

## Legislative Assembly of Alberta

Title: **Monday, December 1, 2003**

**8:00 p.m.**

Date: 2003/12/01

[The Deputy Speaker in the chair]

**The Deputy Speaker:** Please be seated.

head: **Motions Other than Government Motions**

### Automobile Insurance

512. Mr. MacDonald moved:

Be it resolved that the Legislative Assembly urge the government to strike an all-party committee to study the rising premium rates for automobile insurance, insurance companies handpicking clients, and increasing insurance claims in the province.

[Debate adjourned November 24: Dr. Pannu speaking]

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

**Mr. Snelgrove:** Thank you, Mr. Speaker. I'm glad to speak today to the motion from the hon. member about forming a committee to study car insurance, and I guess that you have to look at what the result of this committee would be were it to be formed.

We're going to look at the problems. Well, first off, that's pretty simple. We know that we've got some extraordinarily high prices in the insurance business right now. We know that some people are being dropped unexplained. We know that for no apparent reason coverages have disappeared. We know all the problems. We know that the insurance companies probably haven't been as transparent or as forthcoming with their information. Where is the money going, the money that we're paying as the premiums? So, yes, we need to find that out, but we certainly don't need to look very far into what the problem is.

We need to find out, then, is the money that they're paying being properly spent? The government recognized this a year ago or so and started to follow the money, as they say. Where's the problem? So we determined: is it the cost of the vehicles? Certainly, they're worth more money. Certainly, labour is up. Certainly, it costs more to fix them. Is that part of it? Maybe partly. Certainly not the biggest part. Is it the medical bills? Well, medical costs have gone up, but the amount they pay into the system in Alberta hasn't changed radically. So that's not a big part. Is it pain and suffering? Possibly that's their intention. Certainly not some of the lawyers, but these are all some of the issues that they've identified.

So, yes, we have to get to the bottom of where the money goes. Is it covering what they say? We've done these, and we've started the process back now of taking all of these issues and more under consideration and starting to rebuild the insurance industry from the point of transparency and accountability.

Now, the member would like a committee so that we could get more public input, but all the members of this Assembly get public input probably on a daily basis, often more than we want. So I think we're getting public input fairly regularly. Even in a process of government not only the public has input into this, but we have the media input. We have the committees that we sit on. We go through the process of caucus and cabinet, and in all the bills there is Committee of the Whole that's dealt with in here which is the committee where it should be dealt with.

So we have to decide what would be the point of this committee. Quite frankly, I think the opposition have determined what their

outcome would be when we study insurance, and that's government insurance. There haven't really been any suggestions about any other options except that if government ran it, then things would be better and cheaper and the sun would shine and then we'd all be done and go home. That's simply why we don't want this committee: because not only is it not true; it's a very simplistic view of an outrageous idea.

Just to back that up, Mr. Speaker, I want to read you a little letter from a fellow in my constituency that lived in B.C. and now resides in mine. He says that he has heard from some MLAs representing an Edmonton area that spoke out in favour of a process similar to those of B.C.'s referring to a study, and he says this.

I lived in British Columbia from 1966 to 1997, during which period of time, of course, the Insurance Corporation of British Columbia was formed, as a government based insurance monopoly.

That's how it's done, government.

On the day that we changed from private insurance to government insurance, the premium for the vehicle we were driving at the time exactly doubled. When we left B.C. in 1997, we operated and insured two vehicles. The comparison between the two provinces at that time was that the total for insurance for both vehicles in Alberta was slightly less than . . . one vehicle had been costing . . . in B.C.

Much the same as the Premier of Saskatchewan has touted Saskatchewan insurance as the panacea, and I guess we would have to say to them: if his auto insurance in Saskatchewan even breaks even and his Crown corporations make money, how on earth did he get \$12 billion in debt? So there are costs that maybe they don't want to show in some of the programs that they run.

I'm not sure which fellow said about statistics being like a bikini: what they reveal is interesting, and what they conceal is very vital. Well, when you pick statistics from any organization, be it insurance or real estate or any business, you can cherry-pick the statistics you want and put them in the place you are. So if you take a fictitious person and a fictitious rate and put them in a fictitious argument, you can have a lower rate than the real world has.

Mr. Speaker, because I live in Lloydminster bordering Saskatchewan government insurance – and there is no question that many young people in Alberta go across into Lloydminster and buy their insurance. It's cheaper for the young kids, particularly young kids with bad records. There's no question. I'll grant to our fellow opposition people that if you're a bad driver and young, government insurance is the way to go. But if you'd just meet the hundreds of people I meet in Lloydminster on my visits down there, they say: don't ever dream for a minute that government insurance is the way to go. It is a bureaucratic nightmare.

One of the reasons why. One of the only two ways that the insurance companies have of collecting money is premiums and then deductibles, and what they find in these government-run insurance schemes is primarily fault with everybody. There's no reason to blame someone and make them pay the deductible and you're clear. They need all the money. So, as in British Columbia, they've become masters at assessing partial blame in every accident so that they can collect a premium from you and a premium from whoever ran into you, and they're quite happy about that. That's their only other stream of money. So if you want to up the streams of money . . .

In Saskatchewan rather than put the price onto your insurance up front, put it on your driver's licence, so if you get a ticket, your insurance might not go up, but we have many people that come in where a driver's licence cost them \$500 or \$600 a year. I get faced with outrage regularly in Alberta from drivers' licences that cost \$60 for five years.

So there's a cost. There's no magic solution. If you're going to pay out this many dollars, you have to collect this many dollars. The

solution lies in determining what's the best way to monitor the industry to ensure that we're paying fair amounts, that the payouts aren't going to the middlemen, be it lawyers or whoever, that it's to people that are hurt, fairly compensated, and get on with it. No more, no less. Fix what's damaged. Put people back the way they were.

Quite frankly, I don't know anything that government runs that I think couldn't be run better. That might just be my opinion, but my 47 or 48 years would dictate that government hasn't really been good at administering hardly anything they do.

I just want to conclude by saying that forming a committee would not only be redundant; it would be a typical Liberal way: if you can't understand it, study it; if you can't get the studying done, get a committee, and if you can't get on the committee, complain.

So with that, Mr. Speaker, I'll take my seat.

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

**Mr. Mason:** Thanks very much, Mr. Speaker. Well, that was a most interesting intervention from the hon. Member for Vermilion-Lloydminster. He started out talking about public input and whether or not we really needed it because, of course, we get so much public input, and of course the example he gave of the public input he got was somebody who was quoting him information based on premium information in the 1970s when the public insurance started up. So it's hardly the most current public input that one could expect.

He went on to talk about the tremendous debt in Saskatchewan. Of course, we all know or we should know that the huge deficits in Saskatchewan were the responsibility of the Devine Conservative government that ran up record deficits, almost bankrupted the province, not to mention that a number of members of that government ended up in jail. Some, I believe, are still there for defrauding the taxpayers. It was the job of the New Democratic Party government of Roy Romanow to try and wrestle the deficit back down and start coming in with balanced budgets. They managed to balance the budget in Saskatchewan before the government here was able to do so and with a lot less money to do it, I might add.

**8:10**

So he goes on to talk about the city of Lloydminster in his constituency, which is, of course, on the boundary between Alberta and Saskatchewan, and talk about how it's only young kids with bad driving records that have a better deal on their insurance than the system here in Alberta with private insurance. I'm sure that his constituents would be very interested to hear that comment from their elected representative, Mr. Speaker, because I believe that the people in Lloydminster are very familiar with the advantage for many categories, most categories I would submit, in terms of rates to the extent that the Consumers' Association of Canada indicated that one could lower their rates by \$850 a year just by crossing the street in the city of Lloydminster for many categories of drivers.

I want to indicate that I support the motion that's been made by the hon. Member for Edmonton-Gold Bar notwithstanding the fact that New Democrats have a clear position on what the answer is and we are taking that out to the public. We believe that it would be advantageous for all members of the Assembly to hear the public on the different proposals, hear the response of the public to the government proposal, hear the response of the public to the proposal of the New Democratic Party, and listen to voters rather than try to ram through a quick political fix, which is what, unfortunately, is actually going on. So I think it would be useful.

The difference between getting input from people who can remember the '70s and talk to you in the grocery store and actually

sitting down and having some public hearings and allowing people to make formal presentations to their elected representatives is vast, Mr. Speaker. It's a tremendous difference, and one cannot just trivialize or minimize the difference. It's very important, and I believe that it is a useful thing to do and that it is not a contradiction to have a position in mind when you go out and talk to the public because you might learn something. You might be persuaded that your position is not exactly correct.

Mr. Speaker, I want to indicate once again for the record that auto insurance in this province has been regulated by the government since the Lougheed government, since the Lougheed days. That means, of course, that all of the increases that individuals have received in their auto insurance have been approved by the government, and now the government is trying to correct their negligence in respect to their responsibility to adequately regulate this industry.

Mr. Speaker, I just want to conclude that I appreciate the motion that has been made. I think it would be valuable for all members of the Assembly, and I think that the public would like a chance to get some things off their chests with respect to auto insurance, and I think it couldn't help but provide and shed some light on this issue for all members of the Assembly. So I would urge all members to vote in favour of this motion.

Thank you, Mr. Speaker.

**The Deputy Speaker:** The hon. Member for Calgary-Currie.

**Mr. Lord:** Thank you, Mr. Speaker. It's my pleasure to rise tonight and speak to Motion 512, sponsored by the Member for Edmonton-Gold Bar. I would like to offer a few comments to the debate regarding the idea of forming an all-party committee to study the insurance issue, an issue which is clearly very important to many Albertans.

It comes as no surprise that the member opposite is presenting such a motion for debate. After all, this is an issue which has certainly caught Albertans' and especially the media's attention. I would expect that proactive opposition members would want to join the parade in speaking up on this issue, especially if they thought they had some popular and easy-sounding solutions to offer. Of course, all of us, opposition or not, have heard from many of our constituents about how their insurance rates have gone up over the past few years, such that the idea of striking a committee to investigate does seem like a natural and fitting idea. So I congratulate the hon. member opposite for taking a proactive approach in bringing forward this motion to strike a committee.

What the member must not have liked about the current situation, however, is that this government already did strike a committee to study and investigate this issue. The government had already been looking into this issue with our own government committee for a long time, such that this motion appears redundant now, I must say. And that is how our system works. The majority of the people voting in the last election elected us to be the government, so we get to form government committees to develop our policies, and we put those policies forward as being our government's ideas and position.

The opposition then gets to put forward their own ideas, which they are welcome to do anytime, if they have any. There is absolutely nothing stopping them from putting forward their own ideas, and indeed the hon. member opposite may well wish to strike an opposition committee of their own to advance different ideas from what we as the government are advancing, and then we can all debate them in this all-party committee that we call the Legislature.

**The Deputy Speaker:** Just so we're really clear on this, hon. member, the chair has on occasion risen to inform various members

that a private member's public bill is not a government bill. So, too, it's true that these motions are not government motions; they're private member's motions. Does that help to clear that? Thank you.

**Mr. Lord:** Thank you, Mr. Speaker. Unfortunately, it appears that in the last election the citizens of Alberta liked the ideas better on this side of the House, and that's why they voted for us. So it strikes me that this call for an all-party committee is just not necessary because that's what we do here in the Legislature. It's trying to do through the back door that which one couldn't do through the front door; namely, advance policies and ideas different from what we are advancing, which is contrary to what Albertans said when they voted for our ideas and our committee's solutions.

Mr. Speaker, our Finance department has been looking at this problem for more than a year now. We have not been neglecting the problem at all, as some might surmise from such a call to strike a new committee. In fact, we have already been working on solutions to this issue for a long time now, solutions that will benefit all Albertans and not what many might regard as superficial, simple solutions to complex issues, such as the notion of setting up a government-owned insurance monopoly, much as that simple-sounding and somewhat popular but incorrect solution might appeal to some.

To us this is not a 15-second sound bite issue. This is something that has been studied for a long time. Mr. Speaker, it does occur to me that perhaps the only beneficial potential of such a motion would be the opportunity for members on the opposite side of the House to get up to speed on the insurance issue and gain an education on the subject of insurance from experts on our government committee, and that is perhaps even why this motion has been put forward, purely speculating of course. But I am a strong believer in education myself, and perhaps that would be a very laudable goal in and of itself, to educate our opposition in such complex matters. While I don't wish to be unkind here, I might observe that it's an education that appears to be badly needed, but unfortunately I don't think that educating opposition members on such subjects is really a priority of this government nor what Albertans would expect from us.

Moving on, I would just like to remind the House that this government has already been looking at this issue with a government committee for some time, and striking an all-party committee to just study it further really would be a waste of taxpayers' time and money. Opposition parties get to advance their own ideas and get to debate against ours almost anytime they want within and without the Legislature and always in the court of public opinion, where it belongs, and it's up to them to learn about such matters and, if able, to come up with better ideas and arguments of their own.

So, then, what would be the need for an opposition member to call for a formalized all-party committee to do what he can already do, which is to oppose our government's solutions in order to advance an opposition profile and solution instead? I say: why not let Albertans be the judge of who has the better ideas rather than trying these types of backroom strategies designed to thwart our ideas quietly while loudly trumpeting simplistic solutions of their own using our platform to do it from?

8:20

We have already had a group that we have confidence in study this issue, and they have recommended solutions to us that we like, solutions that will give us some stability in dealing with this problem, and that is what I feel the problem is with Motion 512. There is no way, in my mind, that an all-party committee will provide any increased stability nor provide anything better than the people who are already investigating this issue have done. Because

of the contention and complete ideological division that is likely to occur, such a committee may well come up with much worse solutions. I think that this motion is a poor attempt to fix our insurance problems. The motion is redundant and unneeded at this time. There are problems in the insurance industry as we debate this issue. I readily admit that; however, I don't believe the problems can be fixed through an all-party committee who will just continue to study the problem ad infinitum. I don't think another committee will do anything but create conflict for Albertans.

This government is all about finding meaningful solutions and solid solutions for Albertans. Let us look briefly at what we are doing to help solve this problem already. The government has begun to address this problem by first introducing Bill 33 and now Bill 53. The intention, which I support, is that if a person gets into an accident, they will not lose any income nor lose any assets as a result, but they should also not be able to make a profit from the accident. Of course, profiting from accidents is what has been the big concern of everyone for some time now. We have people who get rear-ended and then wind up suing for hundreds of thousands of dollars for what many would consider questionable injuries. This is something that is proving absolutely disastrous to the industry as payments are becoming larger and larger, and that's driving up premiums, no pun intended.

Many feel that insurance companies are partly to blame as well, and no doubt they are part of the problem. We have also heard that they have not been able to subsidize lower premiums by earning additional revenue from the stock market and now have to charge more as a result, although if that were true, that would hardly be their fault. As we all know, most of their money is in bonds and very conservative investments and is heavily regulated, in any event, and mostly is public information as well, such that maybe that concern has been greatly exaggerated. It might also be true that they have routinely been settling out of court for obscene amounts of money for soft tissue injuries, thus encouraging more lawsuits and even bigger payouts, although we have certainly heard that the opposite may well be true there as well.

Of course, there is the issue of the personal injury lawyers and their obviously lucrative contingency fees in what used to be a relatively stable and professional business but which is now starting to remind us of Hollywood and the United States in terms of advertising and the creation of a litigious society. Then there's the Law Society of Alberta, whose job it is to regulate integrity and ethics amongst lawyers on both sides of this issue, and many other stakeholders who must also accept some part of this problem as well, such as those who did not design very good roads and transportation systems or teach other people how to drive very well when clearly there were good opportunities to improve things in that area.

Most importantly, there are the consumers, our constituents who have been caught in the middle of this mud match and are having to pay through the nose for the privilege. It is a much more complicated issue than many realize, and that is why we've put forward the ideas and bills that we have. Concrete action is needed, but there is no magic nor easy solutions that can be implemented overnight. That is why we do not need the diversion of this motion going forward, Mr. Speaker. It would only distract us from our real work and catch us up in a political spectacle with nothing to show in bottom-line results. Albertans deserve better, so I urge our members to vote this motion down.

Thank you.

**The Deputy Speaker:** The hon. Member for Edmonton-Riverview on Motion 512.

**Dr. Taft:** Thank you, Mr. Speaker. I'd like to start by welcoming the guests we have watching us in the public gallery. I hope they're learning something from their observations here. [interjection] Yes. And I hope they have good auto insurance as well that's not too costly. That's what we're discussing here tonight. What we're actually discussing is a private member's motion brought forward that reads:

Be it resolved that the Legislative Assembly urge the government to strike an all-party committee to study the rising premium rates for automobile insurance, insurance companies handpicking clients, and increasing . . . claims in the province.

So it's a motion basically to form an all-party committee to investigate concerns around automobile insurance.

I'm sure every MLA is hearing a great deal from drivers who are fed up with skyrocketing auto insurance premiums. I myself have had a large number of phone calls and letters and conversations. Last night I was at an event and got cornered at intermission by somebody upset about his car insurance. Our information is that in the last year they've increased an average of 59 percent in Alberta. While two years ago the insurance industry briefly was losing money, in fact it's once again returned to real profitability. So rates have gone up, the insurance industry is making a tremendous amount of money, and a lot of people are feeling like they're being taken advantage of by the insurance industry.

So the opposition has proposed that the Legislature urge the government to form an all-party committee. It's an idea that we actually brought forward in a letter addressed to the Premier more than a year ago. The hon. Member for Edmonton-Gold Bar, my colleague in the opposition, first wrote to the Premier more than a year ago raising concerns about the auto insurance industry and asking for an all-party committee to be formed on the issue. Of course, that wasn't done, and it doesn't look like we're going to win this vote tonight either, although you never know. We can keep our fingers crossed.

Instead of forming an all-party committee and having public hearings and so on, the government struck their own committee called the Automobile Insurance Reform Implementation Team, if I've got the right name, and they placed a number of government MLAs on it and some insurance industry representatives and then held a series of closed door debates in – well, I don't know where they meet actually but behind closed doors somewhere with their caucus trying to hammer out what the government's policy was.

Now, the Basque people of Spain have a saying that goes like this – and I like to refer to this once in a while, and you have to listen carefully because it's a bit obtuse – when the shepherds quarrel, the cheese shows it. When the shepherds quarrel, the cheese shows it. I had to think for a long time: what does that mean? The first thing I had to realize was that they're talking about cheese that's made from sheep's milk, and when the shepherds quarrel and are unhappy, the unhappiness and stress and strain is visited on the sheep. The sheep pick it up, and their milk is bad, and as a result the cheese is not good; the cheese is off.

I have a feeling that we could probably adapt this saying to something like: when the government MLAs quarrel, the policy shows it. I have a sense of a policy that's come out of the government that isn't working fully to anybody's satisfaction, a policy that doesn't fully go to a public system like has proven to work in other provinces, say in B.C. or Saskatchewan or Manitoba. It isn't a fully wide-open market, which actually would be a very interesting solution, which would be just to say: let's throw the doors open in Alberta; let the market reign and see what happens when the Insurance Corporation of British Columbia and Saskatchewan Insurance and Manitoba Insurance are brought in. What will happen

then? That would have been a pretty interesting solution or even the possibility of just leaving things as they are and seeing if this is a temporary surge in premiums and they'll be corrected. Instead, we've got a real compromise here.

Now, I take to heart, as I always do, the Speaker's advice that this is a private member's motion. It's actually an opposition motion, so I won't dwell too much on government policy. All I was doing there was laying the groundwork for my strong belief that there are times when all-party committees are good ideas and that they are very rarely, if ever, used in this government for policy purposes. There are a handful of standing all-party committees, like the ever interesting Public Accounts Committee, but in terms of policy development the policy committees are entirely occupied by government MLAs, who meet occasionally in public but do most of their discussion behind closed doors.

8:30

Bringing the process out into the public, opening it up to all the parties so that a whole range of ideas from the beginning would be brought to the table strikes me as a very good idea. This government right from the beginning has said that it will not entertain public insurance, period. Well, that's ideology in action; isn't it? They're closing the door and their minds and the public's possibilities of really benefiting right off the bat.

So an all-party committee would bring a wider range of ideas, and I'm a big fan of diversity. Let's put all the cards on the table and see which ones are worth playing with, to sort of push my metaphors there. I've got lots of them going here tonight.

I think this is a very good motion. I think it's long overdue. It was first proposed more than a year ago to the government. It's only now that we're getting around to debating it, and it'll have a very short life span, I'm afraid. I would encourage all members of this Assembly to seriously consider it, to support it, and to throw the policymaking windows open and let some fresh air into the process in this province.

So with those comments, Mr. Speaker, I will take my seat reinforcing the notion that I think this is a good motion. Thank you.

**The Deputy Speaker:** The hon. Member for Edmonton-Castle Downs, followed by Edmonton-Centre.

**Mr. Lukaszuk:** Thank you, Mr. Speaker. Undeniably, there are issues relevant to motor vehicle insurance in this province, and one would have to have been absent from the province as an MLA for the last six months or so not to realize that constituents have concerns throughout the province with the ever increasing rates of motor vehicle insurance. That to me as an MLA and as a member of our society is rather problematic because (a) I want the insurance to be affordable for my constituents and (b) I am concerned with the rising cost of insurance for the very simple reason that if rates go sufficiently high enough, that may encourage some to take the unwise option of driving a vehicle without any insurance at all. That's something that we simply can't allow to happen.

As such, Mr. Speaker, we have taken a look at the issue of insurance, and a committee has been put forward by this government to indeed review the intricacies of what has given rise to the increase in insurance rates. Then having studied and analyzed all the variables . . .

**The Deputy Speaker:** I'm very sorry. I hesitate to interrupt the hon. Member for Edmonton-Castle Downs, but under Standing 8(4), which provides for up to five minutes for the sponsor of a motion

other than a government motion to close debate, I would now invite the hon. Member for Edmonton-Gold Bar to close debate on Motion 512.

**Mr. MacDonald:** Thank you very much, Mr. Speaker. It's a pleasure to get an opportunity to try to convince all hon. members of this Assembly to support Motion 512, and I must say at the outset that that is perhaps the best speech I've heard from the hon. Member for Edmonton-Castle Downs in this Assembly.

Now, when we're talking about Motion 512, we cannot forget about who we're trying to protect here, and that's the consumers of this province, Mr. Speaker. We are trying to protect consumers from skyrocketing insurance premiums that have occurred as a result of neglect of the regulatory process by this Conservative government.

When we look at another Conservative government, Mr. Speaker, this time in New Brunswick with Premier Lord, we see that that government wasn't concerned about having opposition members or members of the third party involved. They saw that as a positive thing. It was a huge problem, and it needed to be solved. Now, they struck an all-party committee, and they held public hearings across the province. They heard not only from select captains of the insurance industry; they heard from consumers. They heard from all people who were affected in that province by skyrocketing insurance premiums. They just didn't take the advice of a select few and decide that that is good enough. That is what, unfortunately, occurred in this province when we had this committee that was selected, and they only heard from the industry.

You can't say that reading an e-mail is a consultation process. We have public consultation processes in this province on other matters; for instance, the freedom of information legislation. There was an all-party committee of this Assembly struck, and it reviewed that legislation two summers ago. That committee heard in a public forum from many different Albertans and many different organizations in this province that had an interest in freedom of information and protection of privacy laws. So if it's good enough for one statute, why is it now not good enough for the Insurance Act, which is perhaps one of the most comprehensive, detailed statutes in the cupboards? Here we're going to have this concept. It's grown beyond a concept; it's now a reality. With the exception of the hon. Member for St. Albert, who held a public meeting this summer on this matter, when a government refuses to have a public process or the involvement of the public, it's a symbol of just how out of touch with the citizens they are.

Now, one could only conclude that this government would look at what happened in New Brunswick and say: "No. We are going to have a process that involves everyone. We're just not going to have a process that involves the individuals who are going to profit from the changes to the law, the changes to our tort system, but we're also going to have a process that's going to incorporate the views of those who are forced to pay the high auto insurance premiums."

How much of a crisis have we got here? Well, more and more people are finding auto insurance in this province unaffordable, whether they're young, whether they're middle aged, whether they're old, whether they have a good or bad driving record. For reasons that I don't have time to discuss, Mr. Speaker, they are unfortunately being left out.

Now, I also believe that one of the reasons why this government would not want to have a public hearing, as suggested in Motion 512, is because they do not want to hear about the value that consumers can receive through public insurance.

Thank you.

[The voice vote indicated that Motion Other than Government Motion 512 lost]

[Several members rose calling for a division. The division bell was rung at 8:39 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Blakeman	Mason	Taft
MacDonald		

**8:50**

Against the motion:

Abbott	Herard	Melchin
Ady	Horner	O'Neill
Amery	Hutton	Ouellette
Broda	Johnson	Snelgrove
Cao	Jonson	Stelmach
Cenaiko	Klapstein	Stevens
DeLong	Lord	Strang
Ducharme	Lougheed	Tarchuk
Evans	Lukaszuk	Taylor
Forsyth	Lund	VanderBurg
Friedel	Masyk	Vandermeer
Graydon	McClelland	Zwozdesky

Totals:	For – 4	Against – 36
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[Motion Other than Government Motion 512 lost]

#### **Financial Assistance Rates for Albertans in Need**

513. Mr. Cao moved:

Be it resolved that the Legislative Assembly urge the government to implement market-basket measures to determine social assistance rates as well as levels of financial assistance for Albertans who are in need.

**The Deputy Speaker:** The hon. Member for Calgary-Fort in the minutes remaining.

**Mr. Cao:** Thank you very much, Mr. Speaker. It is my great pleasure to begin debate on Motion 513. Tonight I would like to give a brief background for my reasons for this motion. I would like to tell the Assembly how the market-basket measure would solve some of the problems that Albertans living in high-growth areas currently face.

Mr. Speaker, Albertans live in a very prosperous area. Opportunities for business and employment remain very strong. Albertans enjoy low personal income tax, no provincial sales tax, businesses can take advantage of lower corporate taxes and a motivated workforce, and corporate investment in this province is staggering, especially in the resource sector. This formula has made Alberta the best province in Canada in which to live and work.

Based on the obvious benefits of living in Alberta, some may wonder why this government should revisit the funding structure for its social assistance programs. I think one of the biggest reasons is that Alberta's prosperity indirectly creates cost barriers for low-income Albertans to reach their full potential. The fact that many Albertans must still use the food bank in some cases is only one of the symptoms of this problem. Government sets social assistance

rates to ensure that families are protected while parents seek employment; however, surviving financially can be a challenge for low-income families living in high-cost, high-growth areas. Market-basket measures should reflect adequate funding for Albertans living in these areas with high-cost living.

Currently the rates of supports for independence, SFI, programs are based on the size of the family, the number of adults, the age of the children, and the recipient's ability to work. The assured income for the severely handicapped program, AISH, a unique program in Canada, provides coverage for the most vulnerable Albertans. AISH currently provides a maximum of \$850 per month while also providing coverage for drugs, glasses, dental work, and diabetic supplies. Many Alberta seniors also receive assistance from government programs. They are squeezed between rising costs of living and their fixed incomes. Alberta is the only province that has very good seniors' benefits programs that are based on the levels of incomes and needs and not on universality. Since these programs are based on necessity – that is, the cost of living – the concept of market-basket measures should be applied to assistance rates for seniors.

Indeed, Mr. Speaker, the market-basket measure is based on the concept of necessity. These necessities include a nutritious diet, clothing for work and school, adequate shelter, and reliable transportation. Other necessary goods and services include personal care, household needs, furniture, and basic needs such as telephone service, reading, recreation, entertainment, and school supplies.

The urgency of Motion 513 has been brought about because of the higher number of low-income families in my area combined with the higher cost of living in Calgary. I represent many residents living in the Calgary-Fort constituency who are hardworking, low-income Albertans. As a result, even when economic times are good like they are right now, many families struggle to find ways to pay their bills, feed their children, and maintain a safe and healthy standard of living.

I also represent many senior residents who have worked hard during their younger days to build this province, this nation and now are living on low fixed incomes. They are constituents of mine, and they are not alone. There are Albertans who struggle in other high-cost areas of the province, and although the number of people in social assistance programs remains low, the problems continue to persist for some vulnerable Albertans.

The market-basket measure is a true reflection of living in the community. The essence of Alberta's success with lowering the number of people on income support programs is through promoting career and employment assistance services rather than a free ride. I don't think that this will change by adjusting rates to match the market-basket measure proposed by Motion 513. A low-income family will still be motivated to regain their independence. Training opportunities, skills development, and job placement services will remain as keys to economic freedom and independence.

What will change by adopting the market-basket measure is that Albertans on social assistance programs will no longer be vulnerable to the cost pressures in high-growth areas. Children will be properly fed and clothed in this area. The elderly who have no savings will be able to live with more dignity. Parents of low-income families can concentrate on earning a better living rather than being concerned about the health and safety of their family. Finally, the severely disabled will be safer in their community.

Some may say that putting those public dollars in the pockets of low-income Albertans will remove the incentive to gain meaningful employment, but I firmly believe that fixing the rate to the market-basket measure will help, not prevent, people to return to work. I agree that adjusting rates as proposed in Motion 513 will likely

increase the amount of money low-income Albertans receive right now, but this increase will reflect the real cost pressure that many people feel living in high-growth areas. It will not send a message that the gravy train in Alberta is open for business.

Some may argue that the market-basket measure will cause an alarming increase in funding for financial assistance. As I said before, the government attempts to cover the basic needs while the market-basket measure reflects the real cost of living in specific communities. Over 80 percent of Albertans already live above the market-basket measure. I'm confident that this number will continue to increase as long as our overriding philosophy of providing a hand up, not a handout, remains unchanged.

**The Deputy Speaker:** I hesitate to interrupt the hon. Member for Calgary-Fort, but the time limit for consideration of this item of business on this day has concluded.

**Mr. Cao:** Thank you, Mr. Speaker.

**9:00head: Government Motions**

#### **Ombudsman Appointment**

27. Mr. Zwozdesky moved on behalf of Mr. Hancock:  
Be it resolved that the Legislative Assembly confirm the appointment by the Lieutenant Governor in Council of Mr. G.B. (Gord) Button as Ombudsman and concur in the report, part 2, of the Select Special Ethics Commissioner and Ombudsman Search Committee.

[Government Motion 27 carried]

#### **Adjournment of Session**

28. Mr. Zwozdesky moved on behalf of Mr. Hancock:  
Be it resolved that when the Assembly adjourns to recess the fall sitting of the Third Session of the 25th Legislature, it shall stand adjourned until a time and date as determined by the Speaker after consultation with the Lieutenant Governor in Council.

**The Deputy Speaker:** It's my understanding, hon. member, that this is not a debatable motion according to Standing Order 18(3).

[Government Motion 28 carried]

head: **Government Bills and Orders**

head: Committee of the Whole

[Mr. Tannas in the chair]

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

#### **Bill 54**

#### **Appropriation (Supplementary Supply) Act, 2003 (No. 2)**

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

**Mr. MacDonald:** Thank you very much, Mr. Chairman. It's a pleasure to get an opportunity to speak regarding Bill 54, the Appropriation (Supplementary Supply) Act, 2003 (No. 2). We're looking at, again, a significant sum of money for various reasons, and the government through Bill 54 is asking the Legislative

Assembly to approve an additional \$1.228 billion in supplementary supply for operating expense and equipment and inventory purchases and an additional \$21 million for capital investment.

Now, the Office of the Information and Privacy Commissioner, as I understand it, is going to get over half a million dollars so the commissioner can provide additional services under the Personal Information Protection Act. We are hopefully going to have further clarification on that, but what additional services is the Information and Privacy Commissioner required to provide under the Personal Information Protection Act? I understand that there's going to be an office set up, but detail on these services would certainly be appreciated. I think later on this evening, Mr. Chairman, we will be discussing Bill 44.

When one looks at the schedule of amounts to be voted, and we look first off at Economic Development, now, there is an operating expense here, and whenever people look at their power bills or their utility bills, they'd say: this is something this government is certainly lacking. I'm sure that they would approve this when you consider that there are so many billions of dollars coming in in natural resource revenue.

We look at the policy deficiencies that exist with automobile insurance, with energy deregulation, whether it's natural gas or electricity. One can't forget the confusion and chaos that exists in public health care – and that's been outlined very articulately by the Member for Edmonton-Riverview – and public education as well. There are certainly significant deficiencies in this. So in Economic Development, if someone was to say that the Progressive Conservative government lacks strategic intelligence and through this appropriation bill they're going to get a purchase of this for \$3.5 million, well, people who are paying high bills, as I said, probably would accept this, but just exactly how and why and where is this money being spent in Economic Development?

Now, my next question, Mr. Chairman, certainly has to deal with the money, the operating expense as outlined in Human Resources and Employment, and we're looking here at an estimate of \$32 million that's been requested. If this isn't proof that energy deregulation has not worked, I don't know what is. I can go into other departments, and I can see where amounts are being made for utility costs, but here we have "\$5,000,000 for the Supports for Independence program to fund an exceptional number of utility arrears cases."

Certainly, when we look at last week, we allowed a tax break for cigar smokers and we gave small businesses a tax cut so that they could get their utility bills under control and we gave other corporate tax cuts as well. So to provide this amount of money for Albertans that are on SFI, I think, is not only a good gesture, but it's also an admission that the policies, whether it is the benefit policies that are provided by this government, are inadequate. It also is a strong indication of just how poorly energy deregulation has fared.

Consumers, whether they're earning 10 grand a year or 50 grand a year, are having trouble, and the \$5 million that's reflected in this estimate is an admission that that program is not adequately funded. Many people through no fault of their own cannot afford their power or their natural gas bills. Heat and light are a necessity. They are not a luxury.

Further on the same page, Mr. Chairman, we're looking at "\$17,000,000 for the Assured Income for the Severely Handicapped program owing to additional cases, increased health care costs and increased long-term care accommodation charges." So this is an example of taking money in in one hand – it was the 42 percent increase that came about totally unannounced in the middle of the summer. In one sweeping announcement we increased long-term care accommodation costs in this province by 42 percent, and now

there is an admission that people just simply could not afford it, so we have to have additional money. It's money taken from this pocket and placed in another needy pocket. So it's an indication of government programs, government policies that do not benefit those who are in need.

**9:10**

Now, Seniors on page 88. There is \$17 million "for the Alberta Seniors Benefit program to assist low-income senior citizens with increases in long-term care accommodation costs." Again, I would encourage the government to take this as a signal that what they consider is necessary for the Alberta seniors' benefit program is in reality not enough. The hon. Member for Calgary-Fort mentioned earlier in debate that we cannot forget the contribution that those individuals made to the province's economic foundation, and we cannot abandon them now. We've got to recognize that with a fixed income long-term care accommodation cost increases are going to place an unusually hard financial burden on those individuals.

There's another \$11 million for the special-needs assistance program, and that money will also hopefully tell the government that seniors are being left behind as a result, again, of utility costs. Close to \$6 million of this money is going to be allocated for utility costs, and that should tell the government that the power bills, the heating bills are high as a result of deregulation, and many people through no fault of their own can no longer afford to pay them.

I don't know what sort of discussion will go on in Treasury Board, but hopefully there will be kind consideration in the next budget to those who have built the economic foundation of this province. Seniors should not, in the first place, have to put their cap in their hand and apply to the special-needs assistance program to ensure that their houses are adequately heated. I think that is wrong, and I think the majority of members of this Assembly would agree with me, particularly the hon. Member for Calgary-Glenmore.

Now, there are also costs associated here with extraordinary onetime personal expenses, and that would indicate to this member, Mr. Chairman, that some of the programs that we used to have available for seniors perhaps need to be reimplemented. The seniors were promised, as were a lot of other people in this province, that if they worked with the government and sacrificed to get the budget numbers under control, then programs would be restored, but we haven't seen that to date. We're getting closer to the election. Perhaps we'll start to see sugar-daddy politics again, where there'll be unlimited amounts of cash, the government will be very generous, and hopefully if the government is generous, they will not forget the seniors who built the economic foundation that we enjoy presently.

Now, Mr. Chairman, there is a lot of money involved in Bill 54.

**Dr. Taft:** How much?

**Mr. MacDonald:** Well over a billion dollars.

**Dr. Taft:** How many Tories have spoken on it?

**Mr. MacDonald:** I don't know how many government members have actually spoken to this bill, and when I cede the floor to another colleague, I'm going to do some research in *Hansard* and check that out.

I do know that expenses have been quite high. We had after the last election expanded the cabinet. There were about 16 cabinet ministers, and now we've got 24, and of course there are deputy ministers.

**Mr. Mason:** Two finance ministers.

**Mr. MacDonald:** We've got the two finance ministers, yes. There are two justice ministers. There's a lot of duplication there. I think that in the interests of running a tight financial ship, the cabinet should be reduced.

There was a movie I was watching on TV, Mr. Chairperson, and it was called, I believe, *Honey, I Shrunk the Kids*. You know, perhaps the political equivalent of that would be: "Albertans, I've shrunk the size of cabinet. I've saved money, and this is what I'm going to do with the money I have saved."

Perhaps it is this government that needs to go on a diet. We're talking about a supersized cabinet, and we're talking about a supersized caucus, and perhaps if they don't go on a diet, the electorate will do it for them.

In conclusion, at this time I can't say that this is not a good start to a new fiscal framework. Maybe money is coming too easily for this government. We have a golden goose that is losing its lustre. It's not nearly as shiny as it was once because the western Canadian sedimentary basin, Mr. Chairman, is starting to mature. We're going to get less and less oil and natural gas royalties from that western Canadian sedimentary basin, so perhaps it's time for us to make sure that we're spending every dollar as wisely as possible.

Are there ways to cut costs and save money and maybe make the heritage savings trust fund bigger? Maybe we could expand it to \$20 billion instead of having it stagnate at between \$11 billion and \$12 billion. Maybe we could truly make it into a pool of money for future generations in this province. I look at this bill, and I'm not of the opinion that this government is a prudent manager of our financial resources. It's a lucky government, but to say that this government is financially responsible is, I think, to say the least, an urban myth.

**Mr. Mason:** It's a rural myth too.

**Mr. MacDonald:** It's a rural myth too; I've been corrected. So it's both an urban and a rural myth that this government has a fiscal framework that is to be copied. It can spend a lot of money, and it is unaccountable, and the whole process of spending this money is not transparent.

So I cannot support this supplementary supply bill without some explanation of how this new spending will contribute to meeting defined outcomes and the performance criteria in the government business plans. Much of this money, that I discussed earlier, is certainly needed by various groups who have been left out and have been penalized by very poor government policy, but when we think of the size of this budget and the size of this government, it's supersized, and perhaps it's time for there to be some consideration of a diet.

Thank you.

9:20

**The Chair:** The hon. Member for St. Albert.

**Mrs. O'Neill:** Thank you very much, Mr. Chairman. I just wanted to rise and to speak somewhat in response to the scrambled message that we have just heard articulated in this Assembly. I want to make the point that supplementary requisitions and estimates are meant most specifically to address the needs that occur as the fiscal year goes on. So this is, indeed, the government's response to those situations and to those people who find themselves in situations wherein the programs are not sufficient to address the needs that are identified and that arise as the year goes on.

I would like to first of all highlight the fact that this is responding responsibly to circumstances. I'd like to say that in the supplemen-

tary estimates, indeed, what we are doing as a government is looking at those programs that because of a growing population or because of needs – in particular, the mention was specifically of seniors and those in long-term care facilities. Because they are in long-term care facilities and because the accommodation rates rose in the middle of the fiscal year or shortly after it began, there are a number of residents there for whom the government needs to give assistance. I believe that this is being very responsible and, as I said earlier, responsive not only in the area of seniors but also in the area of delivering programs, whether they be in human resources, whether they be for any number of capital projects that need to be addressed, and because of the rising, unanticipated cost.

So I just wanted to take this brief moment to set the record straight in this House. In spite of the ramblings and in spite of the all-over-the-map description of what the Member for Edmonton-Gold Bar identified as if he was thinking that we didn't plan to do this in an appropriate fashion, I wanted to let the people of Alberta know that this government is, indeed, responsible, is looking at those programs that do need to be addressed partway through the fiscal year. We are doing that according to the plan and the direction that we have identified.

Thank you, Mr. Chairman.

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

**Mr. MacDonald:** Thank you very much, Mr. Chairman. Just in light of the remarks by the previous hon. member, I would like to remind the House that 15 out of the government's 24 ministries are asking for supplementary supply here. They're not all hit with BSE, forest fires, and drought. This government is simply incapable of setting a budget and sticking to it.

Thank you.

**The Chair:** The hon. Deputy Government House Leader.

**Mr. Stevens:** Thanks, Mr. Chairman. I move that we adjourn debate on Bill 54.

[Motion to adjourn debate carried]

#### Bill 44

#### Personal Information Protection Act

**The Chair:** We have in front of us amendment A1, moved on November 25, so we're in discussion on amendment A1. Are there any further comments or questions with respect to this amendment? The hon. Member for Edmonton-Gold Bar on amendment A1.

**Mr. MacDonald:** Yes. Thank you very much, Mr. Chairman. Amendment A1 to Bill 44, the Personal Information Protection Act, is really a series of amendments, and I would like to get on the record indicating my dismay, my disappointment that we're going to deal with these amendments all in one group. I think that we would have much better legislation if these were dealt with on an individual basis. I don't say that lightly, because I was very pleased to have the opportunity to discuss with the hon. minister's staff these proposed amendments. To describe them as housekeeping amendments, I think, is a little bit too much. These amendments are the result of a consultation process that occurred since this bill was first introduced to the Assembly, and it was left on the Order Paper over the summer for many different groups to make presentations on their concerns regarding Bill 44.

Now, there are significant changes here. If one looks at *Hansard*

from November 25, the hon. Minister of Government Services is introducing these amendments to the Assembly. One can read *Hansard* on pages 1863 and 1864 in regard to these amendments. In fact, the discussion on them by the hon. minister went on for some time and had to have extra time approved by the chair, as a matter of fact, to discuss these amendments. They're on a wide range of issues, and there's a wide range of changes, everything from definitions to a request of Health and Wellness for the exclusion of health information in section 4(3)(e). That's done hopefully for a good purpose.

When we debate these amendments, we have to recognize just by the volume of changes that it was a good idea that this bill was held over for the summer to allow the stakeholders, as they're called, to point out any deficiencies they may have in this bill. Now, how expensive is the new privacy act going to be to implement? That is yet to be determined.

When we look at these amendments, we see what has been attempted. I think we have to accept the hon. minister and his department's staff at their word, and it would be my opinion that they've done their very best to improve this legislation. The fashion, how we're exercising that before this Assembly, is another matter, and I'm not going to go into any great length or any great detail during debate on Bill 44 on the erosion of democracy in this province.

We need, in our own interests, Bill 44, and Bill 44 is going to be a work in progress. We look at the B.C. legislation that's also going to be implemented at the same time and we look at all the comparisons to the federal legislation. What's going to happen is that the federal legislation's stronger. This legislation is too weak. But the majority of the people contacted certainly want to see this bill passed. When we look at other information acts in this province – we look at FOIP. I would have to say that it's not working. The Freedom of Information and Protection of Privacy Act is supposed to make the government transparent and accountable and all this information easy to access from the government. That's the furthest thing from the truth. Here we have a matter of employers and employees. After we deal with these amendments, Mr. Chairman, I hope to be able to get on the record again. I have some questions for the hon. minister in regard to the bill at committee.

**9:30**

I'm certainly satisfied with the process, and I appreciate the time that the minister and his staff have spent with myself and the Liberal research team on this matter. Certainly I think it is disrespectful of democracy to have this many amendments come forward as A1. Some people may think they're just routine housekeeping; others may not. Hopefully we will have an opportunity in the future to review this bill, and we won't have to wait three years from proclamation to see if it's working or not because only time will tell the costs to businesses and other organizations.

Mr. Chairman, at this time I will cede the floor to another colleague. The jury is out, so to speak, on Bill 44 at this time.

**The Chair:** The hon. Member for Edmonton-Highlands.

**Mr. Mason:** Thank you very much, Mr. Chairman. I have a few general comments with respect to the amendment before us, and I was wondering if I might ask some questions and whether the minister is prepared, before we vote on the amendment, to respond to questions. He's nodding in the affirmative.

I want to indicate that the practice of the government omnibus amendment is a problem. I certainly have no intention of singling out this minister at all, but it seems to be a fairly widespread practice

in this fall session to be faced with a very, very significant amendment which must be then debated and voted in most cases as a block. That makes it difficult for the opposition to do its job. I will acknowledge particularly this minister's staff for providing a detailed briefing to us on the contents. That's made it considerably easier.

Some ministries have not done that. In fact, the Minister of Environment tabled an omnibus amendment, and we had no notice, and the minister didn't even bother to describe the contents of the amendment. That, frankly, makes it almost impossible for the opposition to do its job because these amendments are so comprehensive that they almost represent a partial rewriting of the whole bill.

Having said that, I had a concern brought to my attention by a constituent, and I guess I'd like to put this to the minister. It's sometimes difficult for legislators and, I'm sure, even more difficult for citizens to understand the complexity and the language of these bills, so the question I have is: how does it work in practice?

Here's a situation. When you go to a retail outlet nowadays even to make a basic purchase, the retail outlet wants to get a bunch of information. It's interesting that all you want to do is buy something – a CD, for example, or a component of a computer or a refrigerator, something like that – and they want to get your personal information. They want to get your name, they want to get your address, and they want to get your phone number. If you're dumb enough to give them your e-mail address, they might want that too, and all this goes in the computer. They might tell you that they are going to send you some information or that it might help with a warranty, but very often they ask for this information even if the product is not warrantied and the warranty process might be quite separate from this. In practice what happens is that they compile this information into large databases, and they sell it. So the question I have is: how does the language of the bill, including the amendment, affect this in practice? Specifically, it's a retail situation.

It's also been brought to my attention, Mr. Chairman, that at least one electronics retail chain that has a large number of outlets in Alberta instructs their staff to lie. When a customer asks what the information that this company collects will be used for, the staff are instructed to say that it will not be sold, that it will be used just for the internal purposes of the company, to keep you up to date on special offers or sort of to track your purchases for the company, when in fact this information is compiled and sold.

The second question, then, I guess, to the minister with respect to this is: what is it in this act that will stop this kind of operation? How do we make sure that staff are not instructed by the management to mislead customers about the uses to which information will be put? If the company for one reason or another doesn't tell the truth about what they're going to use the information for, then what measures are in place to deter this? So that would be the second question.

I think people generally want to know: in a retail setting when they make a purchase, what does the company have to tell you about the information? Can they just say: could I get your name and your address and your phone number and your e-mail address and your social insurance, which is often the case, even though I know that that part is already not permitted? What do they have to tell you? What do they have to say? What authority do they need from you to retail this data about you?

So, Mr. Chairman, in anticipation of the minister's response, I'll take my seat, and I will have some more to say later.

#### **Chair's Ruling Amendments**

**The Chair:** Hon. members, I just wanted to clarify a point. Two

members now have referred to an omnibus set of amendments. If they're prepared to accept them as such, that's fine, but the rule for committee is that it has to be by agreement. Otherwise, it's clause by clause. If it's by agreement, that certainly facilitates the work of the House, but that determination is in the hands of the committee. So if you're happy with this arrangement, then let us go forward.

The hon. Member for Edmonton-Gold Bar.

9:40

**Mr. MacDonald:** Just for the record, Mr. Chairman, I would certainly in this case be satisfied to let this go forward. I had a consultation process with the minister's staff before the fall session started, and many of the amendments as presented in amendment A1 were included in that discussion.

Thank you.

**The Chair:** All right. Then we'll proceed. The hon. Member for Edmonton-Centre.

### Debate Continued

**Ms Blakeman:** Thanks very much, Mr. Chairman. I think this is a really important bill, and I'm glad to have the opportunity to speak to it again while we're in Committee of the Whole. In looking through it, there are a couple of sections that work as a unit to me, and I just want to spend some time discussing the implications of that.

What I'm looking for here as always is consistency and clarity, and hopefully that leads to stability. There is a wonderful set of commercials on television right now plugging some insurance company. Obviously, they're not that great a commercial, or I would remember what the company was. Their point and the joke contained within is around clarity. There's one where there's a rather overblown opera scene and no one understands why everyone's dying, and a fellow in the audience stands up and very clearly says: they're related to one another so they can never marry. And everyone in the audience goes, "Oh," because then they understand. It's clear.

We're all seeking that kind of clarity, and I just want to make sure that I am processing several sections with clarity. In fact, I think that is what this bill needs to be seeking overall. We are putting in place a very important piece of legislation. It works in partnership with the FOIP Act. Certainly my colleague from Edmonton-Gold Bar has already pointed out that there are some problems as far as the Official Opposition is concerned with how the FOIP Act and the Health Information Act actually work. So we're seeking more clarity with PIPA, the Personal Information Protection Act. I think it's also really important for the people – that being the private sector now that this act is going to cover – that it's also very clear to them and everyone is rowing in the same direction and all those other clichés about understanding and working together.

What I was hoping to see was a consistency with the FOIP Act, in fact, with those sections. In the FOIP Act section 40, "Disclosure of personal information," we're talking in section 40(1)(e): "for the purpose of complying with an enactment of Alberta or Canada or with a treaty, arrangement or agreement made under an enactment of Alberta or Canada." This is around, "A public body may disclose personal information only," and then there's a series of circumstances under which personal information may be disclosed. That's where that section (e) appears. So I was seeking clarity and consistency with this particular section. Do we have a similar section appearing in this PIPA?

When I look at it, I think that what I can see that would go with, that partners with, or is a local version of the FOIP Act 40(1)(e) –

and you have to go back and forth. So we end up with section 14, section 15, and section 20. Now, in the original bill we lost the clarity and the consistency. There was not consistency with the FOIP Act section 40. We seem to have regained it here with this amending act. Let me get this one straight. Specifically, what we're looking for is what kind of information can be shared between employers. So when we're talking about what employers should be doing if they're entering into a collective bargaining situation or relationship, what are they supposed to do?

They used to look at FOIP section 40. Is there something in here that gives them some guidance? Yes, there appears to be because section 15 is giving us Collection of Personal Employee Information. Under what circumstances can you be collecting it? What we've got is:

15(1) Notwithstanding anything [else] in this Act other than subsection (2), an organization may collect personal employee information about an individual without the consent of an individual if . . .

Then it gives a series of circumstances.

- (a) the individual is an employee of the organization, or
- (b) the collection of the information is for the purpose of recruiting a potential employee.

It goes on.

(2) An organization shall not collect personal employee information about an individual unless

- (a) the collection is reasonable for the purposes for which it is being collected, and
- (b) the personal employee information includes only personal information that is related to the employment or volunteer work relationship of the individual.

Then section (3) talks about:

An organization may disclose personal employee information about an individual without the consent . . . where that information is being disclosed to an organization that is collecting information under subsection (1),

which takes us back to the beginning.

Section (4) in fact has been deleted in the amendment and, I think, clarified because section (4) was talking about recruitment of an employee and if they had to destroy information and all kinds of things.

The new version of section 15 is still talking about collection for reasonable purposes information that's only related to employment or volunteer work. In section (4), "nothing in this section is to be construed so as to restrict or otherwise affect an organization's ability to collect personal information under section 14." So here we go. Here's the reference back to section 14. That section was about collection without consent and, again, a long list of how an organization can collect personal information about an individual without the consent of that individual.

The next part of this puzzle is the disclosure, which appears in section 20, and that's

- (c) the disclosure of the information is in accordance with a provision of a treaty that
  - (i) authorizes or requires its disclosure, and
  - (ii) is made under an enactment of Alberta or Canada.

So when we're looking at whether we've achieved consistency with FOIP, I would say that at this point we have. Is it clear for commercial users that they can collect information and disclose information around a collective bargaining relationship? Yes, it appears that they can. Is that important? Yes, because it helps to manage that relationship between the organization and the individual which is an important one.

9:50

When I look for other messages from experts in this area as to

whether it's important, there are two sources here. I'm looking at some information produced by the University of Alberta access to privacy adviser, who is concluding that

personal information can be disclosed not simply pursuant to an agreement but so that [an organization] could reasonably meet its statutory obligations as a bargaining agent.

In this case, you know, we have a situation, for example, where an individual phones up a bargaining agent and says: okay; I need something done. Well, the first thing they're going to do is to verify that that individual, in fact, works for Company X. They're going to phone Company X and say: do they work for you? Well, we need the clarity here in this legislation that allows Company X to go: yes, I can tell you this information; they work for us. That's the disclosure that we need, and it, in fact, to my reading is still there. Actually, I appreciate having the minister on the record clarifying that as I work my way through this, I am correct in understanding this.

The second place that I looked was in the courts as to whether that kind of disclosure and sharing of information is appropriate or needed. With the University of Alberta, I was saying, it's a statutory obligation. Again, I think in the court documents that I've looked at, it's saying that information is required to properly administer their employment relationship, and it's reasonable to characterize the provision of the information as being within that purpose.

So that's my tracking through of these three sections and what this all means as I try and seek clarity and make sure that it's consistent with what we already have. I've given the reasons why I think it's important to maintain this. We have court rulings. We have others that have spoken on the importance of it and upholding it. Part of what brought this to mind for me was that I didn't think we wanted to get into a position where we had companies or agents or individuals unnecessarily withholding information. They need to know exactly how they're expected to behave.

One of the things that came to mind with me was when our own FOIP legislation came in and covered the academic sector. We had a few months of confusion, and in fact this was around MLAs sending congratulatory letters to graduates or to prizewinners or academic high achievers in their various schools in their constituencies. Of course, for the schools trying to interpret the new legislation that they were now under, it wasn't clear what they were supposed to be doing. As a result, they politely declined to release the information on the students' names, for example, or whether they'd been the award winners because at that time they weren't clear about whether that would violate disclosure. We all figured that out eventually, and in fact I think there was a clarification that was brought in to the Freedom of Information and Protection of Privacy legislation in Alberta.

So I'm just trying to clarify that here. If I can get the minister on the record that what I've outlined here, in fact, is true and that that kind of disclosure would be allowed, I'd appreciate it because that's partially key to my accepting this amendment. If I'm right, then I'm happy with amendment A1. We need to be very careful with this PIPA legislation. We need to do it right. Personally, I came into this preferring the federal legislation, but if I can be convinced that some of my areas of concern have been dealt with, then I'm willing to switch and support this. This is one of the areas I'd like the minister to respond to me, please.

So that's the issue that I wanted to raise in the time that I have for this go-round. I appreciate the opportunity to raise it, and I'm going to leave that there and let the minister respond to me. Thank you very much, Mr. Chairman.

**The Chair:** Before we ask the minister or any other members in

debate, I wonder if we might have the committee's consent to briefly revert to Introduction of Guests.

[Unanimous consent granted]

head: **Introduction of Guests**

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

**Mr. Lord:** Well, thank you, Mr. Chairman. It's a real pleasure for me to rise to introduce some guests that we have here this evening. It's always a pleasure to have guests. We don't often have them this late in the evening. It tends to be a little bit dry, so people don't tend to stay around this long. We are very pleased to see that we have visitors here in the public gallery. It's a group that is actually from all over North America, I understand, on a mission here from the Mennonite church. Anyway, we would like to have you all stand and be recognized by the members of the Assembly.

#### Bill 44

#### Personal Information Protection Act

(continued)

**The Chair:** The hon. Member for Edmonton-Riverview.

**Dr. Taft:** Thanks, Mr. Chairman. I shall keep my comments fairly brief. I must say that it's not the speakers that are dry; it's the legislation that is dry. Indeed, it's positively arid.

**Ms Blakeman:** It's a living document. Breathe life into it.

**An Hon. Member:** It's desiccated.

**Dr. Taft:** Okay. I shall try to breathe life into this desiccated legislation. All right.

Well, I did look through the amendments, and I did have a specific question to the minister, and I'll keep it to that. I'm on page 3 of the package that was circulated. Under amendment (d) under section 4(3), "by adding the following after clause (j):"

(j.1) the collection, use or disclosure of personal information by a registered constituency association or a registered party as defined in the Election Finances and Contributions Disclosure Act;

(j.2) the collection, use or disclosure of personal information by an individual who is a bona fide candidate for public office where the information is being collected, used or disclosed, as the case may be, for the purposes of campaigning for that office and for no other purpose.

Then when I go back to the bill, it looks to me like we are clarifying that these groups are exempt from the legislation.

I would be interested if the minister at some point could provide the rationale for why those specific exemptions are added. In terms of the amendment, for now that's my only comment. Thank you.

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

**Mr. MacDonald:** Thank you very much, Mr. Chairman. I have two questions at this time in regard to amendment A1 for the hon. minister, please. The first one is dealing with section 4(3)(b), and this is in regard to the Health Information Act. The hon. minister stated on November 25 in this Assembly that this amendment was a request of Health and Wellness. "This amendment will exclude from Bill 44 all health information "where that information is collected, used, or disclosed by an organization for health care purposes."" Now, in regard to workplace issues what medical information, if any,

will an employer be entitled to from an employee, and what may that information be used for? Drug testing, for instance: who will get access to the results? That would be one example. There would be many examples, of course, but that would be just one. How is that going to be affected by this amendment?

Also, in regard to the amendments to the Societies Act, section 36(1), who wanted the amendments to the Societies Act? How were they placed in this amendment A1?

Thank you very much.

10:00

**The Chair:** The hon. Minister of Government Services.

**Mr. Coutts:** Thank you very much, Mr. Chairman. I've appreciated the questions that have come from all of the members opposite, and if I could just take a couple of minutes here before we ask for the vote on this particular amendment A1 to answer as many of those questions as I possibly can.

First of all, the consultation that has taken place on this particular bill, extensively over the summer, with many, many organizations, chambers of commerce, that type of thing, and many businesses, large and small, is the one that has led to the amendments that are before us today. I would like to thank the members opposite for taking the time to meet with members of our staff and even meet with me in a couple of instances to talk about some of the amendments that are in A1.

I think it's important that we do have that kind of consultation, because this is important legislation. This is the protection of personal information, and unlike access to information, this is information that is held by the private sector about every single one of us. It's important that we have the information from the people that this legislation affects and how we can make it effective for everyone. Our staff have worked hard to collect all of the information and to put it together to clarify, to make definitions, and to make sure that this legislation works so that the federal legislation does not prevail in Alberta.

The hon. Member for Edmonton-Highlands brought forward a scenario about a retail shop where one may go and purchase something and having to give his or her name and address and telephone number and other information. The part of this particular act is that the information that the retail company collects on you is purpose specific. In other words, if the retail company wants to do something with that information, they have to tell you, and if they don't tell you the right information, if they're just saying to you, "Well, I need it so that we can let you know about promotions that are coming up within our organization so that you can come back and buy again," then that's what they have to use that for. So it's purpose specific. If they change their mind and they sell that information to some other company or organization that has a business like them or a side business or a service business, they can't do that because they did not advise you of that.

So this legislation points out that they cannot sell, trade, barter, or lease any of the information that you give to a company without your consent. If they want to do that, then they have to let you know that they're going to do that, and then you can give consent to have them release that information to someone else. If a business gives that information to another company without your consent and you find out that they've done that, then you can complain to the Privacy Commissioner, and we can do an investigation, and an order can be issued against the particular company for violating the act. It's just that simple. Collecting consent by deception is really not allowed in the act. That's the provision that protects your personal privacy. Anyone caught selling, trading, or bartering this kind of information can be brought up before the Privacy Commissioner.

When it comes to a couple of questions put forward by the

Member for Edmonton-Centre, private-sector information or your own personal information is protected and handled within the guidelines and the regulations of the legislation. I know she's made a number of comments with regard to FOIP, but this is privacy legislation; it's not access legislation. This protects the privacy of people's information in the private sector.

The hon. Member for Edmonton-Centre made a couple of comments about section 40, wanting to know about section 40 and how it mirrored or became similar to the FOIP Act. We didn't mirror section 40 of FOIP to ensure that the private-sector organizations couldn't enter into agreements so that they could remove themselves from this act. We wanted to make sure that those agreements could not be put in place. I'll be making a couple more comments about collective bargaining in my general comments about the act after we get the vote on section A1 here.

The hon. Member for Edmonton-Gold Bar asked about health information and if health information is in the act or if health information has been exempted from the act. We have a Health Information Act under the department of health, so we took any reference to health information in this act out, and that will be the responsibility of the Minister of Health and Wellness to incorporate into the Health Information Act. So this act does not extend to health information at all.

Of course, under the Societies Act the hon. Member for Edmonton-Gold Bar mentioned section 36(1). I'll research that and get an answer for you.

Political parties are exempt from the legislation because we thought it was really specific. You're a member of the party, and the information that is collected on you is used for those party purposes and no other, so that's why they are exempt from the act.

So with those responses, Mr. Chairman, I now ask the committee to please vote for amendment A1 to Bill 44.

[Motion on amendment A1 carried]

**The Chair:** We're now back on the bill itself.

**Mr. Mason:** Mr. Chairman, I have an amendment to Bill 44, which I will ask the pages to distribute.

**The Chair:** Okay. We'll call that amendment A2. If you would just give us a minute. The pages are reminded to please give it first and foremost to the people who are actually sitting in the chairs, and then you can go back afterwards and give it to everybody.

The hon. Member for Edmonton-Highlands.

**Mr. Mason:** Thank you very much, Mr. Chairman. I move that Bill 44, Personal Information Protection Act, be amended in section 20(c) by adding "arrangement or agreement" after "a treaty."

Mr. Chairman, shall I begin?

**The Chair:** Please go ahead.

10:10

**Mr. Mason:** Thank you very much, Mr. Chairman. I've been in touch with a number of labour organizations in our province, and there is a broad concern here that the language in Bill 44 is somewhat different than the language in the FOIP Act.

[Mr. Lougheed in the chair]

If people would like to turn to section 20(c) in Bill 44 and contrast the language here with that found in the FOIP Act, they will find that

in the FOIP Act section 40(1)(e) allows for disclosure “for the purpose of complying with an enactment of Alberta or Canada or with a treaty, arrangement or agreement made under an enactment of Alberta or Canada.” Now, what’s the difference? We’ve dropped the words “arrangement” and “agreement” in Bill 44, and what’s the significance of that, Mr. Chairman?

Well, I guess it’s illustrated by a recent case that came before the labour board, and it had to do with the strike of workers at the Shaw convention centre. At that time the employer, being Economic Development Edmonton, withheld from the union the list of members – and this union was seeking its first collective agreement – and they used the FOIP Act as justification for doing so. It’s interesting, Mr. Chairman, that the labour board specifically referenced those clauses that have been deleted in this act as requiring the employer to turn over the list. So what we potentially could have is two sets of standards: one for public-sector unions covered by the FOIP Act and another one covered by Bill 44, or PIPA, for private-sector unions.

So we may have public-sector unions having language that can be used in order to get this information. This information is very critical, Mr. Chairman, for a union seeking its first collective agreement. After it’s organized its members and it seeks a first collective agreement, it doesn’t have any language in the collective agreement because it doesn’t yet have a collective agreement, so it cannot then force the employer to provide the contact information for the members of the union. The union has members, but they don’t necessarily know who they are, and they cannot necessarily get in touch with them. This is a very difficult situation, and I’m sure it’s not an intentional strategy on the part of anyone to deny this information to the union. The different language sets a different standard, and the amendment would correct that and would provide the same level of language that could be used to provide the same level of access for unions of private-sector employers as has been the case with public-sector employers given the labour board’s ruling.

That is the basis for the amendment, Mr. Chairman, and I would certainly encourage all members in the interests of fairness and equity to support this amendment. Thank you very much.

**Mr. Coutts:** Mr. Chairman, I’d just like to speak to the amendment put forward by the hon. Member for Edmonton-Highlands regarding adding the words “arrangement or agreement” in there. You know, if we were to accept this amendment, what it would allow is for businesses to make agreements and arrangements between themselves to share information, and that would be absolutely contrary to the intent and the provisions of why we’re setting up the Personal Information Protection Act.

[Mr. Tannas in the chair]

With regard to trade unions the hon. member mentioned the ability to organize, et cetera, or how the information could be shared once a union was set up. PIPA actually will permit organizations to continue to comply with collective agreements, including any requirement in an agreement to provide a union with the home contact information for union members. We know that there have been concerns that were raised about how PIPA would affect the ability of unions to organize, but under PIPA a union that is engaged in an organizing drive will be able to use the business contact information of employees to make the initial contact subject to the provisions of the Labour Relations Code, and unions will also be permitted to collect and use home contact information of employees with their consent.

So we believe that that is particularly compliant with the intent of

the act. Therefore, this amendment is not needed, and I urge all members of the Assembly to vote against this amendment.

[Motion on amendment A2 lost]

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

**Mr. MacDonald:** Thank you very much, Mr. Chairman. I have some additional questions in regard to Bill 44 at this time for the hon. minister. Specifically, before I get to the expressions of caution that were made by the Privacy Commissioner of Canada, I would like to get clarified by the hon. minister exactly how in Bill 44 will information that is collected through the use of video surveillance in a worksite be used? This information is in effect being collected and used as personal information in that the camera could record personal activities even though the purpose of their surveillance may have been to reduce vandalism or in some cases, unfortunately, on-the-job theft by an employee. Now, how will video surveillance be affected on the worksite by Bill 44, and exactly what steps now have been taken?

I know that the Privacy Commissioner of Canada had a lot to say about this legislation, and there were what the Privacy Commissioner of Canada described as serious deficiencies and flaws with the B.C. legislation. What steps have we taken in this province to ensure that this Alberta bill, Bill 44, will do a better job of respecting the privacy of Albertans?

Again, what specific steps has the Ministry of Government Services taken in response to all the concerns that were raised by the Privacy Commissioner of Canada with the Alberta and the B.C. model? Is the minister satisfied that the series of amendments that we have just passed are going to address a lot of the concerns that have been expressed in the Alberta/B.C. model? Those are, namely, the privacy rights of Albertans in the workplace. This all goes back, Mr. Chairman, to my initial question on video surveillance and how that is going to work with this legislation.

10:20

At this point I would be very interested in hearing what the hon. minister has to say in regard to those questions, and at some further time I, too, have an amendment that I would like to put on the floor.

Thank you.

**Mr. Coutts:** Mr. Chairman, the hon. Member for Edmonton-Gold Bar has brought forward the issue of what the Privacy Commissioner of Canada says about this legislation, particularly knowing that we have been working with the Privacy Commissioner to make sure that this legislation is substantially similar to the PIPEDA legislation that will be made law on January 1, 2004.

I read *Hansard*, and I read the hon. member’s comments. I think he was referring to a former Privacy Commissioner that sent a very, very long letter to us, and he was asking whether or not we’ve addressed those kinds of concerns. As the hon. member knows, the former Privacy Commissioner of Canada is no longer there.

I must say that now we have a very good relationship with the new Privacy Commissioner, and the new Privacy Commissioner has come along and said that this legislation that we have put together along with our sister province of British Columbia – bringing these two acts forward in parallel is substantially similar to the federal legislation. The federal Privacy Commissioner has come out successfully and commended us for the job that we have done in making this legislation substantially similar. So I believe that that has been addressed.

The hon. member’s comment about video surveillance at the

worksites and what that has to do with personal information. That has everything to do with enforcement and that type of thing, but it has nothing to do with this particular act as it pertains to the personal information that is carried by an individual.

Thank you for the opportunity to respond.

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

**Mr. MacDonald:** Thank you, Mr. Chairman, and hon. minister. Now, the minister has stated that there are many similarities between the B.C. and the Alberta legislation and the federal legislation. Could the minister please confirm that the fines are the same in the federal legislation as they are here? In section 59, "in the case of an individual, to a fine of not more than \$10 000, and . . . in the case of a person other than an individual, to a fine of not more than \$100 000": those fines are the same; correct?

**Mr. Coutts:** Yes.

**Mr. MacDonald:** Okay. Thank you.

Now, at this time, Mr. Chairman, I have an amendment to Bill 44, and it is an amendment to section 64, which is a review of the act. I indicated earlier that there appears to be a need for a review of this legislation sooner than once every three years. This amendment, I believe, has been presented to the table; correct?

**The Chair:** Yeah. They're now being distributed.

**Mr. MacDonald:** Okay. Thank you very much.

For the record, Mr. Chairman, this amendment states that section 64 be amended (a) in subsection (1) by striking out "At least once every 3 years," and substituting "Eighteen months after this Act comes into force and at least once every 3 years thereafter," and (b) by striking out subsection (3).

I'll be brief here, but I would urge all members to support this amendment. We can see the consultation process, Mr. Chairman, that the government has done this summer, when they held the bill over from the spring session and there was a series of 16 amendments presented. Now, with the Freedom of Information and Protection of Privacy Act there is a review process. But in light of the consultation process with the chambers of commerce, with various enterprises, business organizations across the province, the changes that have been brought about, and the fact that we don't really know what costs are going to be involved in this – and I hope that they are not too much, I hope that they are not high, and I certainly hope that everyone can adhere to this legislation and that it will not be expensive nor a bureaucratic nightmare because there are certainly going to be processes and policies set up.

But in light of the fact that this is new legislation for us in this province, I would think it would be ideal not to wait three years but allow, as someone said earlier, the Privacy Commissioner to get set up and get organized in regard to the enforcement of this act and then do a review, a consultation process to review this legislation to see if it's working and, if there are parts of it that are not working, what we can do to make it work for all parties involved.

I would urge members to support this amendment to Bill 44 at this time. Thank you.

**The Chair:** Hon. member, I apologize. I don't recall hearing you say: I move this amendment. Perhaps you did, but would you just verify that you did move it?

**Mr. MacDonald:** That's understandable. Yes. I would move at this

time, Mr. Chairman, I believe we would call this amendment A3 to Bill 44.

**The Chair:** Thank you.

Hon. minister, did you have a comment on amendment A3?

**Mr. Coutts:** Mr. Chairman, this amendment is a very good idea. When we started looking at how we might follow up on the act, the idea of three years once it comes into force seemed like a really good idea, but I think that the hon. Member for Edmonton-Gold Bar has a really good idea here. Eighteen months sounds like a whole lot shorter time frame to see how the act actually does affect businesses and get some consultation in, so I agree with this. I think 18 months is a lot better than the 36 months because if there's something that needs to be changed in the act, that will give us an opportunity to do it.

I urge all my colleagues in the House to, unfortunately, say yes to this amendment.

[Motion on amendment A3 carried]

[The clauses of Bill 44 as amended agreed to]

[Title and preamble agreed to]

**The Chair:** Shall this bill be reported? Are you agreed?

**Hon. Members:** Agreed.

**The Chair:** Opposed? Carried.

10:30

**Bill 50**

**Wildlife Amendment Act, 2003**

**The Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill. The hon. Member for West Yellowhead.

**Mr. Strang:** Thank you very much, Mr. Chairman. I'm pleased to rise today to begin debate in Committee of the Whole on Bill 50, the Wildlife Amendment Act, 2003. I'd like to thank the members of this Assembly for their comments and ideas regarding Bill 50 in second reading. In a moment I'll respond to the questions that arose from the hon. members from the opposition during second reading.

Mr. Chairman, as we discussed, the intent of the proposed bill is to make the Wildlife Act more effective, primarily in enforcement and administration. In terms of enforcement Alberta will have more effective ways to deter and respond to wildlife poaching and to better protect and manage wildlife. A substantial increase in penalties will help deter this illegal activity. With the amendments Alberta will have among the highest poaching fines in Canada.

All wildlife offences will fall into one of two penalty ranges: up to \$50,000 and/or 12 months in prison or up to \$100,000 and/or 24 months in prison. Most offences, such as those involving grizzly bears, will be included in the highest penalty range of \$100,000 and/or two years in prison. Increasing the fines for wildlife violations sends a clear message to the public and courts that Alberta will take such violations very seriously. I believe once people know that poaching violations in Alberta lead to significant penalties, this awareness will act as a strong deterrent.

Further to the amendments relating to enforcement, Alberta will have authorization to seize and retain equipment by poachers. Also, the province will establish reciprocal agreements with other

jurisdictions to see that those convicted of serious wildlife violations elsewhere won't be able to get a hunting licence in Alberta and vice versa. In addition, people with outstanding fines for angling violations will not be able to buy a hunting licence until angling fines have been taken care of.

Another amendment is aimed at improving the effectiveness of the act when it comes to illegally selling wildlife. Specifically, advertising wildlife for sale will be considered an act of trafficking in wildlife.

Also, one of the key amendments is aimed at reducing wildlife/human encounters. The act gives Alberta the authority to issue cleanup orders for situations where people leave food or garbage that might attract wildlife. Indeed, food and garbage are sources of most human/bear problems. Cleanup orders will help protect bears as well as deer, elk, and other species that come in conflict with humans because of the food sources that lure wildlife to settled areas.

There are a few other proposed administrative amendments to the act regarding traps and certain licences and permits. Alberta is a very large province, and it is impossible to monitor everybody in the wildlife area.

Now, questions were asked during the second reading. Escape of captive animals. This is a cross-ministry responsibility involving staff primarily from Sustainable Resource Development and Agriculture, Food and Rural Development. Community Development will also become involved if escaped animals are found in a protected area. Reports of such animals are shared between Sustainable Resource Development and Agriculture, Food and Rural Development as soon as a report has been received. Initial assessment is made to determine if the escaped animals pose any risk to the health of free-ranging wildlife.

Dog training and trialing. Exclusive consultation was undertaken in 2001 with a number of commercial dog trainers and provincial dog training and trial clubs as well as individuals involved in these activities. A number of amendments were passed in 2001 that extensively revised the regulations that applied to dog training and trialing. The amendments in this bill will adjust the act to support the current regulations and enable the subsequent amendments to simplify them. The amendment to the act involving dog training and trialing is strictly administrative. There will be no change to user privileges.

On the question on the removal of traps this amendment was intended to recognize the activities of people who trap animals for food under their constitutional protection rights. The change does not infringe on anybody's rights; rather, it provides better recognition for these rights by requiring trappers to report the removal of traps that they believe have been set illegally to wildlife officers.

Exemptions for employees. The Supreme Court of Canada ruled that agencies that investigate violations of law must not violate the same law unless the legislation specifically authorizes those activities. While the Supreme Court decision is related to police activities, this amendment responds to the ruling by recognizing all duties of Sustainable Resource Development staff. This includes wildlife research, for example capturing wildlife or keeping it captive; management, for example disease control activities; duties that involve hunting, for example destroying injured animals; and enforcement activities, investigation, and undercover operations.

Another question: an inefficient number of fish and wildlife officers and, in addition, severe budget restraints for enforcement activities. Sustainable Resource Development's mission ensures that Albertans continue to benefit from a broad range of resources including forests, public lands, and fish and wildlife. The Alberta government is committed to accomplishing this within its overall fiscal strategy, and there simply isn't an unlimited amount of money

available for the department. It's not surprising that many people have different opinions regarding particular resources they feel strongly about. The Wildlife Amendment Act supports officers, very positive legislation, and will support enforcement efforts greatly by increasing fines for poachers. A significant increase in fines is known to have an immediate effect on poacher activities.

The other question on patrols. Like any enforcement agency there are a number of fish and wildlife patrols that go up and down. There has been an increase in patrol activities this fall during hunting season. Enforcement is more than just patrolling. It involves education and communicating with Albertans. Earlier this year priorities were focused on the West Nile surveillance, grizzly bear management, and fishery monitoring.

Undercover operations was another question. In addition to the good work regularly done by uniformed fish and wildlife officers, there has been, certainly, also good work by the undercover operations. Over the last six years undercover operations have resulted in 1,100 charges, about \$1.1 million in fines, and about 20 years in prison sentences.

**10:40**

Now, a question was asked on budgets. There are almost 2,000 departmental staff working for Sustainable Resource Development. Sustainable Resource Development has no intention of laying off fish and wildlife officers. The department is proud of the work that they do. I understand that Sustainable Resource Development monitors its budget situation and makes adjustments for priority areas that arise. About \$37 million was spent on fish and wildlife this year, up slightly from last year. Enforcement is one part of the budget, and one of the budget items within enforcement includes operation costs.

These should answer most of the questions that were asked, Mr. Chairman, and at this time I'll take my seat.

**The Chair:** The hon. Member for Edmonton-Riverview.

**Dr. Taft:** Thank you, Mr. Chairman. In speaking to Bill 50, the Wildlife Amendment Act, 2003, I can say that I think I'm onside with our caucus in certainly supporting the thrust and intent of this act. I feel that it's very safe to say that Albertans cherish their wilderness and that in many cases hunters and trappers are people who want to respect and protect that wilderness. In fact, there's an old saying that a river without fishermen is a river without friends, and I think it's the same kind of thing: a wilderness without hunters and trappers is a wilderness without friends. Certainly, the hunters and trappers who I know actually respect the laws. They get upset when there's illegal poaching. They will, I think, be happy to see that this legislation goes through and that there are stronger penalties for illegal poaching and hunting activities and trapping activities as well. So it looks to me like a good piece of bill that will resonate well with most Albertans.

Thank you.

**The Chair:** The hon. Deputy Government House Leader.

**Mr. Zwodzesky:** Thank you. Mr. Chairman, I rise just briefly to also offer my comments with respect to the Wildlife Amendment Act before us, and I'm very pleased to support this bill because it represents increased protection for wildlife in our province. It's also an important piece of legislation that supports our parks and protected areas within the mandate of my ministry.

There are elements within our provincial parks and protected areas, such as our natural ecosystems, that help support wildlife. Of

course, grizzly bears along with bighorn sheep and moose and cougars and bull trout and long-toed salamanders and a host of other wildlife species have all been part of hundreds of scientific studies in our protected areas, and I just wanted to indicate our support from the management and staff involved in provincial parks and protected areas towards this Wildlife Amendment Act.

Thank you.

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

**Ms Blakeman:** Thank you very much. Just a few comments that I'd like to get on the record around this bill. I think we're all pleased to hear about the penalties being increased, but I think what's really important with this is that although there's an attempt to put teeth in this legislation, if there isn't adequate funding in the department to provide the wildlife officers to do the monitoring and enforcement, the skull what holds the dentures that hold the teeth, all of this is for naught. You can have as many rules as you want, but if you never catch anyone that is breaking the law and never get them to the point where you are in fact levying one of these fines on them, what's the point? It's incumbent upon the government in moving this bill along to understand the context that it sits in and the support for the department. If we don't have the funding for those wildlife officers, then this is a useless piece of legislation. It just sits on a shelf.

**Bill 54**  
**Appropriation (Supplementary**  
**Supply) Act, 2003 (No. 2)**

**The Chair:** I hesitate to interrupt the hon. Member for Edmonton-Centre, but under Standing Order 61(4)(iv) I must put the question proposing the approval of the appropriation bill on the Order Paper for consideration by the Committee of the Whole. Does the Committee of the Whole approve the following appropriation bill: Bill 54, Appropriation (Supplementary Supply) Act, 2003 (No. 2)?

[Motion carried]

**The Chair:** The hon. Deputy Government House Leader.

**Mr. Zwozdesky:** I think we're continuing on with Bill 50.

**The Chair:** No. I think that if we read that, it says that the committee shall forthwith rise and report.

The hon. Deputy Government House Leader.

**Mr. Stevens:** Yes, Mr. Chairman. I move that we rise and report Bill 54, Bill 44, and progress on Bill 50.

[Motion carried]

[The Deputy Speaker in the chair]

**Mr. Lougheed:** Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports Bill 54. The committee reports Bill 44 with some amendments. The committee reports progress on Bill 50. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

**Hon. Members:** Agreed.

**The Deputy Speaker:** Opposed? So ordered.

head: **Government Bills and Orders**

head: Committee of the Whole

*(continued)*

[Mr. Tannas in the chair]

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

**Bill 50**  
**Wildlife Amendment Act, 2003**  
*(continued)*

**The Chair:** Are there any further questions, comments, or amendments to be offered with respect to Bill 50? Are you ready for the 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? Carried.

**Bill 51**  
**Natural Resources Conservation Board**  
**Amendment Act, 2003**

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

**Mr. VanderBurg:** Thank you, Mr. Chairman. I'm pleased to begin debate on Bill 51, the Natural Resources Conservation Board Amendment Act, 2003. I think I'd go right to addressing the questions that were raised in second reading by the hon. members of the opposition. Basically two concerns: one concern over repealing section 42, which deals with the financial administration of the board, and a concern over adjustment of the board members from five to six.

I'll begin with the amendment regarding the financial administration. Under this amendment the board's budget, once a separate document, will be included as part of the Ministry of Sustainable Resource Development's budget.

The hon. Member for Edmonton-Gold Bar claims that government is moving away from transparency and accountability and toward a more secretive environment with this amendment. He also alleges that access to the board's finances will be unavailable under this amendment.

The Member for Edmonton-Centre requested clarification for the reasoning behind the change. She further questioned the independence of the board if its budget was to be included under the Ministry of Sustainable Resource Development.

**10:50**

Well, first of all, let me say that the concerns were unfounded. The ministry's budget will contain all the information with respect to the board and its workings. Contrary to the member's claim the board's budget will still be accessible, as it is now. The board will still be required to provide annual reports, which they already provide, and the Minister of Sustainable Resource Development will continue to be responsible for the board and accountable to this House. The board's budget will still receive the same scrutiny. It

will still be delivered and approved by the Minister of Sustainable Resource Development, and the ministry's budget will be further scrutinized and voted on by this House, as is the case with all other ministries' budgets.

This amendment, in fact, raises the bar for accountability both for the board and for the ministry under which the board's budget will fall. The fact is that the board's responsibility changed significantly when it assumed the jurisdiction over confined feeding operations. These new responsibilities are more consistent with the purview of the Ministry of Sustainable Resource Development than previously. Including the board's budget under the ministry's budget is not only very timely; it's very appropriate. It's also consistent with the way that many other similar boards operate. For example, the Environmental Appeal Board operates in a similar manner to that of the NRCB.

The Member for Edmonton-Centre also questioned the independence of the board if its budget was included as part of the ministry's budget. I believe I explained in second reading that this amendment to include the board's budget within the ministry's budget will make the process more accountable. It would in no way impact the board's decision-making ability as well. [interjection] Shake your head or not, that's how it is. Mr. Chairman, let me repeat that this amendment will not give the Minister of Sustainable Resource Development any jurisdiction over the workings of the board. It will not impact the board's functioning, which is independent from that ministry. It will simply include the board's budget as part of the ministry's budget.

The members opposite also expressed concern over board membership, the move from five to six members. Again, I clearly addressed this change during second reading. The board's responsibilities have increased and diversified considerably since it assumed the portfolio of confined feeding operations. In addition to its initial duties, the board now looks after all aspects of confined feeding operations. This includes applications, reviews, hearing dispute resolutions, and compliance. These hearings are held all over the province, and there's travel and all other responsibilities that the board has, and they do it in a timely manner.

CFOs are a strong part of Alberta's economy, and with these operations come the potential for things like groundwater contamination, a very real issue. Health-related issues like this could affect my family or my community, and I don't take that lightly. I want all members to know that. I like to think that the hon. members opposite would recognize the need for adequate resources to manage these kinds of things as well. These very important issues now fall under the jurisdiction of the NRCB. The resources required to deal with these increased responsibilities must still be found within the board. It must be adequately staffed to effectively deal with these issues, which, I'm sure, are important to Albertans, as they are to me, Mr. Chairman.

This brings me to the last inquirer, the hon. Member for Edmonton-Centre. She said that she'd like to see the incorporation of something like a health impact assessment. Mr. Chairman, I can only assume that the hon. member was referring to the potential impacts of the confined feeding operations, and she can be sure, as this House and all Albertans can, that the NRCB regularly works with the regional health authorities when applications of this nature are submitted.

I would like to conclude by again stressing that these amendments have Albertans' best interests at heart, and, as I have said many times already, they'll bring the clarity needed to distinguish the board's diverse and comprehensive duties and enhance the accountability of government.

Thank you.

**The Chair:** The hon. Member for Edmonton-Riverview.

**Dr. Taft:** Thank you, Mr. Chairman. I listened as carefully as I could to the comments from the Member for Whitecourt-St. Anne, and I appreciated that he tried to address some of the issues raised by my colleagues in second reading.

I will say right off the bat that I'm still not clear what the rationale is for this bill. I might have missed it there. I'm not sure why we're doing this other than perhaps – well, I'm not sure why we're doing it, to be honest. I do share some of the concerns that have already been raised and, I guess, responded to, to some extent, by the Member for Whitecourt-St. Anne.

But I must put on the record that the independence of boards like the Natural Resources Conservation Board is absolutely vital, and that independence must not just be real. It must be seen to be real. The Member for Whitecourt-St. Anne and all of us here undoubtedly are aware that whoever controls the budget of an organization to a very large extent controls that organization. So when legislation brings the budget under the minister, it does look very much like an increase in the power of the minister in question.

So I guess we'll have to agree to disagree, or perhaps in later comments the Member for Whitecourt-St. Anne or some other member of the government can expand on the rationale for this bill so that I maybe can see something that I don't see there right now.

Now, in making comments on this bill, the Member for Whitecourt-St. Anne referred to something that's come up, which is the role of the NRCB in overseeing – what are they called now? – ILOs, the intensive livestock operations. I fairly frequently get calls from citizens around the province about these kinds of operations, and I think people are calling me primarily because they're concerned around the health impacts, potential or actual health impacts, of intensive livestock operations. Of course, since the tragedy in Walkerton everybody is much more concerned about risks to water, to surface water, and the dreadful consequences that a mishap can lead to if there is such contamination. There are issues of odour, issues of dust, and, I think, even in the longer term issues of the dietary impact of the meats produced in these kinds of facilities. Earlier today, in fact, I was reading an NRCB ruling, an investigation into an ILO.

**11:00**

So with that sort of background, I have an amendment to propose for Bill 51. I've got the appropriate number of copies here, approved by Parliamentary Counsel, and I'll ask that they be distributed at this time. I'll wait a moment for them to be distributed.

**The Chair:** Hon. member, when you get around to moving it, it'll be called amendment A1. You have provided the original copy for the chair, so that's good.

**Dr. Taft:** While it's being distributed, Mr. Chairman, I'll read it into the record. I move that Bill 51, the Natural Resources Conservation Board Amendment Act, 2003, be amended in section 3 by adding the following after the proposed subsection (2):

(3) For any application for approval, registration or authorization for a confined feeding operation under the Agricultural Operation Practices Act, the Board shall ensure that a health impact assessment is performed.

(4) For the purposes of subsection (3), a health impact assessment means an assessment by the regional Medical Officer of Health or designate, on the potential impact to the health of humans from a proposed approval, authorization or registration of a confined feeding operation.

The intent of this amendment is quite clear. It's intended to put

into legislation a requirement that the NRCB undertake a health impact assessment when they are investigating applications for confined feeding operations. This is consistent, certainly, with the health policy that the Liberal opposition has brought forward, one aspect of which is calling for health impact assessments to be performed on major government policies. The notion of a health impact assessment is, in effect, parallel to that of an environmental impact assessment, so under a health impact assessment you'd simply be looking at a requirement that the health impacts of a particular decision be weighed, be thought through, and be reported on so that they enter into the debate and a decision-making process.

Now, as the Member for Whitecourt-Ste. Anne pointed out, the NRCB typically does work with regional health authorities in looking at or approving confined feeding operations. This is a way to formalize that requirement. We know that these kinds of issues are of general concern. Even living in an urban constituency, I get calls and letters on these issues frequently. This is an opportunity to begin the process of raising the awareness of health issues on government decisions and government policies and in legislation. In the long term this is one way for us to help contain demands on the health care system. It is a way to shift our whole orientation to approaching health from one of responding after the fact to one of anticipating before the fact: prevention instead of treatment.

So I would urge members of the Assembly to support this. This is not a terribly costly amendment. In fact, as I said earlier, in many ways this is a formalization of existing practice, but it is a formalization that is important symbolically and at some times will be important legally, for if the health impact assessment were not done and if it was in legislation, then there might be grounds for legal action.

If people want to learn more about our notion of a health impact assessment in this context and more broadly, of course, they are always welcome to visit our opposition web site, which is liberalopposition.com. Thank you, Mr. Chairman.

**The Chair:** The hon. Member for Whitecourt-Ste. Anne, followed by the hon. Member for Edmonton-Highlands.

**Mr. VanderBurg:** Thank you, and thank you to the Member for Edmonton-Riverview. Independence is vital; I agree with you. Like I said earlier, the health impact assessment I don't think is needed in the form of a bill. As I said earlier, often the regional health boards are brought into the discussion. Albertans and Alberta producers have proven that their products are safe, and Albertans haven't questioned that, as you can see with what's happened in these past six months. I think that the bill addresses in an adequate nature the changes that need to be brought in to clarify the board's administrative function and that it continue to operate in a manner that has been becoming of the NRCB.

Thank you.

**The Chair:** The hon. Member for Edmonton-Highlands.

**Mr. Mason:** Thanks very much, Mr. Chairman. I'm pleased to rise to speak to this amendment to Bill 51. This amendment would require applications for the approval of a confined feeding operation – they keep changing the titles of these, hoping to I suppose confuse people about what it is that's going to be constructed just upwind of them.

I just want to indicate that contrary to what the hon. Member for Whitecourt-Ste. Anne said about safety of Alberta agricultural products, I would remind him that one case of BSE, which arose in conditions in which the provincial government had neglected the

health and safety of Albertans through cuts to officers regulating the meat industry and then through their misguided attempt to . . .

**Mr. VanderBurg:** Point of order.

**The Chair:** Hon. Member for Edmonton-Highlands, a point of order has been called by the hon. Member for Whitecourt-Ste. Anne.

**Point of Order  
Clarification**

**Mr. VanderBurg:** There is no way I'm going to listen to that crock.

**The Chair:** Do you have a citation?

**Mr. VanderBurg:** That is absolutely untrue. The department of agriculture and the government have taken good care of the agriculture community, and those comments are unfounded.

**The Chair:** That's basically a clarification, which could be given whenever the hon. member is finished speaking, as opposed to a point of order.

The hon. Member for Edmonton-Highlands.

**Mr. Mason:** Thank you very much, Mr. Chairman. That saves me having to make a point of order about the purported point of order that was just made.

#### Debate Continued

**Mr. Mason:** Mr. Chairman, it is, in fact, the case that there were reductions by this government in the number of inspectors that were available for meat prior to that case being found, and it is also the case that the whole system was plugged up with elk heads. Now, we can get into the history of how we came to have so many elk heads sitting in the freezers in provincial labs. It is well known that the government promoted the elk ranching industry and that lots of people got involved in it, many of them friends of the government, who lost their shirts in the business when it collapsed because of chronic wasting disease and that the minister of agriculture ordered that these animals be given priority for testing, which is part of the reason why that one cow spent three months . . .

11:10

**Ms Blakeman:** How long?

**Mr. Mason:** Three months in a freezer before it could be tested, and that this fact contributed to the lack of confidence of the American, Japanese, and other governments in Alberta's testing program, which resulted in massive losses to the cattle industry in this province and the expenditure, I might add, which we just approved tonight, Mr. Chairman, of over \$700 million in aid for farmers. The government has got off very, very lightly with respect to its responsibility for that whole mess, which has devastated the agricultural industry this year in our province.

But to come back to the question of ILOs, Mr. Chairman, it is, I think, very prudent to ensure that there be a health impact assessment before ILOs are approved. I would suggest that the move towards ILOs, particularly in the hog industry, is fraught with a number of potential problems. The government has shown a remarkable lack of foresight in anticipating what these problems might be and preparing for them in a way that ensures that people's health and the environment are not seriously compromised.

So the hon. member's proposal here to require health impact assessments and his definition of a health impact assessment seems

to me a very valuable addition to Bill 51. I think that in practice it's good because there is a lot of concern. We hear a lot of concern from people who are worried about the confined feeding operations or the intensive livestock operations or factory farms or whatever you want to call them.

It's becoming apparent to us that these groups feel that it is the Natural Resources Conservation Board's mission to impose ILOs on communities irrespective of whether or not the people in those communities want to have them sited there. We have received submissions from individuals and groups who have been trying to make use of the system, so-called, which has been put in place to approve these things, and they are getting nowhere with the Natural Resources Conservation Board. They are facing continued environmental damage from ILOs, which affects both their quality of life and the value of their property. There are many concerns from agricultural communities regarding the sustainable farming practices. So I think that this would give some additional direction to the NRCB, and I think it is welcome.

Community people that have talked to us believe that the NRCB is the government's tool to expand ILOs in the province. The government, they believe, I think correctly, controls the board largely by controlling appointments. If this were passed, the government's goal could be undermined, and I think that's part of the difficulty.

Here are a few things that people have said to us, Mr. Chairman.

The NRCB Act must be stripped of most of its power. People are asking for board reviews on board approved hog barns with proof that the siting of certain CFO's is bad, these people are being refused any board reviews.

Another person says:

Looking at the Review Board themselves, I question why they were selected. Why are there no persons on this board that [have] any regard for the environment? The majority of the members have a keen interest in the expansion of the livestock industry as they have a financial interest in it.

Mr. Chairman, it's clear that many people in this province have no confidence in the NRCB as it's now constituted or in its mandate as it is now constituted. So the hon. member's amendment, which would require the NRCB to do health assessments, would be an important step towards ensuring that this board is actually looking after the interests of the public rather than simply being a tool of the government to force the siting of ILOs over and above the objections of individuals living in rural Alberta.

As such, Mr. Chairman, I urge all members to support this amendment. Thank you.

**The Chair:** The hon. Member for Edmonton-Gold Bar on amendment A1.

**Mr. MacDonald:** Yes. Just for clarification, this is amendment A1, because I at a later date have amendments to this bill as well. So this is A1.

I first would like to congratulate the Member for Edmonton-Riverview for presenting this amendment to the Legislative Assembly. I would encourage all members to support this amendment. When you think of a health impact assessment and you think of how intensive livestock operations will affect, for instance, air quality and water quality, the concept of a health impact assessment goes far beyond Official Opposition policy.

In fact, I would urge the government not only to adopt this amendment but to adopt the health care policy. The health care policy, for those who are interested and have laptops hooked up here, is at liberalopposition.com. Many different places . . . [interjection] An hon. member mentioned fairy tales. Well, their

government's own web site with insurance was nothing but a fairy tale, and it was a short-lived fairy tale, because it didn't live for a day on the internet. The information was wrong, and all of a sudden it was pulled off. Now, that's an Internet fairy tale, not a health care policy.

**The Chair:** Hon. member, we're on the amendment; aren't we?

**Mr. MacDonald:** Of course.

**The Chair:** It seemed that I'd lost you there for a while.

**Mr. MacDonald:** Yes. Now, Mr. Chairman, a health impact assessment, not only when one considers air quality and water quality but also the entire approvals process for one of these enterprises in rural Alberta – it would be a lot easier. People downwind, as the hon. Member for Edmonton-Highlands stated, could rest a little easier. Also, when you have these intensive livestock operations, or confined feedlot operations, a health impact assessment perhaps would also comfort people, because many people in this province believe that we are getting the pollution and someone else is getting the pork and the profits.

When you consider what will be left behind, Mr. Chairman, long after the ILO, or the confined feedlot operation, is gone, the effect on the surrounding environment and how that could affect, again, the citizens who are in the community, well, it's one more reason why all members of this Assembly should support the health impact assessment.

We go one step further in this process, and we look at the health impact assessment and the role of the regional medical officer of health or a designate. Now, in the case of southeastern Alberta it may be a designate because, unfortunately, I believe the medical officer of health in one regional health authority lost his job as a result of his comments on Kyoto. So it might in the case of this amendment be a designate because the office may not be filled because of a termination because of an alternate or different opinion.

Now, this medical officer of health or the designate could study "the potential impact to the health of humans from a proposed approval, authorization or registration of a confined feeding operation." That would make, again, a thorough study of the entire operation, Mr. Chairman. If we adopt this amendment A1 to Bill 51 this evening, it would be the first use of a health impact assessment in Alberta. It would be historic, and if we want to make history, well, then, let's support the amendment from the hon. Member for Edmonton-Riverview. It would be an important first step.

11:20

In conclusion, Mr. Chairman, I would urge all members to put aside their partisan differences and support this amendment. Rural Alberta will sleep more comfortably at night knowing that if a CFO has been approved by the Natural Resources Conservation Board, there will be a health impact assessment done, and we would have a better community and a better province. So I would urge all hon. members at this time to support amendment A1.

Thank you.

[Motion on amendment A1 lost]

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

**Mr. MacDonald:** Yes. Mr. Chairman, in regard to Bill 51, the Natural Resources Conservation Board Amendment Act, I have had quite a look at this bill and have had discussions with a few citizens

and have conducted some research. As dejected as I am over the defeat of the health impact assessment amendment, when we consider the membership of the board and the purpose of the board, we have a look at the proposed subsection (2). Now, at this time I have another amendment that I would like to present to the Legislative Assembly for its consideration. It has been submitted to the table, and I believe, yes, it has been circulated.

At this time, Mr. Chairman, I would like to move amendment A2 to Bill 51, the Natural Resources Conservation Board Amendment Act. I would like to move that Bill 51 be amended in section 3 by adding the following after the proposed subsection (2).

(3) The Board shall develop appropriate environmental standards, in concert with the appropriate experts, that deal with the remains of animals and the buildings or other structures if a confined feeding operation, as defined under the Agricultural Operation Practices Act, is destroyed unintentionally.

(4) The Board shall develop appropriate environmental standards, in concert with the appropriate experts, to deal with the remains of a confined feeding operation, as defined under the Agricultural Operation Practices Act, that has ceased operations.

This amendment, Mr. Chairman, is meant to address the concerns which have been expressed by many members of the public. There are some serious concerns about the environmental impacts of intensive livestock operations which may affect human health. We talked about that a little earlier in debate on Bill 51, amendment A1, and certainly there were concerns about water and especially air quality. These concerns remain foremost in the minds of many.

Now, this amendment is designed to address some very specific instances where there have been some identified gaps in Alberta statutes. This summer there was an operation in our province which was the victim of a fire. The structures housing the animals were destroyed, and the animals inside them were killed. The loss to the producer was no doubt significant. It was significant financially and emotionally.

However, in addition to this tragedy there were some serious concerns about the remains, especially the remains of the animals. Yes, the animals. The carcasses sat, so I am told, for 10 to 11 days in the open air. Then they were simply buried, Mr. Chairman. There were no tests to ensure that the remains weren't near a water aquifer, for example. They were just simply buried. This is a serious concern and has the potential, if not in this case in another down the road, to be a hazard to human health.

Not only does this amendment compel the Natural Resources Conservation Board to establish standards to deal with the remains of an intensive livestock operation which has ceased to operate, but it also compels the Natural Resources Conservation Board to develop standards to deal appropriately with situations which I have described. These standards must be in concert with technical experts who understand fully the ramifications of the impact of such instances on the environment and to human health.

In light of what I have just stated, I would urge all hon. members to vote in favour of amendment A2. The health impact assessment was defeated, but this is everyone in this Assembly's second chance to improve Bill 51.

Thank you.

**The Chair:** The hon. Member for Edmonton-Riverview.

11:30

**Dr. Taft:** Thank you, Mr. Chairman. I'll keep my comments brief in supporting this bill, but I do think that this is worth serious

consideration. Some of these confined feeding operations are essentially like midsize cities in terms of the sewage they produce, the water they consume, and the tens and tens of thousands of animals that they house. If one of those, Heaven forbid, is struck by fire, which sooner or later is inevitable or is very likely, it would seem to me, or if there is some kind of catastrophic disease outbreak or if there is some other reason that one of these buildings is destroyed unintentionally or, as has happened more than once in this province, a confined feeding operation goes bankrupt and can't find a new buyer and ceases operation, there are very serious questions around what happens to these very, very significant facilities. This would provide for those situations clearly and in legislation so that we don't see large numbers of animals left to decay or just get randomly buried in a field adjacent to the operation.

So I think that's the kind of measure that the people of this province would expect from their government, the kind of thing that would, as the Member for Edmonton-Gold Bar said, help them sleep easier at night.

I would encourage members to support this amendment. Thank you.

[Motion on amendment A2 lost]

[The clauses of Bill 51 agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Chair:** Carried.

The hon. Deputy Government House Leader.

**Mr. Zwodzesky:** Mr. Chairman, I would move that the committee now rise and report bills 50 and 51.

[Motion carried]

[The Deputy Speaker in the chair]

**Mr. Lougheed:** Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following: Bill 50, Bill 51. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

**Hon. Members:** Agreed.

**The Deputy Speaker:** Opposed? So ordered.

The hon. Deputy Government House Leader.

**Mr. Zwodzesky:** Thank you, Mr. Speaker. I would move that we adjourn until 1:30 p.m. tomorrow.

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