I think that's a real concern that we need to watch for very carefully in the future. I don't think it's enough of a concern that we should not support this bill. I think that on balance this is, as I said, a bill that has much more to recommend it than to condemn it.

I'm going to come back to this notion of community treatment orders being a tool and Bill 31, in effect, then, being the tool that enables community treatment orders and stress that I think that's exactly how we should look upon community treatment orders and upon this bill. It is only one tool in a toolbox that needs to be filled with considerably more tools than what we have at our disposal right now.

That's why I suggest that this House needs to come back next spring and do more work on this issue, do more work on the broader issue of mental health. When we pass Bill 31 – and I assume, Mr. Speaker, that it is going to pass today on third reading – we will have created the ability to have community treatment orders, but in isolation they don't begin to solve the overall problems connected to mental health in the province of Alberta: the need for more treatment facilities, the need for more beds, the need for more psychiatrists specifically but mental health professionals generally, especially in rural areas, especially outside of Calgary and Edmonton. Let's be honest: there are not enough of them in Calgary and Edmonton either.

The Member for Edmonton-Centre touched on the generally accepted statistic that 1 in 5 of us will suffer a form of mental illness at some point in our lives and mentioned as well that sort of within mental health circles the feeling is that it's probably closer to 1 in 3. Our system simply is not geared up to deal with that.

I don't think, Mr. Speaker – and I'll hasten to add that I'm now expressing an opinion that I cannot back up with hard scientific evidence – that the shortage of mental health facilities and mental health treatment options and regimens and the shortage of mental health professionals that we have in this province and in many other jurisdictions around the western world has nearly as much to do with not having enough money to be able to deal with the problem as it does with the stigma that still hangs over mental illness. It may very well be that 1 in 5 of us or perhaps even 1 in 3 of us will have a mental health issue either singly or chronically over the course of our lives, but many of those who do will go to great lengths to try to hide it, as will their families, as will their friends.

Many of the rest of us who are not suffering from mental illness, whether it be severe or really quite mild and the sort of thing that you can talk through in a few sessions with a good psychologist, if we stay on the track that we've been on since we had that aha, eureka, moment some years ago that we really should stop institutionalizing the mentally ill, but never kind of filled in with the part 2 of what actually integrating them into the community really needs to look like, will be quite happy to pretend that mental illness doesn't exist, to turn away and refuse to acknowledge it. We do that at our peril. We do that at the peril of the people who suffer it. We do that at the peril of our loved ones, of our families, of our relatives.

Austin Mardon, who was in this House a couple of times in the last few days, recipient of the Order of Canada, member of the Premier's Council on the Status of Persons with Disabilities, wrote a really quite good op-ed piece in the *Edmonton Journal* a week or so ago speaking about homelessness. As my colleague from Calgary-Varsity pointed out a few minutes ago, there is a real point of intersection between chronic homelessness and mental health issues. I just want to quote very quickly from the article, if I can, to give you an indication of why I will be supporting Bill 31 even though it is not a perfect piece of legislation, and it's something that we need to do much more about going forward.

Austin Mardon writes:

> We would not allow people in our families with Alzheimer's to wander the streets homeless. We would never think twice about obtaining a court guardianship to help an elderly person. But when the afflicted person is young and has an illness like schizophrenia, we sometimes balk at the idea of forcing them to take medication. We don't think it is our place to interfere with their right to refuse treatment.

I think he makes a very good point, Mr. Speaker. It's a point that I agree with. It is a point that I have had some experience with as my late father was in the early stages of dementia. You know, when that occurs in your family, it gives you some experience and insight into that part of it. We would not let our parents or our grandparents or our elderly spouses wander the streets homeless because they were suffering Alzheimer's or some other form of dementia. We should not do that to our younger, and potentially much more productive than they are, members of society who with treatment could reach their productive potential but who, when needing treatment, don't always realize that that's what they need.

Bottom line, Mr. Speaker: I will be voting in favour of Bill 31 because I am for it with the reservations that I've expressed. I think we need to keep a good watch on how it plays out because there is the potential, a small potential, for it to paint too broad a brush. If it ends up doing that, we need to get back in here real quick and make a correction, make an amendment to the bill. Also with the proviso that we need to come back in here next spring and do some serious work on addressing the whole mental health and our approach to mental illness treatment issue in the province of Alberta. It needs to be done holistically, crossing such things as homelessness, community facilities, community supports, and on like that.

Mr. Speaker, thank you for your time. I'll take my seat now.

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

There being none, the hon. Member for Edmonton-Manning.

3:50

Mr. Backs: Thank you, Mr. Speaker. I'm very pleased to rise to speak to Bill 31, and I will try to be brief. There has been a lot spoken on this important bill. I speak in favour of it. I think it's something that is necessary yet difficult in many ways. You know, there are really certain strong concerns that were expressed to the

committee, of which I was a part, on civil liberties, individual responsibility, and other things, and those cannot be taken lightly.

There was also the input from many parents, many groups, many individuals that spoke of the problems in schizophrenia and all the rest of it. I visited Alberta Hospital as I have in my constituency also seen many people from Alberta Hospital from time to time and dealt with some who have become homeless coming from there and some of the problems that are sometimes in the community because that institution is nearby. I'm not saying that we don't welcome it but that it tends to have some of the former residents congregate in the area. I would challenge, actually, all members to take a tour of Alberta Hospital to see the real need in that facility for some major improvements. There is a need for institutionalized care, and it is not something that we can get away from completely.

There's a desire, absolutely, to get into increased community care. CTOs, involved in Bill 31, will allow for that individual capability and family capability to be able to live in the community. One of the things that was an instigator of this legislation was certainly the Ostopovich case in Spruce Grove and the lack of a spouse to be able to get a husband to take his medication even though he wanted to when he was in the right spot in his medication cycle, or whatever you want to call it. He got into an incident that prompted a fatality inquiry and the justice reported the need for CTOs. Unfortunately, he was killed, and a police officer was killed in that unfortunate incident.

The need in our community for this is clear. There are many, many individuals that are affected by this. In my communities the response was overwhelming in terms of the need for this. I had a great deal of people call me on this, and people as families and individuals asked for this legislation to be instituted.

I do not doubt that the Member for Edmonton-Centre might have had 10 to 1 in terms of response on that. There are different aspects of this bill that must be monitored very closely in the next couple of years. Certainly, the need to approve some of the drugs for use with schizophrenics and for the department of health to look very closely – the Member for Edmonton-Mill Woods, I think, spoke about that – is clear. But there are also some problems with, perhaps – and we heard that from a number of presenters – excessive medication with the use of methadone. That may be a very clear difficulty that we might have to monitor very closely to ensure that that is not something that is abused through CTOs.

[The Speaker in the chair]

The need for community supports. On housing, the Canadian Mental Health has a project coming up in Edmonton that is looking for support, that I think has wonderful merit. The need for supports for that is clear. The homelessness issue: it's not all of the homelessness issue, but Austin Mardon, in his report mentioned earlier and in some of his speeches just in the last week as we've looked at this issue in the city on certain days and weeks marking the need to address this issue, said very clearly that it is a part of the issue of homelessness. We must remember that and look at that.

I do support this bill very strongly. I think we must monitor it closely over the next couple of years, Mr. Speaker, and I ask the Assembly to pass this. Thank you very much.

The Speaker: Standing Order 29(2)(a) is available.
Should we call the question?
The hon. Member for Edmonton-Rutherford.

Mr. R. Miller: Thank you, Mr. Speaker. It's been an interesting exercise to listen to debate on this bill this afternoon because, as has been alluded to by the House leader for the Official Opposition, this is a free vote in our caucus, and it's a free vote because it's such a difficult issue. I hear the agriculture minister suggesting that it shouldn't make any difference. He said: what difference should it make? Well, you know what? It makes an awful lot of difference, and members on this side of the House, at least, take debate on such serious issues very, very seriously. I'm a little dismayed, quite frankly, that the agriculture minister would belittle the seriousness with which we take this issue.

Mr. Speaker, I've listened intently this afternoon as members from both sides of the House relayed not only concerns about this bill and how it affects constituents of theirs but particularly some of the personal stories that have been related. My colleague from Edmonton-Manning mentioned a few minutes ago Alberta Hospital. I happen to have relatives that operate a farm just very close to Alberta Hospital. In fact, I've got several relatives in the area. One cousin and his family operate a farm literally across the road from Alberta Hospital, but several relatives have farms in the area, and I spent a large part of my youthful summers working on one of those farms. They always employed patients from the hospital, many of whom were victims of schizophrenia, absolutely wonderful, wonderful people, but of course they had their challenges. So I grew up as a young child being exposed to people who suffered this affliction.

I had another very personal and moving experience when my family lost our daughter through an accident in 1993, and I've spoken of that several times in the Assembly over the years. One of the first support services that was offered to our family after that accident was through a group called Compassionate Friends. Some members may remember earlier this year when I gave a member's statement in support of the Compassionate Friends and the work that they do.

The first people I met through Compassionate Friends was a fellow by the name of Jerry Calder and his wife, Dee, who live in Leduc. Their son Jay lost his life at the age of 21, if I remember correctly. Yes, he was 21 years old. He fell to his death. To this day it's unclear whether or not it might have been a suicide or if it was an accident, but Jay fell to his death at the age of 21 after suffering with schizophrenia for years. I know, having spoken to Jerry and Dee, a lot of the struggles that they faced as they watched their son deal with this disease.

I have in my own family watched members of my family struggle with depression. I've literally lived through some of the angst and anxiety that families live through when they watch loved ones potentially harm themselves, so I recognize all of the emotions and issues that families go through as they deal with loved ones who are in this situation, yet I struggle with my own personal position on this. I'll be honest with you, Mr. Speaker: at this point, probably mere minutes away from a vote being taken on this bill, I'm not sure how I'm going to vote. I'm really not. I am conflicted. There are some very important issues around individual freedoms and freedom of choice, and I don't think that we should treat those lightly.

4:00

A lot of talk today on a number of bills about Big Brother and, you know, interference by the state in individuals' lives. Again, I don't think we should take those concerns lightly. Over the three years that I've been a member of this Assembly, I've built quite a relationship with the Canadian Mental Health Association, their Edmonton regional office, and come to know a number of people that work there, both staff and volunteers, and a number of the individuals that they've helped over the years, including Dr. Austin Mardon, as a matter of fact. They do absolutely tremendous work.

When I speak to the people that are involved with CMHA and their Edmonton office, Mr. Speaker, even there I sense that there is a great deal of trepidation when it comes to developing a position around this bill. My understanding is that for the most part they're supportive of it, but as my colleague from Edmonton-Centre pointed out in her comments earlier, this piece of legislation may not actually help a lot of these individuals unless the government steps forward with the supports that are required.

To simply apprehend someone and ensure that they're put back on their meds doesn't necessarily address the bigger picture. It doesn't necessarily address the problem. I know that in discussion with my colleague from Lethbridge-East earlier this afternoon we agreed that so often people who are facing these afflictions, once they're stable and doing well, the first thing they want to do is to go off of their meds. I understand that that is exactly the sort of situation that this legislation is contemplated to address, but I'm not convinced in my own mind that it will effectively address that situation. So I really have to think carefully over the next several minutes as to exactly what my position will be when it comes time to vote on this bill.

I want to commend my colleague from Calgary-Currie for his comments a few minutes ago in terms of tying this piece of legislation, this debate, and this conversation this afternoon to the situation around housing and homelessness. I think all members in this House recognize that those that are facing issues of mental health are also facing so many of the other challenges that we see in our society in Alberta right now. To think that we can just sort of treat one aspect of it and not all of the other aspects of the challenges that these people face is simply not going to accomplish the goal that we've set out for ourselves. It really has to be a holistic approach.

Before I take my seat, Mr. Speaker, I really, really must commend the Member for Edmonton-Mill Woods for her comments. I will confess to having had a tear in my eye this afternoon when she was speaking. As is so often the case, when the Member for Edmonton-Mill Woods opens her mouth to speak in this Assembly, it gets very, very quiet. The reason for that is because she does not use her words lightly. They're always very well considered, very well measured, and I think all members in this House recognize that. There are certainly those of us in this House – and I would never suggest that I might be one of them – who can chew up time on the clock if there is a desire to do so. The Member for Edmonton-Mill Woods is not one of those. When she speaks, I think everybody understands that there's a message there that needs to be heard, and I thought that her words this afternoon were particularly powerful. I hope that all members will reflect upon those words and those of many other colleagues on both sides of the House this afternoon who have spoken very eloquently on this issue, Mr. Speaker.

As I said, it's a difficult decision for myself and certainly many members of our caucus and, I'm going to guess, for many members of this Assembly to decide exactly where they come down on this bill. We understand what we're trying to accomplish here. We're hopeful that if it's passed, it will do some of that, but I hope that it's not just one of those pieces of legislation that we can hold up and say, "Look, we did this," as we've done with a couple of other pieces of legislation that I've supported in the past. The PCHAD legislation certainly was one that I supported. But sometimes I worry that when we pass bills like that, we give the government and the agencies that work with less fortunate people some tools but not necessarily the solution.

I guess it's a good step forward, and certainly one of the emotions or one of the expressions that you'll hear from families that are facing these challenges is: give us whatever you can; give us something; give us some hope. I certainly recognize that, and it's part of the reason why I struggle with this decision. Having lost a child, I know on a very deep personal level how difficult it can be to watch people who might in fact hurt themselves and who in many cases have hurt themselves. We don't take that lightly, but at the same time, as I said, there are serious issues around personal freedoms and personal liberties and some real questions as to whether or not the tools themselves that we're discussing here today are enough or if, in fact, there isn't a lot more that has to be done in order to provide a solution as opposed to just a tool.

With those comments, Mr. Speaker, I will allow others to participate in the debate. I will once again just implore everybody to think really, really carefully about this before they make their decision. It's not an automatic, in my mind, and I believe many others feel the same way.

Thank you.

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

The hon. Minister of Health and Wellness.

Mr. Hancock: Thank you, Mr. Speaker. I'll be very brief, but I did want to do a couple of things before debate closes. First of all, I wanted to thank the Member for Drayton Valley-Calmar for sponsoring the bill. He had intended to bring forward a private member's bill on this topic, and as we wanted to bring forward a government bill on the topic, he acquiesced and then sponsored the government bill, and I very much appreciate that. I appreciate the enthusiasm that he brought to the task and the passion for the purpose, which I thought was very important.

We've had a number of very powerful comments made. Yesterday in committee, I believe it was, the Member for Whitecourt-Ste. Anne read portions of a letter which he'd received which I think really expressed all of those letters that many of us could have tabled. This is a bill that is going to serve a purpose.

I disagree with the Member for Edmonton-Rutherford, not in terms of his viewpoint on how difficult a bill it is but in terms of being able to make a decision. This is an easy decision for me and, I think, for many members of the House because we know what this particular tool will do to assist families who have an adult child with a mental disorder such as schizophrenia to actually live a life in the community, to give the family a life back because it has a very powerful impact on the family. It is going to be a very, very useful tool, but it's just a tool. It's just one of the tools. All of us have those letters, and most of us, I think, have had opportunities to know families that will be well served. We know families who've had pain in their family as a result of having to live through the deterioration of their adult child and live through the recovery and then the deterioration again and that cycle over and over again.

4:10

I wanted to comment particularly on Edmonton-Mill Woods and her comments because – I don't think I've ever felt this way before – her comments are ones that I'm going to go back and read in *Hansard* because they were powerful comments, and I think they were very well said. I'm not going to try and repeat those sentiments; I just want to adopt those sentiments because she expressed it very well.

I've had the opportunity to hear from a number of very strong advocates on this bill. I'm not going to name them, but I do want to just mention that they have been there all the way through, providing advice and insisting on how important this piece of legislation is for them and for the community. I want to thank them. As I say, I won't name them because that would be too long a list, but I do want to thank them. They'll know who they are because they've been calling and sending e-mails and encouraging.

I did want to mention that we've had a steering committee with respect to this bill to help guide it in terms of its content, in terms of how it should be created because it had to be created carefully, and that included a number of the major advocacy groups and interest groups in the area. That steering committee has been and will be very useful for us as we draft regulations, as we move forward towards implementation.

Certainly, some concerns have been raised about the community resources. There have to be community resources. They're not in the bill – Edmonton-Centre is absolutely right: they're not in the bill – but they are important. Assertive community treatment is absolutely important, and we need to make sure that that goes forward. Housing for the hard to house is equally important. Many of the hard to house, in fact, I'd hazard to guess that most of the hard to house, have either a mental issue or perhaps an addiction issue or both, and codependency is very common.

I won't go on. This is a very important bill. I did want to take the opportunity to rise and thank Drayton Valley-Calmar again and to thank Edmonton-Mill Woods because she has been very staunch in her advocacy on this issue. Again, her words this afternoon were powerful. I'd like to ask the House for its support for this bill so that we can get on with the implementation.

I need to correct one misapprehension that I think I created yesterday for Edmonton-Centre in terms of funding the CMHA. We're not funding the CMHA.* It's the alliance that we're going to give a relatively small budget, in the nature of $80,000 to $100,000, for them to continue their advocacy work in the area and to help us with some of the co-ordination and monitoring type issues in the area. It's important, though, because we need these groups to be out there, to be communicating from the community, and to be continuing to keep the focus on the issues. So I just wanted to make that correction on the record.

Thank you, Mr. Speaker.

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

Shall I call on the hon. Member for Drayton Valley-Calmar to close the debate?

Hon. Members: Question.

The Speaker: The hon. member.

Rev. Abbott: Thank you, Mr. Speaker. I just want to spend a moment thanking everybody for their excellent debate. I am actually a little bit surprised that we had such meaningful speeches after 20 hours of straight debate in this House, probably 25 hours if you count that we started at 1 o'clock yesterday. I really agree with the minister of health in that every speech that was given today was very powerful. I just want to thank the minister for the opportunity to carry this bill, thank everybody that helped to work on it, and I do want to encourage everybody to read *Hansard* and to try to make this bill better by adding the dollars that are needed into the system to make this possible.

Again, just an excellent step forward here to help people with mental health issues, and therefore I would call the question.

[Motion carried; Bill 31 read a third time]

Bill 48
Health Facilities Accountability Statutes Amendment Act, 2007

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

Mr. Hancock: Thank you, Mr. Speaker. I move Bill 48, Health Facilities Accountability Statutes Amendment Act, 2007, for third reading.

I'll save the rest of my eloquence for response.

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

Mr. Martin: Thank you very much, Mr. Speaker. I saw this to some degree as a companion to Bill 41, and as I said, in this particular instance Bill 48 was also a direct result of what happened in St. Joseph's hospital in Vegreville. This is one time that I believe the minister had to step up and had to organize the authorities, how it works, and ultimately the minister had to have the power to react in terms of serious situations. There are likely some misgivings about centralizing power in the minister's office, but in this case I don't think there is any doubt that that's where it has to be. As I said, the buck stops there. I think the minister, with the amendments that he's brought in, has allayed the fears of the faith-based. At least, I would hope that he has. They're worried that they would be out of business, I guess.

Again, unlike 41 – I didn't see the need for the power there – I absolutely do see the need for the power in Bill 48. As I say, this came from the Health Quality Council of Alberta. I think this is their recommendation generally, and I think it should be supported.

Thank you, Mr. Speaker.

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

Ms Blakeman: Thank you very much, Mr. Speaker, for the opportunity to speak briefly in third reading of Bill 48, the Health Facilities Accountability Statutes Amendment Act, 2007. This was a pretty good debate. We had some rousing disagreements and a package of 13 amendments that came forward from the government, mostly to address the issues around faith-based principles and ethics. Ah, yes. The famous consultation clause that the minister wouldn't put in for me last week he's more than willing to put in this week, so I'm going to make him eat a bit more crow about that one. It just shows that you can do it if you want to, Mr. Speaker.

As the hon. Member for Edmonton-Beverly-Clareview pointed out, this is the second piece, the companion bill – what did I call it this morning? – the Hansel to the Gretel of Bill 41, springing from the episode in particular that happened in Vegreville last spring. This was to make sure and to clarify the lines of accountability and roles and responsibilities for all of the hospitals, in particular bringing the faith-based ones, which are also called volunteer-based hospitals in our system, under the roles and responsibilities and clear lines of communication with the regional health authority and other hospitals in the area. So this bill needed to happen.

4:20

My concern with this bill, as with Bill 41, is that the minister takes another step and does give more control to himself – you know, pulls all those reins, driving those horses into a hand that gets pulled ever closer toward the bosom of cabinet – and that always causes me concern. It was, I think, a bit more appropriate with Bill 48 than Bill 41, which I wouldn't support. Bill 48 I am willing to support.

Having made those comments, I will cede the floor to someone else that wishes to speak to the bill.

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

The hon. minister to close the debate?

Hon. Members: Question.

*See p. 2443, right col., para. 7, line 4

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

Mr. Chase: Thank you, Mr. Speaker. I should have hopped up faster.

This goes back to Bill 41. There is a direct connection, and that's the linkage and the line of responsibility: what does the government have in its sort of stewardship, legislative regulatory role, and where do the various health regions and the hospitals within those health regions have control? Delineating that authority is absolutely key to the proper delivery of health services.

Years ago, going back to the early '90s, before the primary concern of this government was defeating the debt regardless of what ramifications occurred as a result, hospitals were sort of entities unto themselves. There was both good and bad associated with that because if a patient had a concern, they could go directly to that facility and the board, and those concerns could be dealt with in a very accommodating, very straightforward arrangement. But when the government, in its wisdom or lack thereof, decided to consolidate the health regions, there was a fragmentation, an unintentional occurrence which resulted. Similarly, when the government felt that there were too many school boards, too many school districts, and they decided through former Treasury minister Jim Dinning to make cuts to the various districts and to the health regions, then the authority, particularly in the health regions, became very, very unconnected.

I think what's happened in Vegreville is that the who's in charge aspect of it was lost because we had faith-based hospitals, we had our regular public hospitals, and the oversight in the authority and the funding and the support were rather disjointed. We had examples not just in Vegreville, but we've had examples of MRSA appearing in Claresholm, in Canmore. I know a constituent's first-hand experience in the Calgary health region. The authority and the decision-making has been sort of tossed back and forth, sometimes, between the Alberta Medical Association and the government.

I can remember the debates over Bill 11. It was such a hot potato in terms of preserving our public health care or having a single public administrator that the line of authority became blurred. Unfortunately, we're still suffering from that lack of authority. I know the government is trying to decide who does what, but I would suggest that putting things in regulation and making it a ministerial responsibility as opposed to in legislation, where it could be openly debated and the line is clear with associated reviews built into the legislation – then we have a chance of that authority being more clearly understood. Right now we have the case of the government, sort of, as so many other bills have demonstrated, in a regulatory mood.

Now, what I find very frustrating as a member of Public Accounts is the changing authority. When we call a ministry before us, it's very hard, particularly when we have to focus on the previous year, to get the type of straightforward answers we need to get. For example, in the shadow ministry that I represent, Infrastructure and Transportation, in the space of a year we went through three ministers. Some ministers have somewhat limited memory. They sometimes do not realize when they assume the ministry that all past sins are now their sins because they have taken over a ministry. I think in the case of the Ministry of Health and Wellness the hands-off, hands-on, third way, and Bill 11 have taken away a great deal of the responsibility for health and have just added confusion to the whole process.

Elected health boards, where the responsibility is directed to the constituents, where the authority is recognized as that given to them by the voter as opposed to appointed to the government, where the mixed authority causes confusion – for example, are David Tuer or Jack Davis primarily responsible to the government who appointed them or are they responsible to the constituents, the million individuals? Well, it's actually over a million because the Calgary health region covers a wide area surrounding Calgary, reaching out to High River and so on.

That line of authority is very difficult. Sometimes within any kind of organization that is built on a kind of a military model, this top-down approach doesn't necessarily work. What we need is a kind of collegial, collaborative process whereby everyone from the orderly through to the head surgeon through to the chair of the board through to the minister of health works in a collegial manner, and they realize who is responsible to whom. Of course, the bottom line is that we're responsible to Albertans, and it's very important that we remember that.

Thank you, Mr. Speaker.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. The hon. Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Speaker. I would like to speak to Bill 48 because I think, as has been mentioned, it certainly is a companion bill to Bill 41, and my problems with Bill 48 are, certainly, basically the same as the ones for Bill 41. I do believe that this is an overreaction to the infection problems that they had in East Central.

The main objective of this bill is to clarify the lines of accounting between hospital, health regions, and the minister. I think that, in itself, was absolutely necessary, and I think that in the way the government has come through and put this together, that part is very, very good. What I have a problem with is that in doing that, the minister has taken on far more responsibility and far more power than is necessary. I don't think that that's good governance. I believe that governments are here to govern by policies, not necessarily by absorbing all the power from the organizations that they're supposed to be just basically writing the rules for, to be able to keep the playing field equal so that people can live fair and balanced lives throughout.

4:30

The other thing that I have a big problem with – and certainly it's from my own personal experience working in the health care system – is that it really is: the bigger you get, the more impersonal it is and the more difficult it is to actually get any of your complaints or any of your fears answered. More often than not if you run into the bureaucracies or the people that are supposed to be helping, you'll get an attitude of: "I'm the government; you're not, so too bad. Get on with it." That's not good enough. We need compassion in our systems. The bigger the systems get, the less compassion there is.

To think that someone in some obscure little place in the corner of this province would have the same kind of hearing from a minister's office as they would from, say, a local board who actually understands the dynamics of the area that they're working in and actually often understands the dynamics of the families that would be involved, whatever their problem with the health care system may be, it's just understood on a different level. I'm so against big health care. To use a word that I've heard from the other side, it really does create a bunch of little minions running around. I think that it degrades their ability to use their own compassion because they're so boxed in with rules and bureaucratic nonsense that really restricts the ability for someone to have the compassion.

I look at what's happening in our long-term care facilities. Certainly it happens in children's services as well, and it's actually happening in all of our human services side of things: the ones that care are out there working 12, 14 hours a day. But it isn't that. It's

that they're giving a hundred per cent for those 12 and 14 hours a day. They love their jobs. They love what they do. They get the altruistic value of what they do at the end of the day, but if they don't get that altruistic value, if they realize that the system – the system – is stopping them from being able to do their job correctly and with compassion, then there's something wrong with the system. [interjections] I have to assume that that last desk thumping was in support of what I'm saying and that people really are understanding that compassion is necessary in our health care system.

I have questions that aren't answered. I really don't believe administrators should report only to the minister. Why isn't there a time limit on administrators' powers? Why aren't people moving through the system perhaps a little quicker? It's not that people are necessarily bad, but they do get complacent, and I don't think we should have complacency in our health care system. I'm not sure why the minister needs the oversight over the bylaws. Why not just the regions? What I'm afraid of is that when the minister has this kind of power, we will hear some of the same rhetoric that we get from some of the other ministers who then download the responsibilities onto whichever boards they've appointed, which isn't fair. If the minister is going to take this, then the minister is responsible, not the boards that are underneath him.

So I won't support this bill. I certainly have reservations. When I spent some more time between second, committee, and third, I rethought it, so I won't be supporting it at this time. I think it's too big, and I think it reduces us to noncaring people who are just part of a large system that can't respond to the actual needs of people in the health care system.

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

Mr. Chase: Thank you. To my hon. colleague from Lethbridge-East: don't feel the need to mention names unless it's in praise, but based on your years as a nurse working primarily in long-term care, could you give examples of when the line of administration, the line of responsibility was clear, based on your experience, and how that helped with the efficiency of the operation overall through collegiality, through collaboration versus maybe a story where when that collaboration and order and delineation wasn't necessarily there, it caused you undue work? I know that when there is a team approach and when everybody shares the authority, things work much better. But there is a final decision. If you've had experiences like that. I know I have in education, and I'm assuming you have in health care.

The Speaker: The hon. member.

Ms Pastoor: Thank you. I think that I can probably speak as a professional to the power of working as a team. I think that as the RN in charge it was very, very clear to me that without my PCAs, without good PCAs, personal care aides, without people that cared but, more importantly, without people that I could trust because I knew they were trained and they had the experience, then basically my job – we had to work together. I had to be able to trust them, and they had to be able to trust me, particularly if we had, you know, emergencies and I may be in a different part of the building because we could have been understaffed that night or whatever. You simply have to work as a team, and, yes, you're right: ultimately I did make the decisions on what was going on.

I think the other thing was that I was very, very fortunate to actually work in the time when nursing was an art and I could practise the art of nursing as opposed to the science of nursing, which I think sometimes takes the human side of it out because you're so busy and you tend to push a little more paper instead of pushing people.

However, to take it to the next step, I worked very collegially with the doctors. Now, the doctors didn't always come to the nursing home, so they had a great deal of trust in the nurses that they got to know and trust their abilities. Again, I was fortunate to practise the art of nursing and, in fact, made many decisions that doctors respected. When I would call, I would need a change in medication or, in fact, I needed to send someone to the hospital, and they knew that I wasn't doing that lightly.

As time went on, I found it more and more difficult to send people to the hospital because I would be getting questions like, "Well, how old are they?" Of course, my answer was always: "It's totally irrelevant. The woman has a broken hip. I'm sending her," blah, blah. So it got to be more and more and more administration, more and more bureaucracy. It was more and more somebody filling in the blocks on a page at the other end of the telephone, so it did get disconcerting.

Another thing that I certainly noticed – and I think it's going on in our society today, particularly at all levels in the human service sector – is that if we pull the volunteer sector out of this province, I'm sorry, but I think it will fall flat. When I think of all the volunteer hours that not only the RNs but the PCAs put in in the particular nursing home that I worked in, if you pulled all those hours out, it makes it look like the system truly is functioning, but without those volunteer hours it's not functioning. I think it's a misconception that we are not looking at volunteer hours and really counting them into the system because without them the system would fall apart.

Teamwork is absolutely essential, but I also agree with my hon. colleague that there does have to be a boss and that there has to be someone that does take that responsibility and that whoever is at the top cannot download it onto someone else. You're responsible. You're responsible for the people under you. You stand up for what you believe, and you stand up for your responsibilities. So trying to download it onto other segments underneath is just not the way to go.

4:40

The Speaker: Shall I call on the hon. Minister of Health and Wellness to close the debate?

Hon. Members: Agreed.

The Speaker: The hon. minister.

Mr. Hancock: Thank you, Mr. Speaker. We've had a good discussion of this bill at the three readings. I'd request that the Legislature now support the bill and pass it.

[Motion carried; Bill 48 read a third time]

Bill 55
East Central Regional Water Authorization Act

The Speaker: The hon. Minister of Environment on behalf of the hon. member.

Mr. Renner: Thank you, Mr. Speaker. On behalf of the Member for Drumheller-Stettler I'm pleased to move third reading of Bill 55, East Central Regional Water Authorization Act.

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

Mr. Chase: Thank you very much. I know that my colleague from Calgary-Mountain View would very much like to add his comments

on this point. I'll attempt to provide some of those comments for him as he is doing good work in Ottawa on behalf of the poor individuals who are in war-torn Darfur.

At some point we're going to have to take the wisdom of individuals like Dr. Schindler. We're going to have to listen to people like Martha Kostuch, I believe it is, and – I know beyond a doubt – Dan Woynillowicz of the Pembina Institute. These were people that the government asked to be part of an advisory committee. One of the common things that they've said that the government has yet to completely grasp is that unless you know what water is available, both surface and aquifer, you can't conserve or preserve something that you're not familiar with its extent.

This is either the third or the fourth water transfer in the three years that I've been in this House, and again it's an interbasin transfer. Yes, it's treated water, and it's going by pipeline, and pipelines are certainly more efficient than our rural irrigation ditch system. But there comes a point, again, as Dr. Schindler has said, that you've got to move the people to the water rather than the water to the people.

The direction of these transfers more and more is from north to south. I don't want to see Alberta getting into the situation that happened in B.C., where large dams have been built with tremendous flooding and loss of arable land. We have to make these decisions wisely. While I don't want to see ghost towns forming, such as when the railroad no longer had elevators along the way and towns sort of quietly died, if we don't base our decisions on water transfers based on availability and the cost of those transfers, then we're going to be in a great deal of trouble.

This past week at the Alberta Urban Municipalities Association a gentleman from Sundre, a reeve I believe, got up and asked the Minister of Infrastructure and Transportation an infrastructure question. He indicated that in the town of Sundre they didn't have a backup source for their water tower. He was very concerned that in times of, you know, low flow in the river they needed a reliable water source for filling that tower for fire and other emergency uses. The minister of infrastructure's response was: I'm afraid that water tower reservoirs aren't even on our list for funding.

With the number of times my hon. colleague from Calgary-Mountain View has stood up and talked to the government about the need to finance and support the Water for Life strategy, which has to take in a comprehensive review of our aquifers, of our surface water, the government has made some wise decisions in terms of shutting down the Oldman River and in terms of shutting down the Bow. We're very aware that these rivers flow from the mountains and glacial sources, and we know how rapidly our glaciers are depleting. So what we've taken for granted for years and years and years, we can no longer take for granted. Regardless of whether you believe in global warming or not, the reality of it is ever present in Alberta.

The solution is not to continue to draw water from the north to feed the south. We've got to stop the types of developments in the north that go sort of helter-skelter, approval after approval after approval, because we're getting to the point where some of our best agricultural land in the north, in terms of Grande Prairie and High Prairie, are starting to become compromised by industry. We know that the old system of grandfathering water licences no longer works because the concentration in a few small hands of large water quantities is not working in this modern day and age.

The answer is not simply to treat water as a commodity and put a price tag on it. We need to measure the water that's being used – of that there is no doubt – because the government has indicated that in terms of the various organizations in the water districts, we don't have an accurate understanding or calculation of how much water they actually use. Because we have no measuring tools to completely understand that usage, such as we have water meters in our urban centres, then there is a tremendous amount of wastage.

In oil and gas extraction potable water is still being flushed down holes and is not retrievable. I know there's a greater move towards grey water. There's a greater move towards using saline water. But the reality is that if we don't have water and we don't manage it and we don't test for its quality, then we're going to be in great trouble.

The Member for Calgary-Mountain View also pointed out that it's not simply enough to do baseline testing. He's talked about the need for isotopic testing, where the types of gas that are in low levels in the underground aquifers, especially where there's a proximity of coal-bed methane – and fracking can cause that gas to mix more freely than it does in its natural state. Without that kind of isotopic testing we have no idea what types of gases are present, and that has to be absolutely known before fracking takes place.

A former Minister of Environment, Lorne Taylor, was at the Rozsa Centre at the University of Calgary, and he announced a $35 million Water for Life initiative. That's a good starting point, but I know and as the current Minister of Environment would I believe agree and the former minister of environment, who is just leaving the room temporarily, would probably also agree . . . [interjections] Oh, pardon me. Pardon me. Sorry. I apologize. Here he is. As I said, it was a temporary movement.

Anyway, what I'm getting at is that they realize how drastically underfunded their ministry is. They have fought for funding, but unless things have dramatically changed – and one of the ministers can clarify if that's the case – the Ministry of Environment receives less than a per cent of the entire general revenue. I would suggest that the role the Environment ministry absolutely has to play is key to that of the health ministry and it's key to that of the Education ministry because without the environmental controls and measurements and protections and enforcements, what have we got left? Oil and gas are not going to replace water.

4:50

The Speaker: Hon. member, I've now allowed you to go 10 minutes without interruption, but there is still the principle of relevancy. The name of this bill is the East Central Regional Water Authorization Act.

Mr. Chase: Thank you. The relevancy, Mr. Speaker – and I appreciate your focusing; I think we're approaching 20 hours, possibly longer – is that water can't be taken for granted, that this may appear to be only one more small transfer, but what is missing is the definition of this transfer. It says that it's for home usage, but it also says that it's for commercial activities.

Now, if, for example, in this particular area a bottled water organization wants to set up, such as we see in Nanton and such as we see in Calgary and Edmonton with regard to producing Coca Cola, Pepsi, and a variety of soft drinks or bottled water, then under the municipal agreement that it can be used for industrial use, there is going to be a significant draw on that water. What I'm asking the government to do is clearly define who's receiving the water, and if it is for industrial use, then charge that industry a significant amount that recognizes that water for industrial use isn't free, just the way it's not free in the cities because it's metered and we pay.

In the case of farming let us make better, more efficient use of our irrigation systems. Instead of having sprayers going at all times of the day, concentrate it during the evening. Let's get rid of just the open-flow ditches, which are . . .

Point of Order
Relevance

Mr. Hancock: Mr. Speaker, again on relevance. I think it's *Beauchesne* 459. This is a bill about domestic water being piped to towns that may have their outflow into another river basin. That's what this bill is about.

Mr. Chase: Thank you. And to the hon. minister . . .

The Speaker: No. That's not the way it works. Just a few minutes ago the chair actually rose on the point of relevancy. This is the second point on the question of relevancy. I would now ask the member to continue but to be relevant to the bill at hand.

Debate Continued

Mr. Chase: I'll finish with this, Mr. Speaker. My concern is not for the residents who will receive their water piped to them. My concern is the definition of the individuals and companies who will receive the benefit of that water for industrial use. How far does industrial extend, and to what extent is the value of that water recognized that is being piped to this district?

Thank you.

The Speaker: Additional speakers? The hon. Member for Edmonton-McClung.

Mr. Elsalhy: Thank you very much, Mr. Speaker. I, too, promise to be very brief. One area which was actually mentioned in debate but which I would like to again put one more time on the record is the fact that part of this whole discussion has to actually centre around the fact that we need to plan for communities' growth. Sometimes communities grow, and their needs grow. My hon. colleague from Calgary-Varsity and previously the MLA for Calgary-Mountain View have expressed their desire and their preference for the government to do mapping of groundwater, mapping of surface water, and so on and to have an inventory of what we have, how much we can allocate, how many in terms of licences we can grant.

The angle I want to highlight is basically that when these communities experience growth – and I make the distinction, as my colleague did, that domestic growth or residential use is one way. If we're talking about commercial or industrial growth, that's definitely another layer that has to be factored in. If the Assembly finds it agreeable to come to the assistance or the aid of communities in smaller towns or smaller cities that need more water because their supply is diminishing or maybe their needs are growing, that's one thing, but if we're actually doing this to advance industrial or commercial interests or to help people in industry, then it's definitely a different question, and maybe the reaction from this Assembly is going to be different.

As these communities grow, definitely the plan should be for this government to forecast that growth and to maybe be ahead of the curve, not only react to a situation where these communities are faced with a water shortage. Maybe they should be able to tell ahead of time that communities A, B, and C in northern Alberta and communities D, E, and F in southern Alberta are going to likely be in this situation a year from now or two years from now, and here's what we're doing now to prevent this from happening or to address this concern before it actually arises. So the need for planning and the need for this government to be proactive rather than reactive I think is something that is valid, and it's a concern that my hon. colleague from Calgary-Varsity was trying to frame, but he was being directed to always keep his remarks within that relevant framework, if you will, Mr. Speaker.

This is where I'm coming from. Certainly, we don't object to a small town getting some extra water, definitely treated water, being piped or being trucked in. That is okay. We just need that plan to be in place so these situations do not arise and this Assembly is not faced with this request more than once every session. This is certainly the fourth or fifth time that I have seen this, and it shouldn't be happening. It shouldn't be allowed to happen. [interjection] Well, this is it. The relevance is the need for that plan to be in place, to be in existence. Be it the Water for Life strategy or a one-off request, I'm just hoping that we don't get it repeated frequently, Mr. Speaker.

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

The hon. Member for Drumheller-Stettler. By recognizing the hon. member, that closes this debate.

Mr. Hayden: Thank you, Mr. Speaker. It's an honour and a privilege to close this debate. This is an issue that's affected the people that are going to be served by this waterline for many, many years. This great decision that the members have made on the treated water, a decision that my members have worked on and my colleagues are working on, will satisfy what people have dreamt about for many, many years, and that's safe and secure drinking water in communities that have contributed so greatly to the province.

With that, Mr. Speaker, I'd like to close debate. Thank you.

[Motion carried; Bill 55 read a third time]

Bill 54
County of Westlock Water Authorization Act

The Speaker: The hon. Minister of Environment.

Mr. Renner: Thank you, Mr. Speaker. I'm very pleased to move third reading of Bill 54, County of Westlock Water Authorization Act.

This is a similar project to the bill that we just passed, only on a much smaller scale, probably 5 per cent of the size. It is for domestic water within the county of Westlock, primarily for two small villages served by the town of Westlock.

I urge all members to support this bill.

5:00

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

Dr. Taft: Yes. Mr. Speaker, I just want to comment briefly about our ongoing concerns, just to be on the record, about interbasin water transfers. Every time we come . . .

An Hon. Member: It's treated water.

Dr. Taft: I know. I understand it's treated water.

It seems that every time we have a session, there's another interbasin water transfer. At some point we need to face up to the reality that we need to move people to the water more than we're moving water to the people. We've had some interesting discussions on that in this Assembly, but it's important to drive that message home because every time we say that this is the last one, and every time we do it again.

Thank you.

The Speaker: Others?
The hon. Minister of Environment to close the debate?

Hon. Members: Question.

The Speaker: The Speaker is prohibited from participating in the debate, but the two communities are Clyde and Vimy.

[Motion carried; Bill 54 read a third time]

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

[Mr. Shariff in the chair]

The Deputy Chair: Hon. members, we'll call the committee to order.

Bill 57
Miscellaneous Statutes Amendment Act, 2007 (No. 2)

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill?

Hon. Members: Question.

[The clauses of Bill 57 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Carried.

Bill 38
Government Organization Amendment Act, 2007
(continued)

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

Ms DeLong: Thank you very much, Mr. Chair. There are a few general comments that I think need to be made about this bill. I guess the first sort of source of misunderstanding around this bill is that we are in the first part of TILMA, and this is the part where we and the government of British Columbia – we are moving along in parallel on this. There's been some talk about how B.C. has been debating it whereas we haven't. Essentially, what happened with B.C. is that they had a procedural motion regarding TILMA. We don't have that kind of process within our House.

Essentially, what we are doing is moving along with B.C., and we are saying that, hey, we believe in free trade between the provinces. We believe in free trade, so what we're going to do is that we're going to put some teeth into the interprovincial agreement. Okay? This is our commitment that we are going to be moving forward with this. That's why this part of TILMA is moving forward at this point whereas there are other parts of TILMA that will be moving forward later.

Now, I'm going to have to draw your attention to article 9, part 2 of TILMA, where it says

> During the transitional period,

which is what we're in right now,

> the Parties shall undertake further consultations and negotiate any required special provisions, exclusions and transitional provisions to determine the extent of coverage of Part II to measures listed in Part VI.

Essentially, what that says is that TILMA is still under negotiation – okay? – and it's under negotiation on an enormous number of fronts.

Let me tell you a little bit about what's happening in that area if you would just give me a moment here. Now, this is the consultation. I know there were some concerns in the House regarding consultation, so I'm going to go through the kinds of consultations that we as a province, not just as a government but as a province, have been involved in to date. Since April 2006 the ministry has been meeting with stakeholders across Alberta, including municipal associations, professional regulatory bodies, and industrial associations, the AUMA, AAMD and C, city of Edmonton, city of Calgary, and city of Red Deer. They've met with more than 60 professional regulatory bodies: APEGGA, Alberta Association of Architects, the association of registered nurses. I don't think I have to name all 60 of these associations. They've met with the Council of Canadians. They've met with the chambers of commerce in Calgary and Edmonton. They've met with industrial groups, including the Alberta building trades council, Alberta Construction Association, Alberta Real Estate Council, Alberta funeral directors' association, Western Canadian Forum on Employment Law, the U of A School of Business.

We've also discussed TILMA with the governments in Canada, the Committee on Internal Trade. They've met informally with officials from the federal government, Saskatchewan, Ontario, and the Yukon, and TILMA was praised in the March 19 federal budget. One of the more recent things that has happened is that Ontario and Quebec are now trying to set up their own version of TILMA between them.

So this is very much a work in progress, and this is the first step, that says: "Hey. We as provinces want to open our borders." We know that we already have the agreement on trade provincially, but we know that it's not working. We have hundreds of examples of places where it's not working. What we want is that we want it to work. We can't make it work all over Canada all at once, but what we can do is make it work between Alberta and British Columbia. This is the first step. This is where we're saying: you know, we are committed – okay? – and essentially we're going to agree to put some money behind our mouths.

Now, I'd like to also just address a few of the things that have been brought up. Here's something else that I think we should bring up. It was something that was brought up by Calgary-Currie, and that was a concern regarding the environment. What I'm going to do is that I'm going to refer to article 5, part 4, and that says, "Parties shall continue to work toward the enhancement of sustainable development, consumer and environmental protection, and health, safety and labour standards and the effectiveness of measures relating thereto."

5:10

I think I should also mention: MLA for Edmonton-Riverview, you were really concerned about the race to the bottom. You were really concerned about it. If you just look at, you know: hey, we've got organizations in B.C., we've got organizations in Alberta, and they're working to get their regulations together. Okay? Anyway, they're getting their regulations together, and that is part of the whole process of TILMA.

As part of that, you know, to sort of balance off, to make sure that it is not the race to the bottom, this clause was put in there, that "parties shall continue to work toward the enhancement of sustain-

able development, consumer and environmental protection, and health, safety and labour standards and the effectiveness of measures relating thereto." If we didn't have that clause in there, I can see how you might be concerned that, yes, it would result in a race to the bottom. I think that's about all in terms of – oh, just one other point. [interjections]

The MLA for Edmonton-Ellerslie, I was very heartened. You could tell that his speech was based on having actually read the agreement, and I really appreciated that. He had a concern about the $5 million of damages that could be called against us. When it has come to the internal trade within Canada, we have been challenged. Okay? There has been no money behind it, but we have been challenged in that arena. In that arena there is something that's very similar, and that is that if you have a disagreement, then the first thing is that you meet and try to resolve it before it ever goes to a panel.

In the history of Alberta we have always resolved the issue before it even got to the panel. So in terms of our exposure here – okay? – our exposure is extremely low, partly because we actually do believe in free trade. We actually do believe that we want industry to move. We want prosperity for our people. [interjections] In other words, in terms of the exposure that we have, it's not a high exposure. [interjections]

The Deputy Chair: Hon. members, the Member for Calgary-Bow has the floor. The chair would be happy to recognize you if you wish to participate in the debate.

Ms DeLong: I know that other people do have other concerns about this legislation, so I will sit down so that when I do stand up again, I'm very much to the point of what your concerns are.

Thank you.

The Deputy Chair: Hon. members, after that passionate speech from the hon. Member for Calgary-Bow, are there any further comments or questions? The hon. Member for Edmonton-Decore.

Mr. Bonko: Thank you, Mr. Chair. The Member for Calgary-Bow had talked about how this is just the first part of TILMA. Well, as far as we see so far, there is just one part. The only part is the introduction of this on April 1, and it does become lawfully binding as of April 1, 2009. I'm so glad that the Member for Calgary-Bow is listening so she can be able to respond to some of the queries that are coming to her right away.

What are the other parts that are going to be introduced here right away? She's talked about: this is just the first part. What are the other parts?

She talked about section 9, with other consultations that the government is going to be doing. We already heard about what's gone on to date so far, but what are the other consultations that the government is proposing on doing in the next stages here?

You've still not been clear with regard to the government policy. Is it going to need to be changed? If not, then why do we need the agreement in the first place?

These are three specifics that I'm hoping that the Member for Calgary-Bow would be able to give me some information on.

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

Dr. Taft: Thank you, Mr. Chairman. I listened to the comments from the Member for Calgary-Bow, and I appreciate the sincerity and clarity of those comments, especially after some 25 hours or 28 hours of being in here. I have a few comments I need to raise.

First of all, the Member for Calgary-Bow talked about the consultations that occurred in developing this agreement. They may have been extensive – I don't know; certainly, the opposition wasn't involved in those – but she did mention municipal governments, and I am aware that some municipal governments are very uneasy about the implications of TILMA. There are real concerns from some of the significant cities in this province that the implications of TILMA may entail a real restriction of their municipal powers, whether those might be on environment issues, on development issues, on economic issues, so while there may have been consultation, that doesn't mean that the people who were consulted and the groups who were consulted are fully at ease with this bill. They're not. There's a lot of unease in municipal government about this particular agreement. I want to make that point clear to the Member for Calgary-Bow.

I appreciated her comments about the race to the bottom. I am not convinced, and certainly the information I'm working from doesn't give me reassurance, that that particular clause that the member cited is, in fact, a safeguard. There are so many ways around that clause that I think there is a genuine risk of a race to the bottom. We were in the middle of a very interesting debate earlier today on this exact issue regarding teachers' certificates and other concerns.

You can be assured that as the Alberta Liberal caucus we will be very alert and others will be very alert to this leading to a consistent downgrading of standards across the board, whether they're environment standards, labour safety standards, training standards, and on and on. [interjections] Sorry. I'm getting comments from the House leader, and I'm not hearing. There's so much enthusiastic chatter around the Assembly right now.

I also want to make a couple of other notes. I have a question. I don't know whether the Member for Calgary-Bow or others would be able to answer, but I'm wondering: what is the equivalent among U.S. states? I know that in the U.S. among the 50 states there are a huge number of trade barriers. There are all kinds of differences in how states handle all kinds of issues: safety issues, environment issues, and so on. I suspect that the U.S. states are at least as divided on many issues of internal trade and investment and labour mobility as are the Canadian provinces. I'm wondering if the U.S. states have any equivalent to TILMA at all or if they're working in that direction or not and, if they are, how that's proceeding.

I know, for example, that California has very different standards on all kinds of things than neighbouring states like Oregon or Nevada or Arizona, not to mention Yukon and then the special map of the member from Lethbridge . . . [interjection] Oh, Utah. Okay. Anyway, we won't bother going there. I mean, I love Utah and all that, but we won't go there in this debate. So what's happening in the States?

5:20

I also am concerned that because TILMA links into NAFTA or complements NAFTA, we are opening ourselves up to complications through NAFTA and that some of the big winners through TILMA are not directly mentioned in TILMA but are indirectly brought into it because TILMA fits in with NAFTA. I'm thinking there particularly of foreign investors. We may well be in a situation where foreign investors empowered through NAFTA now gain the opportunity to take, say, Alberta-based municipalities or public bodies to court because TILMA gives them that power.

I'm very concerned that we may see a one-sided gain in the rights of foreign investors through TILMA when we don't gain any corresponding benefit on the other end. There's nothing in here that's going to allow an Alberta-based organization, a company or anybody else, to take an American or a Mexican state to court, but

those American and Mexican investors can take Alberta to court through TILMA, linked through NAFTA. There's a real risk here that this is a one-way street and we're on the losing end of it. Again, I would like the Member from Calgary-Bow or anybody else on the government side to answer that.

There are other options to this particular approach. I think that we should be looking at unifying western Canada more than we are. As we have said here, free trade among provinces is a good idea. We will all by and large prosper as a result, but it needs to be sensible. I have been heckled a few times by various members in this Assembly, including the Premier, about shipping jobs to Manitoba. I actually think it's a chance here to become clear on our western tiger position because it does link to interprovincial trade.

As things stand right now, within about eight years a million barrels of raw bitumen a day will leave Alberta for the United States to be processed in places like Texas and Montana and Illinois and Ohio and Indiana. I think that we should be using that bitumen to strengthen interprovincial trade on this side of the 49th parallel. I think we should be considering that bitumen as a strategic opportunity to build interprovincial trade.

Rather than shipping it with a casual shrug of our shoulders to the U.S., let's sit down with the other western provinces and see if we can work together using bitumen processing as a base to leverage western Canadian development, perhaps co-operate with B.C. or Manitoba so that if bitumen goes east-west, hydropower can come from those provinces into Alberta and we don't need to go nuclear. We can build a western Canadian economy on that kind of a strategic basis rather than strictly relying on a legalistic approach that, in fact, distinctly carries the risk of integrating us more closely into the U.S. economy rather than the Canadian economy.

I greet this bill with support in principle but great skepticism in detail, and I look forward to getting good, clear answers to my questions. Thank you, Mr. Chairman.

The Deputy Chair: Hon. members, just for your information, about three minutes ago we passed that marker point where we've had the longest sitting evening session. I don't know whether that's something to celebrate, but someday when history is written and someone does research, we'll find out the level of verbosity and whether we were dialecticians in futility sitting around here.

The chair will now recognize the Minister for International, Intergovernmental and Aboriginal Relations.

Mr. Boutilier: Thank you. I want to first of all thank the hon. Member from Calgary Bow. I want to also say that I appreciate the Leader of the Official Opposition with his guarded optimism about this important bill that is in front of us today. As you know very well, both we and the province of British Columbia came together in joint cabinet meetings, actually much on the tone and theme of what the hon. Leader of the Official Opposition has talked about, even as western Canada coming together in terms of jointly, in terms of ensuring that we are benefiting all of our citizens relative to this issue of barrier busting.

I also want to say that we're eager, I know, in the next short period of time to perhaps be meeting with our neighbours to the east, in Saskatchewan, with the same tone that the hon. Leader of the Official Opposition has talked about, and I think it's very important. I want to assure the hon. member and all members of the Assembly on Bill 38: clearly, this is not harmonization to the lowest common denominator. Rather, TILMA does not include the word "harmonization." It does not require provinces to have uniform or identical regulations. It is an extensive process under way to look critically at regulations to ensure that we have a standard. It's often been said that the enemy of excellent is average. I can assure you that the theme and the tone of what is being worked on relative to this bill and what the British Columbia government is doing today is a tone of: how can we better help our citizens in knocking down barriers? That's exactly what we're doing.

Finally, I want to say on unifying western Canada, as the hon. member of the Official Opposition has said, that we agree with that principle, clearly. We also believe that future meetings with British Columbia and western provinces such as Saskatchewan on a strategic basis, as the hon. Leader of the Official Opposition talked about, are exactly what the purpose of this bill is. So in many ways we do have a lot of common ground in what we are trying to achieve here. I want to say that I believe that at the end of the day perhaps I can summarize by saying: in all of the consultations we have had, let me best describe this as quoted by numerous economists across the world. The United States was mentioned, but in March of this year the Asia Pacific Foundation of Canada said, "The TILMA will advance what many Canadians assume already exists." In actual fact, they do not.

In fact, I quote a former Liberal who sat on this bench along the way, Dr. Mike Percy, the dean of the School of Business, as saying: I think TILMA will be a template for the rest of Canada to look towards because it actually does allow for free trade in labour and in investment across the provinces. I think that really speaks volumes in terms of the intent and the purpose of what Bill 38 and what the hon. Member for Calgary-Bow have brought up to this House today.

Thank you.

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

Mr. Martin: Well, thank you very much, Mr. Chairman. You know, I notice that this bill started – we're connected in here – on April 1, 2007. Now here we are in December of 2007 debating a bill about what started to happen back in April. Does anybody see the logic to that? That just doesn't make any sense. At least in B.C. they started talking about it in the Legislature with the bill ahead of time. No matter how they cut it, there are still various groups that say that they haven't been consulted. Municipal groups, AUMA: all sorts of them have concerns, so we're really forced into this without proper consultation. I'm sure there's been some consultation with some people.

Mr. Chairman, I believe that this bill, until it's proven differently, until we see the i's dotted and the t's crossed, takes away democratic and government accountability, holding it, I believe, at this stage hostage to private corporate business interests. I say this because of this: the conflict resolution is similar to that of the WTO. According to the Council of Canadians in 9 out of 11 rulings at the WTO where government has tried to defend their regulations, the government lost. That's 9 out of 11 rulings. Therefore, governments trying to make decisions can't do it against private interests. This particular bill cannot be amended in any meaningful manner given the governing structure of TILMA. That's not even within the bill. We're not negotiating, as I say, all the details of the bill, and the details are the most important part.

5:30

Now, I recognize that a lot of the things don't come forward till 2009, Mr. Chairman, but the concerns that we have – I think this was quoted in the B.C. Legislature when they were having a debate. It was on Monday, October 29, 2007. I believe I can say the name now.

> The modus for it is spoken to well by Gary Mar, the cabinet minister responsible for negotiating TILMA in Alberta. He said: "This resolution is everything that Canadian business asked for."

This resolution is everything that Canadian business asked for: well, that's fine. That's private interests – I understand where they're at – but that doesn't necessarily represent the public interest, and that's what the concern is with TILMA.

Let me just go through two or three concerns that we have. A lot of these don't come forward, admittedly, till 2009. As of 2009 TILMA will apply to school boards, municipalities, municipal organizations, and publicly funded academic, health, and social services entities. This will unnecessarily, I believe at this stage, expose the public service sector to new legal and financial risk. If that's not the case, why haven't we had this debate? It's not only us; it's all these organizations that are asking for clarification. They don't have it. As I say, this started in 2007. We're debating the first bill in this Legislature, you know, in November.

The other concern that we have is this, Mr. Chairman. Individuals and businesses can seek up to $5 million in compensation per claim if government legislation or regulation is perceived to restrict or impair trade. Up to $5 million. There's no limit on the number of claims that can be filed against any single government measure. Company W, X, Y, Z, anyone could keep filing claims against the government. That comes out of the public purse. Well, that's not laid out in this bill, I can assure you, and that's a concern. If we'd had the public hearings, maybe that would be the case.

This should be of some concern to rural Alberta, and maybe there will be a clarification on this. When you look at it in the broad sense – our agricultural sector is much different, Mr. Chairman, than the B.C. sector – this could take away the government's right to provide assistance to farmers after the transitional period. Now, that could be very serious in many parts of rural Alberta. If that's not the case, why haven't we had this debate? Why don't we see the details?

You know, I won't go into the thing about lowering the bar and the rest of it. There's been some discussion about that, but that still is a concern. It's a concern among many Albertans. It's a concern both ways in the B.C. government.

Mr. Chairman, we know this is good for business. I have no qualms about that. That doesn't always necessarily mean it's good for all the public interests. We should have had a debate. As I say, I want to be clear about this. Think about it again. This came in on April 1 of this year. We're into December before we've even got this bill, and this bill doesn't give us the details. Doesn't anybody see something wrong with that? We'll have to see when 2009 comes along: are there going to be a lot of surprises? You know, as I said, I'm worried if we're following the WTO model because, frankly, the WTO model doesn't work very well for elected governments. As I say, what's good for the private sector is not always good for the public sector. Now, if these concerns can be worked out in some way, I'd be prepared to take a look at it and see.

But we certainly at the minimum – at the very minimum, Mr. Chairman – have no answers to these questions. We're asked to follow in blind faith, that somehow this will work out, that in 2009 everything will be all right. It's not the way to do government business, not the way at all. As I said, the fact that even this bill, without the details, we're debating six months after it has come into account. It's just unbelievably offensive as far as I'm concerned.

Thank you, Mr. Chairman.

The Deputy Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. I'll be extremely quick. Whether or not you support the TILMA bill, there's a reality, and that's the reality of the Crowsnest Pass and the Rogers Pass, that in historic times provided a challenge in just locating those passes. We've got highway 3 and we've got the Trans-Canada, neither of which as they get to the mountains or en route to the mountains are completely four-laned.

Now, we have to balance our need for transportation with, again, safe corridors. Obviously, highway 3 and the Trans-Canada are east-west, but we also have to have protected crossings for the animals so that they don't interfere with the transportation that we're trying to promote and protect. One of the main directions that the animals tend to travel is the Yellowstone-Yukon direction, which is north-south. So what I'm suggesting is that for the sake of trade and for the sake of the environment, let's come to four lanes with crossings for the animals, either underpasses or overpasses, and that will promote both the quality of our environments, whether they're in B.C. or Alberta, and also the improving of our transportation systems and, therefore, our joint economies.

Thank you very much.

The Deputy Chair: The hon. Member for Calgary-Elbow.

Mr. Cheffins: Thank you, Mr. Chairman. This is an important issue and merits comment. However, I will try to set an example given the hour and juncture in the debate. I talked with a lot of Calgarians this spring and summer, many of whom are of a very pro trade, pro free enterprise perspective, and they voiced concerns with regard to TILMA, unsolicited.

I also follow municipal government and municipal politics quite closely. I know there was a municipal election in Calgary this fall, and there were concerns expressed there. I would say, Mr. Chairman, that I would urge caution and taking the time for full consideration of this very important issue.

Thank you.

The Deputy Chair: Are you ready for the question?

Hon. Members: Question.

[The clauses of Bill 38 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

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

Mr. Hancock: Thank you, Mr. Chairman. I would move that the committee rise and report Bill 57 and Bill 38.

[Motion carried]

[Mr. Shariff in the chair]

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

Rev. Abbott: Well, thank you, Mr. Speaker. The Committee of the Whole has under consideration certain bills. The committee reports the following bills: Bill 57, Bill 38.

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

5:40

Hon. Members: Concur.

The Acting Speaker: Opposed? So ordered.
The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Speaker. I rise to seek the unanimous consent of the House to allow Bill 57, Miscellaneous Statutes Amendment Act, 2007 (No. 2), to proceed to third reading on the same day as second reading and committee.

[Unanimous consent granted]

head: **Government Bills and Orders**
Third Reading
(continued)

Bill 57
Miscellaneous Statutes Amendment Act, 2007 (No. 2)

Mr. Renner: Mr. Speaker, on behalf of the Minister of Justice I am pleased to move third reading of Bill 57, Miscellaneous Statutes Amendment Act, 2007 (No. 2).

[The Speaker in the chair]

The Speaker: Shall the question be called?

Hon. Members: Question.

[Motion carried; Bill 57 read a third time]

Bill 38
Government Organization Amendment Act, 2007

Ms DeLong: First of all, I'd like to move third reading of Bill 38.
I would also like to bring to people's attention something called a legitimate objection when it comes to TILMA. This is an objection that a government such as B.C. or Alberta could use to say, "Hey, you know, this doesn't line up with TILMA because of," and these are the different because of's: public security and safety; public order; protection of human, animal, or plant life or health; protection of environment; conservation; prevention of waste of nonrenewable, exhaustible resources; consumer protection; protection of health and safety provisions; affirmative action programs for disadvantaged groups; prevention or relief of critical shortage of goods essential to a party. I just wanted to get that out so that you understand that there are legitimate objections. You don't have to just go with TILMA. Okay? That's one of them that I wanted to make sure that we had.
If there are other questions that I have not yet addressed, I'd be really happy to provide that for you.
I urge everyone to support Bill 38 for third reading.

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

Mr. R. Miller: Thank you very much, Mr. Speaker. There has been an awful lot of rigorous debate on Bill 38 today, and I appreciate the conversation that has taken place. There is one thing, however, that I would like to get on the record. Many groups have expressed concern about this particular piece of legislation, one of them having been the Alberta Union of Provincial Employees.
Mr. Speaker, as you know, there has been a letter-writing campaign under way for some time now, and I've actually had letters from 197 constituents of Edmonton-Rutherford expressing a number of concerns. One of their concerns is that there be one labour law for all unionized workers so that all Alberta labour would treat working people in Alberta the same. Of course, we understand that there may well be TILMA implications there.
Another one of the things that they're asking for in their letter-writing campaign, Mr. Speaker, is the right for first contract arbitration. The last paragraph in this letter says, "All these measures have been adopted in other jurisdictions, resulting in a positive and fairer labour relations climate." They're asking for Alberta citizens to receive, in fact they suggest that they deserve the same protections. So I thought that given the implications of TILMA and the concerns that these supporters of the AUPE have, it would only be appropriate to raise that in debate on Bill 38 in third reading. In fact, I believe that given the circumstances this would be the appropriate time to table a report to Albertans of the 197 constituents of Edmonton-Rutherford who have expressed those concerns as well as a copy of one of the letters.
Thank you, Mr. Speaker.

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

Mr. Boutilier: Thank you very much. I appreciate all the comments from the members across the way and also from this side. I do believe that, ultimately, to all of our constituents this Bill 38, that has been brought up by the Member for Calgary-Bow, truly is there to help all of our citizens and give us this right to be here today.
Thank you.

The Speaker: The hon. member to close the debate?

Hon. Members: Question.

[Motion carried; Bill 38 read a third time]

The Speaker: Hon. Government House Leader, I think I anticipate what you want to say, but could you just bear with me a few minutes because traditionally on this day we ask all our pages to assemble, and we collectively say thank you to them via comments that will be provided now by the hon. Deputy Speaker.

Mr. Marz: Well, thank you very much, Mr. Speaker and all hon. members. You know, each day in this session we were served by the tireless efforts of all our pages, and last night was a fine example. Even though 11 o'clock rolled around – that's the traditional time they are allowed to go home – some actually chose to stay with us, working shoulder to shoulder all night long. So on behalf of all of the members of this Assembly I would like to give each page a small Christmas gift just to say thank you and to wish each and every one of them a very merry Christmas. I'll ask our head page, Luke Wilson, to distribute these gifts and ask all the members of the Assembly to now show our appreciation for them. [applause]

The Speaker: Hon. members, just briefly, I'd like to bring you up to date with some statistics as we now, I believe, are going to be closing the Legislature of the year 2007. As an example, in terms of evening sittings and the length of the evening sittings, the Deputy Chair of Committees advised the members here a few minutes ago that they've passed a certain threshold. But you may be interested in knowing that of the four longest evening sittings that we've had in the history of this Legislative Assembly, evening sitting number 4, the fourth longest, occurred on May 9 of this year, when the

Assembly convened at 8 p.m. on May 9 and sat till 10:45 a.m. on May 10. The third-longest sitting occurred on November 9, 1993, when the evening sitting began at 8 p.m. on November 9 and the House rose at 4:11 on the afternoon of November 10. The second-longest sitting occurred on May 28, 2001, when the evening sitting began at 8 p.m., and then the House rose at 5:20 p.m. on May 29. Today being December 5, we started sitting on December 4 at 8 o'clock, and we'll be rising here in a few minutes from now, so that will extend almost 30 minutes beyond the previous longest one.

In terms of the number of sitting days this year, calendar year 2007, the Assembly has sat for 62 days, which includes 13 evening sittings, and I'll give you the numbers compared to 2006. In 2006 the Assembly sat for 47 days, which included 31 evening sittings. So this year it was 62 and 13. Last year it was 47 and 13.

In terms of the number of minutes sat in 2007, we'll be approaching 21,670 minutes compared to 16,019 in 2006. The number of hours sat in 2007: we're approaching 361 hours compared to 251 hours and 13 minutes in 2006.

The number of words spoken – and there is a way of determining this – will be approaching 2,973,000 words compared to 2,070,000 a year ago.

5:50

In terms of Oral Question Period this year, in 2007, there were 22 occasions when we had 15 sets of questions or more. That was 90 questions and answers. We had 12 occasions when there were 16 sets of questions and responses, or 96. We had one occasion when there were 17 sets of questions. In 2006 there were six occasions when we had 15 sets of questions. This year it was 22. In 2006 we had two sets. This year we had 12. The total number of questions this year in Oral Question Period: 5,371 compared to 3,483 a year ago.

Now we can assume that we've received third reading on bills. There were 55 this year compared to 42 last year. Government bills left on the Order Paper: I do believe there was one and one left on notice compared to two last year. Private members' bills which received royal assent: two compared to one in 2006. Private members' public bills that received royal assent since 1993, when we made the changes to Standing Orders: it has now become 42. We had 1,224 tablings this year compared to 737 in 2006.

I would just ask one last thing before I recognize the hon. Government House Leader, and that is that tomorrow we've scheduled a seminar for all constituency assistants. Some 80 of the 83 will be in attendance tomorrow. One of the aspects we were going to have is that I was going to invite them in to be introduced in the Assembly, but I anticipate something may happen in the next minute or two. What I will do tomorrow is hold a little seminar with these people in the Assembly and have them sit at your desks. So if you wouldn't mind just taking your papers off your desks – if you don't have time to do it, the pages tonight will do it – and locking your desks, and then you can retrieve them tomorrow so that everything will be as private as possible.

Before I call on the Government House Leader, again let me extend season's greetings to all of you. Let me wish all of you and your families peace, harmony, love, and safety first and foremost, and be good to one another.

The hon. Government House Leader.

Mr. Hancock: Well, thank you, Mr. Speaker. Your anticipation, as always, is so correct. As provided for in Standing Order 3.1(6), I would now move that we adjourn the fall sitting.

[Motion carried; the Assembly adjourned at 5:53 p.m.]