

## Legislative Assembly of Alberta

Title: **Tuesday, April 5, 2005** **8:00 p.m.**  
 Date: 05/04/05  
 [The Deputy Speaker in the chair]

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

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

**Bill 12**  
**Victims of Crime Amendment Act, 2005**

[Adjourned debate April 4: Mrs. Jablonski]

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

**Mrs. Jablonski:** Thank you, Mr. Speaker.

**An Hon. Member:** Question.

**Mrs. Jablonski:** Question. Yes, that's what I want. Thank you.

**The Deputy Speaker:** Did the hon. Member for Red Deer-North want to move second reading of Bill 12?

**Mrs. Jablonski:** Thank you, Mr. Speaker. I was able to do that last night, so I've completed my speech. Thank you.

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

**Dr. B. Miller:** Thank you, Mr. Speaker. It's my privilege to speak about Bill 12, the Victims of Crime Amendment Act, 2005. This bill updates the principles of justice applying to the treatment of victims, and as was presented by the hon. member in her introduction of this bill, it's bringing together a number of bills from the past.

The background to this bill, as was mentioned, is first of all the Criminal Injuries Compensation Act of 1969, which assured assistance to victims of crime in Alberta. Then many years later the Victims Programs Assistance Act was approved, which created a fund to support programs and services for victims of crime, and in 1997 the Victims of Crime Act consolidated these two acts and created the victims of crime fund, which was a very important step to ensure that victims of crime are compensated for their losses. Now we have the amendment before us, and it expands on the key principles recommended by a review committee of last year, 2004, the Alberta Victims of Crime Consultation Advisory Committee. So many of the additions to this amendment act are based on recommendations of that advisory committee.

When one compares the amendments with the present act, it is obvious that many of the principles that were in the act are just continued forward and are perhaps listed in a more clear fashion so that we could see all of the principles listed from (a) to (k). Quite a few of them are simply just repeated, and some of them are new. So I'll just make a few comments on especially the new ones.

Section 2(c) is new, that "all reasonable measures should be taken to minimize inconvenience to victims," and that elaborates on the theme of courtesy and compassion and respect. The gist of the feedback of the report, the 2004 report that I referred to, is that victims feel that the "criminal justice system is not always sensitive to and respectful of the needs [and concerns] of victims." The system seems to be focused "more on the rights of the offender than

the rights of the victim." So these principles, if they are put into practice, would correct the perceived imbalance.

It is important that (d) is continued; namely, that "victims should promptly receive . . . financial benefits for the injuries that they have suffered." I assume that the goals and procedures of the victims of crime fund are outlined elsewhere in the Victims of Crime Act or in the regulations. As of last year this fund was at \$16 million, and one wonders whether the money is in fact promptly and efficiently allocated to the victims of crime. So the word "promptly" there is very important. I'm glad it's there.

The principles listed in other sections, (g) and (h) and (j) and (k), are also new. Section (g) ensures that victims be informed of all aspects of the process of the investigation; (h) ensures that victims be informed about all the services available to victims; (j) focuses on the needs, concerns, and diversity of victims. And especially when you think of the diversity of victims, I'm mindful of the needs of children, who really deserve special attention when they are the victims of crime. Section (k) ensures that victims are informed about the options that they have if they believe that the principles outlined in this amendment are not followed. Then they have recourse for appeals. So all of these themes are important.

The only point that I wish to raise of a critical nature is in respect to the issue of restorative justice. Now, there isn't much in these principles about restorative justice, and I'm disappointed in that. Section (h) refers to information being provided to the victims about services that are available, the victim impact statement program, and it uses the expression "requesting restitution." So there is a mention of the whole theme of restorative justice, but it's not enough. This is a very important issue, and it's a growing issue in terms of the treatment of people who are the victims of crime.

Addressing crime in a meaningful way requires society to focus on the harm done to individuals and communities. A focus only on the punishment of the offender is an inadequate response to addressing the harms done by crime. So holding an offender accountable for the harms they have caused and insisting that the offender make amends for the wrong that they have done in relation to the victim is to move away from punishment to restorative justice, and I think that's very important. The offender has an obligation to the victim and a responsibility to make amends for the wrongs he or she has done.

The 2004 report was very good in outlining the whole issue of restorative justice, and I'm disappointed that more of that did not get into these principles of justice. The report indicates that restorative justice is really important, in fact, for a victim and that "a victim may request a meeting with the offender if the victim wants to explain to the offender the impact the offence has had on the victim," and so on, and that can be arranged even if the offender is in a correctional centre. That kind of process is extremely important.

So what is it that we want to see happen when a person commits a crime in our community? There are actually three parties involved. There is the offender and the whole question of his or her accountability for the harms they have done. There is the victim and the whole question of the harms done to him or her, and this amendment outlines all the necessary points to consider in helping victims. But there is another party involved, and that is the community as a whole. What we want in Alberta is the creation of safe and healthy communities. What we want is a process of healing and the integration of both victims and offenders back into the community. What we want is restorative justice, and I don't think this list of principles is strong enough in emphasizing the need for restorative justice.

The advisory committee put it very well. "Alberta supports restorative justice programs in which victims feel safe and empow-

ered, offenders are held accountable and communities are involved.” But in order for this to happen, in order for restorative justice to happen, there has to be adequate funding for all the programs that help victims. So this victims fund has to be adequate and has to promptly deliver what victims need. There has to be adequate funding of sexual assault centres, for example. There are not enough restorative justice programs; for example, sentencing circles, alternative ways of bringing about mediation. The 2004 report recommends the reinstatement of long-term funding for restorative justice programs in Alberta. Such funding was eliminated in the 2002-03 budget.

**8:10**

Recently, coming from the United Church of Canada, we have begun to learn more and more about restorative justice because of the issue around residential schools and all of the harm that was done to students in residential schools. The United Church and other denominations throughout Canada have appointed people to learn how to carry out mediation, how to enter into dialogue with victims and bring about reconciliation, bring about restoration. And I think that’s extremely important. My concern for restorative justice is rooted in my understanding of all of the religious traditions which undergird our western traditions of justice and law, mainly that retributive justice is not enough. So much of the emphasis of our justice system has been on retribution, and that’s not enough. The ultimate goal of all world religions is the kind of forgiveness which restores and reconciles people.

So my reflections on this bill do not lead me to reject this amendment because I think it’s a very important elaboration on the principles of justice applied to victims. It’s a good start. I think we are on a long road towards shalom, towards reconciliation and peace. We have to learn and experiment more with restorative justice, and eventually our legislation will be more reflective of the goals of restorative justice. But this is fine as far as it goes.

So, Mr. Speaker, I recommend that we approve this amendment. Thank you.

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

**Dr. Pannu:** Thank you very much, Mr. Speaker. I appreciate this opportunity to make brief comments on Bill 12, the Victims of Crime Amendment Act, 2005. By and large, I’m going to be speaking in support of the elaboration of the principles that underlie this piece of legislation.

I remember the very fruitful exercise when an all-party committee of this Legislature – I think it was the 24th Legislature, if I’m correct – went around the province to hold public hearings on reforms needed in our justice system. During those hearings members of the committee were very much impressed by the participation by Albertans in large communities and small, by groups and individuals, first of all participating very seriously and giving advice and making recommendations, and secondly, urging us to move in new directions in order to make our communities healthy and safe.

Two issues on which not only individuals, community leaders, and municipal government representatives spoke were the issues of restorative justice and community policing coupled with it. In order to make our communities safe, we need several things. We need community policing orientation, a change of direction in that regard so that we can prevent harm and injury, the creation of victims, if you wish; secondly, once a crime has been committed, then of course to compensate victims, make sure that they maintain their dignity and have our respect and our attention and responsiveness; and thirdly, to do this in the context of community participation in the compensation for victims through restorative justice.

RCMP presentations to us, I recall, emphasized very much the model of restorative justice that had been I think adopted already by then – I’m talking about 1999 – in places like Australia. So the RCMP presentations in particular focused on the importance of moving towards restorative justice.

When I see the principles enunciated here, they certainly are an expansion on the existing principles, and that certainly is an improvement. But when I look at section 2(g), the focus still seems to be on the retributive aspects of justice, and I think we need to move beyond that to what my hon. colleague for Edmonton-Glenora has already stated quite effectively: towards restorative justice.

Community policing is important, Mr. Speaker, although it’s not directly related to the contents of this bill. If we are to focus attention on merely the compensation of victims, their protection, their dignity, and not pay attention to how we can reduce the incidence of crime which produces victims, I think we will have failed. So that’s where community policing comes in: to make our communities safe. We need to both make sure that offenders pay for the infractions of law that they are responsible for, that they do so in a sort of community context reflecting community values and responding to them genuinely, but also what we need to do is make sure that there is a model of police services which prevents the incidence of crime which produces victims.

So community policing is an important but missing piece that should be related, I think, to the issue of compensation for victims of crime because it will speak to the way in which we can in the first place reduce the number of victims who need our care and our attention and respect and services.

On the victims’ side I notice again that we focus on the correctional system here. I suggest that victims can be, of course, of actions taken by state agencies. I think we need to broaden the scope of consideration of victims and compensation and protection for them regardless of whether these victims are the result of crimes, violent or otherwise, committed by individuals or by groups including the state and its institutions. So that is a bit of a lacuna here in the bill, that it focuses on, essentially, individuals committing crime against other individuals and not paying attention to that crimes can be committed against individuals and that victims can be produced by public agencies, including the agencies of the state.

Having made these few observations, Mr. Speaker, I am pleased that the bill makes an attempt to move forward in terms of elaborating and adding to the principles underlying the Victims of Crime Act presently in place, so I speak by and large in support of the bill.

Thank you.

**The Deputy Speaker:** Hon. members, under Standing Order 29(2)(a) up to five minutes are available for questions or comments.

Seeing none, I’ll recognize the hon. Member for Edmonton-Decore.

**Mr. Bonko:** Thank you, Mr. Speaker. I feel that there are some good ideas contained within this bill. I think we can all in fact recognize victims of crime. I mean, they happen almost every single day in our community. Whether it be the simple stuff from a store to a house broken into, everyone has that feeling of violation from the simplest to the most complex cases, and I do have a complex case that I will revert to a little bit later.

I think that the principles are respecting the rights of the victims of the crime. The role of the victims in the past has been limited to involvement in the criminal proceedings as a witness. The victims themselves have always claimed that the system is balanced in favour of the offender because the victims themselves have not been

able to have free access to counselling, education, and a variety of supports that are provided to the offender.

**8:20**

This bill clearly states that the victims of crime have a variety of rights including a right to safety, security, prompt financial benefits for the injuries they've suffered, and are entitled to the release of the information as to the offender, as to the investigation as well. These principles are crucial to giving victims a stronger voice within the criminal justice system. It's a crucial first step to establishing stronger support for victims of the crimes, confirming that these people should always be treated with compassion and respect first and foremost.

I spoke about a case, and I think everyone can recognize it. Just to give a little bit of history on that, it was Dougald Miller, who for all intents and purposes led a healthy, full life. He was, I understand, a caretaker. He went to check on a building one day, and unfortunately on November 21, 2000, he was left permanently brain damaged by a psychopath, Leo Teskey. This attack left Dougald unable to talk, eat, move, or do anything for himself. Unfortunately, this individual, Leo Teskey, was a well-known criminal with 164 charges and 34 convictions. He's now a dangerous offender, and he's jailed indefinitely.

The fact remains that this couple, the Millers, are victims of crime. In this particular case, how does one seek mediation? How does one begin to repay in a countable way for Mr. Teskey there? How does he begin to give back anything to these people? They've got to live now being robbed. The state that Mr. Miller is in right now is considered a locked-in syndrome. He's only able to communicate with his wife through a series of blinking, and that's it.

Right now the system allows, I think, for a one-time maximum payout for victims of \$100,000. Well, in this case the Millers have used most of that money if not all of it in being able to in fact find supports. As well, they were at one time asked to pay room and board for assistance. The government recognized their responsibility in that and helped them in that particular case but not before they exhausted that one-time money for the victim.

I think that in this case right now the Millers have to pay privately for therapists to make the husband more comfortable for the health care system does not support them and pay for this, which is very unfortunate. I would hold the government responsible for their care, for the health care and therapies, right now because they did not put this criminal away 10 years ago. What's happened to the Millers, unfortunately, could happen again to other people. I think that if the government recognizes once a pattern is appearing, they should act on it.

What, in fact, could happen to the Millers here? Like I said, there's a \$16 million surplus fund, apparently, that's put aside, and how was that fund established? Apparently, the government, when criminals are convicted, does charge these criminals approximately 15 per cent, which is topped up into this fund. But what happens if they go to a number of convictions where the people do not have money to make restitution to build into this fund? This fund will continue to be depleted. So I think there has to be another way, in fact, for this fund to be created. It must be supported by government in cases where the victims and the criminal have no means of restitution.

In this case, in fact, restitution is still being sought after by the Millers. There is, like I said, only one way for the husband right now to communicate, and it's through an eye tracking device that would help him communicate with his wife. Unfortunately, this costs approximately \$16,000. They're in no position right now to pay for that. It would be a perfect example of how the victims in

this case could continue to be funded with regard to this surplus fund, in ongoing supports with regard to a compassionate way of life, at least in the simplest form: for communication. I think that would be, first and foremost, a good start for restitution by this government.

There are so many other issues here that one can't help but feel sick for the fact of what Mrs. Miller is going through. She's now left alone. In fact, this year they're going to celebrate their anniversary, but what an anniversary to be able to celebrate here in this upcoming year: nowhere to go, no one to share those experiences. They're here on their own out of their native homeland, Scotland. They're the only ones here to support each other.

It's unfortunate, like I said, that she has no other way right now to communicate with her husband except for the blinking. This device, which I spoke about earlier, would certainly help the Millers be able to at least get a little bit of normality back in their life. It certainly in no way is going to undo what's already been done. This is just one example, I think, that the Victims of Crime Amendment Act could certainly look at.

Has the committee considered using, in fact, actual victims in the extreme case? Would they be able to give some experiences as well as perhaps some ongoing dialogue as to where supports could be? Right now the supports within the system are run in some cases by volunteers, but if the volunteers aren't there and there's no funding for them, I'm not sure where the system is going to go after that. It's going to fail.

Overall, this city continues to grow, the province continues to grow, but then with the growth come the problems associated with growth, with greed and crime. Crime is exactly what we're talking about here tonight. So those are just a few things to consider with regard to this bill then.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Anyone on Standing Order 29(2)(a)?

Seeing none, the hon. Member for Cardston-Taber-Warner.

**Mr. Hinman:** Thank you, Mr. Speaker. I guess that I'm a little bit concerned with some of the comments that have been made and the continual onus on the government to look after these victims of crime. I guess that I want to go back and relate a story of an older gentleman that I knew some 20 or 30 years, when I was 16 years of age and had the opportunity to work with him on a farming operation. He had gotten drunk back in the '40s and had killed an individual. The long and short of it is that for the rest of his life he had to pay into the victims of crime fund, and there was a monthly charge.

When someone has become an offender or perpetrator, they've stepped out of their bounds, and they owe a debt to that victim or to the society as a whole. We continue to seem to put the onus on government to have to make up for those, and I think that the first onus should in fact be on that perpetrator that has committed the offence. I would like to see some resolution go forward or something changed more to realize that the perpetrator is, in fact, accountable.

Under Principles 2(1)(e) says, "The safety and security of the victims should be considered" – and I think that perhaps that should be changed to something like "will take precedence" – "at all stages of the criminal justice process, and appropriate measures to protect victims from intimidation and retaliation." Then perhaps it should be added in there again: from the perpetrator or any of their associates.

I have two accounts in my constituency where young offenders became very obnoxious and a problem to the community. The common joke amongst those two was that after they'd committed a

crime – and of course being young offenders, they got special treatment – they thought nothing of going up and down the streets in their small community. To anybody who wanted to speak out or against them or who would say, “You shouldn’t be doing that,” they were very bold and obnoxious and would come over and flat out tell them: “Do you realize that I know where you live? Do you realize that I have gas? Do you realize that I have matches?” Very intimidating.

I think that we need to seriously consider putting the onus back on these perpetrators. When we talk about people that are intimidating or showing retaliation, even if it’s verbal, they should be held accountable and that debt to society be held there and not just waived to the side after they’ve spent a little bit of time in jail or whatever it is for the offence. So this Victims of Crime Amendment Act I’m very much in favour of. I’d like to see it strengthened, and I would like to see the onus put on the perpetrator. As long as there’s an individual, perhaps, that needs an expensive device or something else, these perpetrators should be contributing to that victims’ fund and not be let off the hook after they’ve done a short amount of time.

Thank you.

8:30

**The Deputy Speaker:** Anyone wishing to speak on 29(2)(a)? The hon. Leader of the Official Opposition.

**Dr. Taft:** Thank you, Mr. Speaker. A question for the Member for Cardston-Taber-Warner. In a situation such as that referred to by the Member for Edmonton-Decore where a victim is left desperately crippled and compromised and the perpetrator has absolutely no resources, do you expect, then, the victim to go without, or do you expect that in those cases society should step forward and fill the gap?

**The Deputy Speaker:** The hon. member.

**Mr. Hinman:** Thank you. A very good question. No. To clarify my statement, the first onus should be on the perpetrator. That’s the reason why we have society. That’s why we step in. No, absolutely. That’s why I say the perpetrators need to contribute to that fund throughout their life and to increase the fund. No, I would expect that fund there for those – too often those perpetrators are of little income and little productive lives, and they cannot compensate their victims. But I do not like to see them continue on with their life whereas their victim is strapped for the rest of their life, and the perpetrator after a short stint in jail gets to start over with no long-term consequences.

**The Deputy Speaker:** Anyone else? The hon. Member for Edmonton-Manning.

**Mr. Backs:** Yes. Mr. Speaker, just a further question to the Member for Cardston-Taber-Warner. In the case of some individuals, you know, maybe they should be locked up to some degree and the key thrown away, and they will not ever have any income. How do you envisage them compensating individuals? How could the individuals who are the victims, in fact, get some sort of justice in terms of their own selves in those cases other than the government?

**Mr. Hinman:** Once again another excellent question. I guess it goes back to I believe that all human beings can be productive whether they’re in jail or not, and perhaps they should do some work, and the fruits of their labour should go towards those victims. But, once

again, many times those perpetrators, those offenders are not very productive individuals, and that’s why we have the victims of crime fund, so we can look after them. I just want those people to be held accountable and pay their debt to society. Often that continues for many, many years because we still have to continue looking after these people that have been affected with lifelong debilitating problems whereas, like I say, the perpetrator is off scot-free. There is no true restitution there given back by the perpetrator.

**The Deputy Speaker:** Anyone else on 29(2)(a)?

Anyone else on the bill? Does the hon. Member for Edmonton-Ellerslie wish to speak on the bill?

**Mr. Agnihotri:** Thank you, Mr. Speaker. I’m pleased to rise and speak to Bill 12, the Victims of Crime Amendment Act. A victim of crime is anyone affected by a crime, from a person who loses his life in an act of violence to someone who has a bicycle stolen from a backyard. It also includes people who are indirectly affected. The parents of a teenager who is assaulted and the co-worker who witnesses a robbery are also victims of crime.

Bill 12 speaks clearly to strengthening the principle of justice for victims of crime. It’s a critical step in establishing stronger support mechanisms for victims of crime and confirming that these people should also be treated with compassion and respect. This bill updates the principles of justice for victims of crime. This amendment is the result of a 2004 report of the Alberta victims of crime consultation that recommended the incorporation of these principles. Mr. Speaker, this amendment came from consultations with victims of crime as well as those who work with victims of crime. It addresses many of their concerns and is part of a long-term commitment to giving victims of crime a stronger voice in criminal justice proceedings.

However, even though this amendment is a good first step, there are issues with whether this step is enough to address the ongoing problems surrounding the victims of crime fund. The victims of crime fund as of last year has been estimated to have approximately \$16 million in a surplus fund. This fund is designed to give grants to various victims services programs and also to offer financial compensation to victims and to help with expenses related to judicial operations that could be incurred by victims.

There is a 15 per cent surcharge that is levied on fines against people that have been convicted, and the money collected from this goes into the fund. So there is money accumulating in this account, and it is accumulating year after year after year. I would like to know where these surpluses are going. Are these going back into general revenue, or are the surpluses used in some other programs?

The question that must be asked is: why is this government not allocating the money in this fund more efficiently? There are numerous organizations in the province that are in need of increased financial aid in order to deliver programs to victims of crime. Many of the programs are run by volunteers. If there is a surplus in that fund of approximately \$16 million, then why is this government not using this surplus, which is supposed to be dedicated to be used with victims of crime, to provide funding to organizations like the sexual assault centres, the John Howard Society, and the Crossroads program so that they can focus their efforts on assisting victims and not worry about how to pay their bills from month to month?

This government needs to use the money in the victims of crime fund to fully fund community organizations and sexual assault centres so that they do not have to struggle to survive. These organizations need ongoing, sustained funding instead of funding that is tied to the delivery of client services in specific programs.

These are recommendations from the government's own reports as well as the sentiment of stakeholders who deliver supports to victims of crime.

Mr. Speaker, I support Bill 12 as it's a very good step to enhance the ability of victims of crime by participating meaningfully in the criminal justice system. However, there is much more that needs to be done by this government than just simply restating the principles respecting the rights of victims of crime.

The other point that I wanted to make pertains to the helpless victims of crime who are overlooked by this bill; for example, parents of teenagers who are assaulted, victims who are too scared to speak out because of fear of the reaction of the community, a lack of financial support, or perhaps even language barriers. Moreover, this bill does not cover all of the recommendations of the review committee formed in 2001. For example, certain groups of people, like aboriginals, may have specialized needs that are not always met by the current government. This bill is not inclusive to address the complication arising in the federal and provincial jurisdictions.

The good thing about this amendment is that victims of crime have a variety of rights, including a right to safety and security and financial benefits for the injuries they have suffered, and are entitled to the release of information about all aspects of the investigation and status of the offender. It also solidifies in legislation full access to information regarding the victim impact statement program. These principles are crucial to giving victims a stronger voice in the criminal justice system.

Thank you.

8:40

**The Deputy Speaker:** Anyone on 29(2)(a)?

Seeing none, the hon. Member for Edmonton-Manning.

**Mr. Backs:** Thank you, Mr. Speaker. You know, I think the important thing on any of these types of bills that look to compensate victims is that we should be seeing that they increase the ability of citizens in our society to be free from fear and to feel secure in their society. I'll just quote a few clauses from the United Nations declaration on basic principles of justice for victims of crime and the abuse of power.

Victims should be treated with compassion and respect to their dignity, and are entitled to prompt redress for harm caused.

Victims should be informed of their role and the timing and progress of their cases.

Steps should be taken to minimize delay and inconvenience to victims, ensure their privacy, and protect them from intimidation and retaliation.

States should consider incorporating into national law norms proscribing abuses of power, including political and economic power. They should also provide remedies to victims of such abuses, including restitution and compensation.

I think some of those clauses in the United Nations declaration speak to some of the issues of timeliness, which I think could be stronger in this bill in terms of, you know, getting things very, very quickly to victims. In terms of the restitution I believe that the hundred thousand dollar limit is certainly not sufficient in many cases, and it doesn't speak to some of the difficulties one might see in political and economic crime or, indeed, some of the abuses we've seen with pension funds and such by some people in the past.

But that said, Mr. Speaker, I'd move adjournment of this particular bill.

[Motion to adjourn debate carried]

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

[Mr. Marz in the chair]

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

**Bill 17  
Agrology Profession Act**

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

**Mr. Backs:** Thank you, Mr. Chairman. I speak in favour of this bill. Generally, it's supported by the community and has a number of benefits for the profession, both in the professional designation and in the technical or technologist designation. There's some opposition in a few areas, but they haven't voiced it very strongly, and I support this bill.

**The Chair:** Anyone else wishing to speak on the bill? The hon. Member for Edmonton-Decore.

**Mr. Bonko:** Thanks, Mr. Chairman. I'm looking at Bill 17, Agrology Profession Act, and under section 101, the penalty, it says:

A person who contravenes section 100 is guilty of an offence and liable

(a) for a first offence, to a fine of not more than \$2000.

So by reading this, it could be a fine as little as \$1. Am I correct in reading that? Then:

(b) for a 2nd offence, to a fine of not more than \$4000.

So that could be \$2,001.

I think they should have a base or minimum instead of a maximum, which you could put to the minimum of a dollar. So that could certainly be one of the first amendments that I would recommend, Mr. Chairman.

Thank you.

**The Chair:** Anyone else wishing to speak on the bill? The hon. Member for Lac La Biche-St. Paul.

**Mr. Danyluk:** Thank you, Mr. Chairman. I am pleased to speak in Committee of the Whole on Bill 17, the Agrology Profession Act. Bill 17 is important legislation because it will strengthen the agrology profession.

Alberta has over 1,500 professional agrologists, who apply standards in science to every facet of the agricultural industry, from livestock breeding to food processing to soil protection. During the second reading of Bill 17 I outlined several reasons why this legislation is important to Alberta's agricultural and environmental sectors. I'd like to revisit some of those key highlights in this legislation.

Bill 17 seeks to repeal and replace the current Agrologists Act with new legislation that provides for greater public accountability, transparency, and equity in the governance of Alberta's agrology profession. This act strengthens the Alberta Institute of Agrologists, the professional organization that ensures that its members are qualified and competent to provide information and advice on agriculture, food, and associated natural resources. Bill 17 elevates the professional conduct of the institution members by specifying the requirements for complaint investigation, hearings and appeals, the use of alternative resolution processes, and the procedures relating to the decisions on disposition of records. The act also requires that

the institution comply with the record retention requirements of the Personal Information Protection Act to ensure personal privacy and follows other professional legislation in allowing complaints to be referred to the office of the Ombudsman.

Another highlight of this legislation is that it specifies the protected titles, words, and abbreviations which may be used by the institution members. They also have penalties and injunctions associated with illegal use of such titles, words, and abbreviations. The postnominal PAg is afforded only to those who meet the highest standards of the agrology profession.

These are just some of the main reasons for my strong support for this bill. By strengthening the agrology profession, we are investing in Alberta's agricultural sectors and our environment. I am proud to say that the Alberta Institute of Agrologists as well as stakeholders, private industry, other professional associations, and academic institutions strongly support this legislation.

In summary, the Agrology Profession Act responds to public expectations for more transparent and consistent professional legislation while strengthening a profession that provides vital services to Alberta.

Thank you very much, Mr. Chairman.

8:50

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

**Mr. Bonko:** Thank you, Mr. Chairman. I've got a question, actually, for the sponsor of the bill, the Member for Lac La Biche-St. Paul. It's on page 68 under Penalty, section 101. Again, I think this government is setting fines, but really in some cases, like for CEOs, the fine maxes what a paycheque is for a week. In this particular case, I don't know what an agrologist makes on a professional level, but it says, "for a first offence, to a fine of not more than \$2000." So like I said before, it could be as little as \$1. Would the member be willing to make amendments so that it would be a substantial fine and couldn't be as little as \$1? If an offence is just a slap on the hand, what's the sense of even having, in fact, a fine, then, if it will never even achieve the maximum amount there?

**Mr. Danyluk:** The offence is going to be relative to the penalty, so if there is a higher offence, of course there's going to be a higher penalty, and that gives it the latitude and the flexibility for the penalty to be in accordance with what may be the correction as necessary.

**Mr. Backs:** Just another question for the mover of the bill. What is the difference between this and other organizations such as CECAB or ASET, the engineering technologists?

**Mr. Danyluk:** I'm sorry. With your acronyms I'm not sure who you're meaning, but you're asking what the difference is. This is very similar to the forestry professions act, and I would say that in most cases it very much mimics it and follows its direction.

**Mr. Backs:** Mr. Chairman, specifically to the mover as well. ASET is the association of engineering technologists, and they do represent some agrologists in the course of their organization, actually quite a large organization of technologists. They're currently lobbying for registration under an act similar to this or the Health Professions Act or something of that nature. How will those people be affected by this, or will they be taken out of that membership completely?

**Mr. Danyluk:** Well, first of all, there is no doubt that the membership of ASET would like to have its own accreditation. I mean, they

are striving to go in that direction, and the department is presently looking at it and from what I understand will continue to look at some of the concerns and the challenges that ASET has.

**Mr. Backs:** Mr. Chairman, another question to the mover: does the government in moving this bill envisage that the agrologists who remain with ASET might have a similar sign-off authority on some of the projects that they work on?

**Mr. Danyluk:** I would just suggest to you that in consultation with the technologists in the Agrologists Act, they have very much requested to be in this association, to be represented by this association, and to be under this professions act.

[The clauses of Bill 17 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 32** **Animal Keepers Act**

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

**Mr. Taylor:** Thank you, Mr. Chairman. Very briefly. I've been through this bill section by section. I see absolutely nothing in here that causes us on this side of the House any problems whatsoever, and I would recommend that we go ahead with it.

**Mr. R. Miller:** Obviously, Mr. Chair, I did not have quite enough time to consult with my colleague before he made those comments. I was just curious if the minister might be able to address a couple of the concerns that were raised this afternoon regarding the definitions. If the minister wouldn't mind addressing those concerns that we raised this afternoon, I know I would appreciate it.

Thank you.

**The Chair:** The hon. Minister of Agriculture, Food and Rural Development.

**Mr. Horner:** Well, thank you, Mr. Chairman. I am truly happy to rise in committee today to respond to Bill 32, the Animal Keepers Act, on behalf of the hon. Member for Dunvegan-Central Peace.

Before I do that, I'd like to introduce some folks in the gallery who are with us tonight from the Department of Agriculture, Food and Rural Development. Rick Frederickson is the head of the beef branch in our livestock development division. Jo-An Christiansen is a legislative review officer in our regulatory services. Jason Krips is my executive assistant, and Cheryl Ryder also works in my office. If they could rise, and maybe we could give them a little thunder there. Thank you very much.

As I mentioned this afternoon, the proposed legislation will replace the Livery Stable Keepers Act and provide simpler, more modern, and straightforward language. The primary objective of Bill 32 is to provide animal keepers with a mechanism to recover costs associated with stabling, boarding, feeding, and caring for an animal. The proposed wording better reflects the extensive use of the act by the cattle industry and other keepers of livestock. The

new act also includes revisions to deal with surpluses and dispute resolution.

I would like to address some of the comments that were made this afternoon during second reading of the bill. The hon. members for Calgary-Varsity, Edmonton-Gold Bar, and Edmonton-Rutherford raised some questions regarding the definition of animals in this act. Animals defined under the act are restricted to those species raised commercially and most likely to be boarded by others. The proposed legislation would be unlikely to have any application to the animals that were mentioned by the hon. members.

The hon. Member for Calgary-Varsity also raised a question about notification of immediate family or others that may have claim to surpluses. The responsibility for collecting surpluses lies with the individual or individuals that have a claim to them.

The hon. members for Edmonton-Beverly-Clareview and Edmonton-Gold Bar asked: why now for Bill 32? As the hon. Member for Edmonton-Gold Bar did mention in his speech this afternoon about how far back this legislation dates, well, the answer is quite simple. The Livery Stable Keepers Act dates back to 1897, when it was proclaimed as law in the North-West Territories and applied to the area that would become Alberta. So it goes back a long ways, Mr. Chairman.

Various amendments have been made to the act over the years, the most recent one in 1980, but I'm sure my colleagues in the Legislature will all agree that the Alberta agricultural industry has changed dramatically since 1897 and even since 1980, and now so must the pieces of legislation that regulate it.

Earlier the hon. Member for Edmonton-Gold Bar raised a question regarding delegation of authority in section 7 of the proposed act. With sales of cattle and horses there is a requirement for brand inspection at sale under brand inspection legislation. This authority is delegated to Livestock Identification Services by the minister of agriculture. As part of the notice of sale clauses 7(2) and 8(2) allow for Livestock Identification Services to be notified to ensure that they are aware that a sale under this act is pending and that the sale proceeds would be claimed by the animal keeper to cover liens. This will prevent confusion at the time of sale when brands or documentation of ownership will not match the consignor's name.

The hon. Member for Cardston-Taber-Warner had some questions regarding animals under trespass, and I believe that he may be referring to Bill 33, which is up for discussion this evening as well.

Finally, the hon. Member for Edmonton-Rutherford wanted to know why a section regarding the cleaning of barns was removed from the act. In the proposed act obsolete procedures such as the requirement for cleaning with a mercury-based cleaner were omitted. This clause was removed because proper care of livestock is contemplated under other legislation and accepted industry practices. In addition, the use of a mercury-based cleaning solution is not an environmentally sound practice; hence, it was removed. As well, animal owners have a responsibility to ensure the proper care of their animals. As an animal owner if I'm not happy with the quality of care and the cleanliness of the facility, I have the option of boarding my animals with another keeper.

9:00

I believe this covers all of the points that were raised this afternoon or earlier today, Mr. Chair, and I hope I have been able to provide some clarification for the hon. members across. Overall, I am very, very pleased with the level of support expressed by members of this Assembly for Bill 32, and with that said, I would again urge all members of this Assembly to support Bill 32.

Thank you, Mr. Chairman.

**The Chair:** Are you ready for the question on Bill 32?

The hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Thank you, Mr. Chairman. I was just wondering if the minister might be able to address for me, because I wasn't sure if he answered it just a minute ago, the discrepancy between Bill 32 and Bill 33 in terms of one having the definition of animal in the legislation and the other, which we're going to talk about in a minute, having the definition of animal moved to regulation?

**Mr. Horner:** Yes, Mr. Chairman. The difference is that there is not a wide range of animals that are kept in boarding, commercially raised animals that are normally put in a boarding facility. The industry wanted us to narrowly define that so that we can have more clarity in the act. For that reason, we did not include the wide range of all animals or any of those sorts of things.

In addition to that, it doesn't apply to things like a dog kennel, where pets or household animals might be kept. We wanted to maintain a very narrow definition of livestock, and that was the reason for the definition, Mr. Chair.

**Dr. Pannu:** I have a question for the minister, Mr. Chairman. Looking at the act, the section that deals with Option To Limit Lien. This is on page 3.

3(1) When an animal keeper has a lien on more than one animal or gear belonging to the same owner, the animal keeper may choose to limit the lien to one or some of the animals or gear towards satisfaction of the debt incurred for all of the owner's animals or gear that are or were in the animal keeper's custody and possession.

The question is about the use of the word "may." I would have thought that the keeper would sell only as many animals as would be needed to meet the debt obligations. What if the keeper chooses, in fact, to not just limit the sale to the limits of the debt? How is that addressed in the act? Some clarification, I think, is needed.

**The Chair:** The hon. minister.

**Mr. Horner:** Thank you, Mr. Chairman. The hon. member raises a very good point. In the previous legislation, as I understand it, there was no "may." In other words, the keeper would have to place a lien on the entire consignment of the animals. This caused some uncertainty in the industry and certainly some angst with some members who might have a large number of animals under boarding but only a small amount of debt. Therefore, we wanted to have the option for the keeper to allow him to only take a lien on those animals that would cover that debt. So this is a step forward in the legislation, hon. member, as opposed to adding anything in there that might restrict.

**Dr. Pannu:** On the same point, it seems to me the language would suggest that the act is rather one-sided. It really leaves all the options in the hands of the keeper rather than putting some limits on the manner in which the keeper can deal with the issue of lien and at the same time protect the residual interests of the owner of the animals. So it seems a little one-sided. I wonder if you would like to respond to it.

**Mr. Horner:** Well, depending upon whom you're asking that question of, I think it's the idea that the money is owed to one person, not owed to the other. You want to be able to give those persons the ability to recoup their costs of taking care of those animals because they're under obligation to take care of those animals under another piece of legislation, which actually is before

this House as well this spring. The fines and all the liability then rest with the keeper. Therefore, I think it's fair to say that they should have that amount of flexibility to ensure that they can regain any debts or expenses that may be incurred on their behalf in taking care of those animals.

**The Chair:** The hon. Leader of the Official Opposition.

**Dr. Taft:** Thank you, Mr. Chairman. I'm just going through this, listening to the debate, and I appreciate the candid answers from the minister. I'm wondering what effect, if any, this legislation would have on a situation such as occurred through this winter with Bonnett feedlots north of Ponoka, where a significantly sized feedlot went bankrupt. There continues to be contention over who owns the animals. We're also concerned about, well, how the animals were fed after the receiver took over the operation. So I'm wondering if this legislation would have any effect on a situation such as that.

**The Chair:** Before the hon. minister answers that, I'd just like to remind all the members of *Beauchesne's* 336. It's found on page 100. It refers to excessive chatter.

**Mr. Horner:** Well, Mr. Chairman, I thought you were going to remind us about commenting on items that are before the court, which indeed the situation which the hon. member referenced is currently. So I'm going to very, kind of, in generalities talk about that.

I think the reality is that that's a reverse situation in the sense that the keeper went out of business. I don't really want to get into some of the other stuff that was mentioned with regard to allegations of improper feeding except to say that there is another piece of legislation that's before the House now, hon. member, that does look to the proper care of animals either on farms or in boarding areas, and the Animal Protection Amendment Act, I believe, is the proper name for it.

In the sense that we talk about branding and livestock identification, we do have another piece of legislation that was part of the review that both of these acts came forward with but is still under review in stakeholder consultation. It is, I guess, fair to say that we are monitoring the situation over there very closely because it may lead us to some more changes in that other piece of legislation but not necessarily this piece of legislation.

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

**Mr. R. Miller:** Thank you, Mr. Chairman. I, too, would like to acknowledge the willingness of the minister to address these seemingly minor questions.

This afternoon during second reading the minister was nodding his head when both myself and another colleague from this side of the House raised the issue of a couple of other large species which, in my mind, might be just as likely to be held by a boarding house as an elk or a bison. In particular I'm referring to the Member for Edmonton-Gold Bar, who asked about alpacas and llamas, and then I referenced as well emus and ostriches. I'm just wondering if you could clarify for us whether or not there was any consideration given to those four rather large animals as well.

**Mr. Horner:** As I mentioned, Mr. Chairman, in my earlier statements, those animals, exotic animals as you might refer to them, are not normally boarded because of their value, because of the fact that the herd size is usually not as large as, say, are the elk. Today I'm

not aware of any situation where these animals are boarded.

Down the road if that was to become a normal commercial practice in the industry, we would consider then adding those animals to the list. But, again, to clarify and keep a limited or tightly defined group of animals so we don't blend off into the pets and kennels and other situations that are out there, based on the stakeholder consultation that we did, these are the definitions that the industry wanted us to go with at this time.

[The clauses of Bill 32 agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Chair:** Opposed? That's carried.

9:10

**Bill 33**

### **Stray Animals Amendment Act, 2005**

**The Chair:** The hon. Minister of Agriculture, Food and Rural Development.

**Mr. Horner:** Thank you, Mr. Chairman. I'm also pleased to rise in committee this evening to speak to Bill 33, the Stray Animals Amendment Act, 2005. This afternoon I described how Bill 33 will clarify the use of the Stray Animals Act and will provide regulatory authority to protect property and promote public safety.

Most of the changes proposed in this bill will simply improve the operation of the act that originally came into effect in 1977. The act provides a mechanism to recover costs associated with capturing, confining, impounding, identifying, maintaining, transporting, and selling livestock in trespass. Under this act the owner of the animal in trespass continues to be liable for damage and/or expenses attributable to the livestock. Bill 33 will also provide regulatory authority to control designated species in order to protect property and promote public safety.

I'd now like to address some of the concerns that were raised this afternoon when we were talking about it in second reading. The hon. members for Calgary-Mountain View and Edmonton-McClung wanted to know why the role of the assessor has been removed. The explicit definition of an assessor is being removed to improve the clarity of the Stray Animals Act. The detailed description of the role of the assessors will no longer be included. However, in section 4 we'll continue to provide the minister with the authority to appoint persons as required.

The member also inquired about the resolution of conflicts. As section 22 states, the minister has the final authority to determine what expenses are reasonable in the case of a dispute.

The hon. members for Edmonton-Gold Bar and Calgary-Mountain View raised questions of whether waterfowl and game-ranched animals, respectively, were included in the definition of livestock. At this time neither waterfowl nor game-ranched animals are included in the definition of livestock in the Stray Animals Act.

Further to that, I would address the hon. members for Edmonton-McClung and Edmonton-Rutherford's concern about the definition of livestock being removed to the regulation. It is essential for this definition to be flexible so that the species included in the definition can be adjusted to the needs of Albertans. As was raised by the hon. Member for Calgary-Mountain View, the animals included in the definition could be adjusted if deemed appropriate.



The hon. Member for Edmonton-Rutherford points out that this is an inconsistency with the proposed Bill 32, Animal Keepers Act, and at the current time regulations under the Animal Keepers Act are not envisioned. The Stray Animals Act does and will continue to have them exist for the reasons that I mentioned before. Flexibility in a definition provided through regulatory change is deemed in the best interests of Albertans. The strength of the provisions and the coverage of species are not impacted by this change.

The hon. Member for Edmonton-McClung also raised some concerns about the order of priority of payment. Expenses for transporting and maintaining the livestock have increased in the order of priority while expenses incurred in capturing, confining, and impounding the livestock have moved down. Stakeholders support this order as it is often the individual involved in maintaining the livestock that is impacted the most. As well, section 21 states that “where livestock are sold by public auction . . . and the proceeds of the sale are insufficient to pay the expenses referred to in section 19(2), the Minister may pay the expenses out of . . . the trust account.”

He also inquired as to why section 40 is being repealed and whether this may discourage the reporting of stray animals. Section 40 did provide a notification as the person finding the stray livestock is required to notify the brand owner or an inspector. However, in the interest of clarity, section 8(4) has been added. This new subsection requires the capturer to notify the owner of the livestock as soon as possible of the capture and confinement of the livestock. It appears directly under the notice to the inspector under those sections.

Finally, the hon. Member for Calgary-Varsity told us a very interesting story this afternoon regarding a dead steer and the issue of jurisdiction that it raised. Whether the rather large grizzly that he spoke of had jurisdiction or which department, given the circumstances that he related and if the bear was still there, I would suggest: don't argue with the bear. However, I believe that this issue is addressed in the destruction and disposal of dead animals regulation, not in the bill being discussed this evening.

So, Mr. Chairman, I believe that does address all of the questions and concerns that were raised this afternoon during the second reading of Bill 33. I appreciate the support expressed by members of all sides of this House for the extensive consultation undertaken in developing and ensuring that Bill 33 is a strong, modern piece of legislation that's fully endorsed by all stakeholders that we consulted. I would therefore encourage all members of the Assembly to support Bill 33, the Stray Animals Amendment Act.

Thank you, Mr. Chairman.

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

**Mr. Agnihotri:** Thank you, Mr. Chairman. I'm pleased to rise again and speak very briefly to Bill 33, the Stray Animals Amendment Act, 2005. This act outlines the procedure for determining liability, compensation, and penalties that will be imposed for livestock which have strayed onto other people's property. It also outlines the rights of the livestock or domestic fowl owner in destroying stray dogs.

This bill updates the legislation and will provide a way for the minister to limit the liability of the government by using a trust account to pay the claims from farmers that had their property damaged by stray livestock.

Mr. Chairman, I fully support this bill, but I have a few possible questions to the mover of this bill. The first question is: why did the assessor role get removed from the act? Can you answer, please?

**The Chair:** Hon. member, do you want to ask all of your questions and the minister can respond? You have to sit down in between if you want him to respond individually.

The hon. minister.

**Mr. Horner:** Thank you, Mr. Chairman. I would just mention that I did touch on the explicit definition of the assessor being removed. It was for clarity in the Stray Animals Act, and the detailed description of the role of the assessor is no longer included. However, if you refer to section 4, that will continue to provide the minister with the authority to appoint persons as they are required in the Stray Animals Act.

**Mr. Agnihotri:** My second question is: with the increase in power for the minister, who is going to be the go-between when there is a challenge of what the investigator assesses? Will the farmer now have to take it to the courts?

**Mr. Horner:** No. As I understand it, Mr. Chairman, the minister has the final authority on those issues, so it would be an appeal to the minister.

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

**Mr. R. Miller:** Thank you, Mr. Chairman. First of all, if I can just go back to the dead steer and the grizzly bear. I would certainly concur with the minister. I think the bear wins that argument every single time. But in reference to my colleague from Calgary-Varsity, who told the story, I'd just like to share with you that as the whip sometimes the Member for Calgary-Varsity wins the argument every time too. We all enjoyed listening to his tales.

If I could just briefly ask the minister as it relates to Bill 33 and the responses that he has given. I'll be very honest with you: I think my question just slipped from my mind. The one thing that I did want to mention is that I appreciate, again, the candour and the willingness to answer the questions.

I understand the minister's comments that the definition of animal in this particular case needed to be a little more flexible, but I would certainly like to reiterate my concern for moving things from legislation into regulation. I'm not completely convinced that there's a need to alter the definition of animal in the case of this particular bill more often than every six months or however often it is that we would be convening in this Legislative Assembly. I still have a concern about that despite his assurance that this is in the best interests of Albertans.

If I think of my question and I have the opportunity, I'll jump back up. Thank you.

**Mr. Horner:** Mr. Chairman, one point that I did not cover that was raised this afternoon. The hon. Member for Cardston-Taber-Warner was talking about concerns relating to Bill 33 in that they didn't address notification of stray animals under the bill. The notification section is, as I mentioned in my other points, under section 8(4). I just wanted to point out to the member that if the owner of the animal is not known, then under section 17 notice is provided as will be specified in the regulation, which would be what is deemed appropriate; i.e., newspapers, notice at auction marts, that sort of thing. So notice is included in the legislation. I just wanted to make sure that the hon. member had his answer.

9:20

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

**Mr. R. Miller:** Thank you, Mr. Chairman. I'd like to thank the minister for stalling for me so that I could recall what it was that I wanted to question him on. He referenced my colleague from Edmonton-McClung and his question this afternoon regarding the fact that the capture of the stray animal in question may now be moved down the ladder in terms of being paid. I just wanted to clarify that the point the hon. Member for Edmonton-McClung was making is that in order to have the animal in captivity in the first place, somebody has to do the capturing. If there is very little or no incentive for a farmer, for example, to corral this stray, then there is concern that the animal may do a certain amount of damage, somewhat more than would have been the case previously. That was the reason why we were questioning the moving down the ladder in terms of paying the capturer.

I'm not sure. I would certainly agree that once the animal is in captivity, there are likely to be more expenses incurred by whoever is holding the animal as opposed to expenses incurred by whoever captured the animal. The question is: is the animal going to be captured, or is it going to be left to roam free until it's hit by a pickup truck or does a certain amount of damage if we're not providing enough incentive to somebody to go out there and capture the animal in the first place?

**The Chair:** The hon. minister.

**Mr. Horner:** Thank you, Mr. Chairman. A couple of comments. First of all, many times it's the animals causing some damage or causing some other problems to the landowner, so his incentive is to stop that from happening. Therefore, there's his incentive for capturing that animal, but also stakeholders do support this as it is often the individual involved in maintaining the animal who is usually at the most risk. Also, section 21 states that "where livestock is sold by public auction . . . and the proceeds of the sale are insufficient to pay the expenses referred to in section 19(2)," the minister may pay the expenses out of the trust account.

We're going to try to capture all of the expenses, but I must reiterate that in most cases where an animal is out stray and roaming around, usually the landowners want to catch them to stop whatever damage or whatever other concerns there may be in that regard. So there is already an onus built into the system. But to answer the concerns of the hon. member, expenses will be taken care of.

**The Chair:** The hon. member.

**Mr. R. Miller:** Thank you, Mr. Chairman. I understand the point that the minister is making. I just want to make sure that my point is made as well. Through personal experience over the years – and it has happened several times – I have actually been involved in the capture of stray animals. In every instance that I can remember, the effort to capture was done out of a sense of duty, a sense of neighbourly responsibility, and a sense of compassion and humanity for the animal that might be in distress or in danger and not necessarily out of concern for damage that might be caused by the animal.

Again, I'm just not sure that moving the rights of that person who's involved in the capture so far down the list will allow that neighbourly charity to continue to take place. However, I understand and I appreciate the fact that the minister has been involved in careful consultation with the stakeholders, and I'm certainly willing to take his word that the stakeholders are supporting this.

With that, Mr. Chairman, I will cede the floor and not ask any more questions. Thank you.

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

**Mr. Hinman:** Thank you. I guess that as a stakeholder I'd like to speak also and just for general information. It is the landowners that generally take the biggest hit, and they're very much motivated to get the animal in, and it would no longer be neighbourly or charitable if you weren't helping. So we can't have one or the other if you want to be compensated. Generally the landowner is more than willing, and if he's not capable of doing it himself, he will hire someone to help him capture it, and then he'll get paid for doing that.

But I think that first on the priority list is the landowner where the damage is being done, and I support this bill and the intent thereof to protect the landowner from the damage done by stray animals, which does cause a lot of problems and has been a problem throughout history here in this great province of ours.

[The clauses of Bill 33 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 28

### Municipal Government Amendment Act, 2005

**The Chair:** The Minister of Municipal Affairs.

**Mr. Renner:** Thank you, Mr. Chairman. Well, just to remind everyone, this is a bill that deals with a number of separate amendments to the Municipal Government Act. The variety of the bill was referred to by a number of speakers, and I just want to remind everyone that there are a number of provisions in the bill; first of all, a provision to allow municipalities to set and collect a community aggregate sand and gravel levy.

Secondly, there are amendments that will clarify issues relating to the flow of linear assessment and jurisdiction.

Next is clarifying the intent and assessment of Crown-owned property held under lease, licence, or permit in provincial parks and recreation areas. This is to reaffirm the existing policy.

The next provision is enabling provisions for a municipality to pass a community revitalization levy bylaw subject to provincial approval.

Finally, there is a regulation-making authority for the Lieutenant Governor in Council to establish any area as a community revitalization levy and set out the specific conditions that will be required.

Mr. Chairman, there were a number of speakers who spoke to this bill in second reading. I'm not going to repeat everything that was said, but for the most part I was pleased that there appears to be fairly good support by members on this bill. There were some questions that were raised. The Leader of the Opposition raised a number of questions, as did the Member for St. Albert, and I'd just like to take a couple of minutes to address the questions that were asked.

First of all, the Leader of the Opposition asked if the bill would have any implications on the issue of rights-of-way for transmission lines. That would fall under the provisions in the bill that deal with linear assessment. The bill itself has nothing to do with the location of lines. It only has to do with the determination of the value of those lines and the assessed value for tax purposes. The section on linear assessment deals only with streamlining the process for

determining the value and creating a system that is very similar to the traditional real property, the buildings and land that everyone is familiar with, so there will be a registry of linear property in the same way as there is a registry kept for real property like you have on your house or a piece of land. That's the provision here.

The second question that was asked was with respect to the provision of Crown leaseholds. The question asked was: will this bill affect Crown leaseholds? I'm assuming that the leader was referring to grazing leases and that kind of thing, and the answer is no. This only affects leases that are within provincial parks or recreation areas. It has to do with commercial. By way of explanation, when the Municipal Government Act was passed back in '94, there was a move to change to plain language so that the wording changed on the provision of the assessment of Crown leases within provincial parks. That wording was intended to reflect the same policy. But in changing the wording, the courts determined that there was a change in policy, and there were rulings made that in fact exempted a number of taxpayers who were never intended to be exempted. This has escalated over time to the point where we essentially have to close that loophole, return the taxing authority back to where it was originally intended to be.

9:30

While there will be some taxpayers who will begin paying tax and who haven't been for the last couple of years, it's not because of a change in policy; it's because of an enforcement of the existing policy that was changed as a result of court decisions. The government's opinion is that if there is going to be a change in policy – and arguments have been made that perhaps some of these should not be taxable – that should be a decision that's made by this Legislature upon appropriate reflection, not by an arbitrary decision made by the courts trying to interpret what the Legislature perhaps meant when the wording was changed.

The next question the leader asked was: who will municipalities borrow from if they use the tax increment financing? Municipalities have natural person power and can borrow from anyone they choose to borrow from. Historically, municipalities have found that the municipal financing provided by the province is probably as economical as any, but if they wish and are able to negotiate loans or debentures or any other financial instrument that is advantageous to them, they're free to do so. That's a decision that they make, and there's nothing that would be within this legislation that would commit them to one form or another.

Finally, the Member for St. Albert asked: will the bill look at municipal tax rates? The answer is no. There is no intention to deal with municipal tax rates in this bill. The only reference to municipal taxes is in the tax increment financing, and the bill indicates that mill rates established within the zone would have to be at least as high as tax rates throughout the rest of the municipalities so that there is no tax incentive for developers to locate within the zone. The incentive that is there is the enhanced aesthetics and the basic infrastructure that has been invested by the municipality.

So I believe, Mr. Chairman, that answers the questions that were asked, and I look forward to further comment and question.

**The Chair:** The Leader of the Official Opposition.

**Dr. Taft:** Yes. Thank you, Mr. Chairman. I genuinely appreciate the helpful information from the minister. I really have two comments. In going around, you know, the normal activities of the opposition, I've bumped into a number of city councillors and have been surprised that they themselves haven't been directly aware of this piece of legislation. I know, clearly, the AUMA was consulted

and, I think, actively engaged – well, I'm sure they were actively engaged – in developing this legislation, and they're inside, and I suppose it's reasonable of the minister to expect the AUMA to represent its membership. But I suppose as a piece of information I've been surprised at how low the awareness is among some city councillors. I know at least one other member of my caucus has found the same thing in people she's spoken to: how low the awareness is of this legislation. I just provide that as information.

The only other question I have right now really comes under the community revitalization levy. I know it could become controversial when a city tries to enact that, and I think we talked in the debate in second about people being displaced from lower socioeconomic areas as those are redeveloped and controversies that could arise there and the perception that this could be seen as some kind of subsidy to developers.

All of that aside, I'm really specifically most interested in how this bill will affect the province's portion of the education property tax or what formula or methods might be brought forward or used for addressing issues concerning the education portion of property tax. If the minister can fill me in on that now, that's great, and if he wants to come back later, that's also fine.

Thank you.

**Mr. Renner:** It's up to the members opposite. Would they like me to take notes and answer all questions after all have spoken, or would you like me to respond now?

**Dr. Taft:** We're not going to have a lot of questions.

**Mr. Renner:** Okay. Then I'd be happy to respond. The issue of education property tax is that the education portion of the property taxes is dealt with exactly the same way as the city's portion of the property tax. It is diverted into this fund that is used to pay down the debt that is incurred by the municipality. So, in essence, what it means is that on incremental development the province agrees to participate with the municipality to the extent of the education property tax. In fact, it would apply to any other authorities that have requisitioning, so it would also apply to – there's some seniors' homes that have requisitioning powers in some municipalities. It would apply to them because the assessment is frozen at today's rate.

The thing to keep in mind, though, is that particularly from the point of view of education, the education property tax that goes into the foundation only constitutes a small portion of the total funding that flows through to our school boards to deliver education. The funding that is delivered to school boards is on a per capita, per student basis and is not in any way related to the funding that is collected through the education property tax. So I don't want to let anyone think that this is going to in any way jeopardize funding that would flow through to school boards. Let's be clear that that's part of the reason why the legislation is necessary, and that's why the cabinet has to also agree to the designation. The province does participate in this scheme.

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

**Mr. Bonko:** Thank you, Mr. Chairman. Thank you to the member for some of the questions that were asked the other day and some clarification. The Member for Edmonton-Riverview did ask some of the specifics that I was going to ask with regard to consultation between municipalities. I mean, certainly, we can recognize the difference: Calgary has different needs than Edmonton has different needs than McMurray. It's good if we do an all-around consultation

with the members of those municipalities because each municipality represents the different needs of those members there. In fact, with regard to the school issue act – yeah, thank you for that clarification as well.

The community revitalization levy – that's the one – I was just tonight at a potential school closure, and people are always concerned with regard to school closures, in fact, devaluing property. Then what happens: you have depressed areas there, and people are reluctant to move into those areas because there is no school. People are no longer wanting to move in there, so they're talking about areas becoming depressed.

So now the scheme which was devised in Calgary. The mayor is in fact asking for approximately \$7 million to build up depressed areas within that city. The same could be used throughout the province. In Edmonton we've got areas that are depressed areas, but again there are concerns here. If you're on one side of the boulevard compared to the other, what happens if the property tax is frozen for a couple of years – and I've never seen it done, so I'm not sure why it would happen now – while on the other side of the street the development continues to grow? At what point does the one side of the street catch up to the taxes on the other side of the street? There's where you're going to have disproportions and you're going to have concerns with regard to a \$500 increase in tax by the time it's able to catch up.

9:40

So those are just a couple concerns with regard to the community revitalization levy. I'm not sure if the member wishes to comment with regard to those concerns raised.

Mr. Chairman, I will adjourn debate.

[Motion to adjourn debate carried]

**The Chair:** Shall progress on Bill 28, Municipal Government Amendment Act, 2005, be reported when the committee rises? Are you agreed?

**Hon. Members:** Agreed.

**The Chair:** Carried.

### Bill 1 Access to the Future Act

**The Chair:** Is there anyone to speak on behalf of the sponsor?

If not, the hon. Member for Calgary-Currie.

**Mr. Taylor:** Thank you, Mr. Chairman. Now, I know that things haven't moved along quite as quickly so far tonight as I think all sides of the House had hoped, and so we may not get as far in committee study of Bill 1 as we had all hoped tonight, but we will get a start on it here at least and try to move on from there.

I spoke at some length at second reading on Bill 1, as did a number of my colleagues on this side of the House, and I think the government now has probably some idea of the issues that we have with the bill. I want to acknowledge first of all that Bill 1 does signal renewed focus on and support for advanced education, and we're very pleased to see that.

However, we do have concerns, and they fall I guess generally into three areas. Reporting and accountability: we think that postsecondary institutions are burdened by numerous accountability and reporting requirements, and we think that there needs to be some equity and accountability and reporting between the institutions and the ministry as well, and we intend to address that. The issue of

ministerial control versus institutional autonomy: there's a delicate balance that needs to be struck in our public institutions, we believe, between ministerial control and institutional autonomy, and as we move forward in committee study of Bill 1, we will be wanting to introduce that as well. The third area of concern in order of the way I'm introducing them tonight but really first in terms of our level of concern is the money.

Now, Bill 1, the Access to the Future Act, does a number of things, but primarily what it does is establish the access to the future fund, a postsecondary education endowment fund done somewhat differently than the way we would have done it had we been elected to the government in that it's done sort of within and under the heritage savings trust fund. We would have done it separately, as I've discussed here before. Nevertheless, it's being done, and that's good. What's not good about it in our view is the cap, the \$3 billion cap on the endowment fund, the size to which the endowment fund is being allowed to grow.

With that in mind, Mr. Chairman, I would like to move my first amendment to Bill 1, the Access to the Future Act. I would move that Bill 1, the Access to the Future Act, be amended by striking out section 4(5). Now, section 4(5) says very simply: "The maximum amount that may be allocated under subsection (4)," the subsection that establishes the account for the endowment fund, "is \$3 000 000 000." Mr. Chairman, \$3 billion sounds like a huge number even in 2005, even with the extent to which we've seen inflation over the years eat away at the purchasing power.

**The Chair:** If I could interject at this particular moment, we will call this amendment A1.

**Mr. Taylor:** Okay. So \$3 billion, as I was saying, still sounds like a huge amount in 2005 even after all the erosion in the purchasing power of the dollar that we have all seen over our lifetime. But to put it in some context, it really is not a huge amount by any stretch of the imagination when the goal – and I believe that this government is sincere in its goal in Bill 1 – is to establish excellence in postsecondary education in the province of Alberta.

Three billion dollars even at current enrolment levels, when divided by the number of students in postsecondary and advanced education in this province, amounts to an endowment per student of less than \$17,000. I think everyone in the House would agree that \$17,000 does not go very far in this day and age. In fact, one might be tempted to say that for all the good \$17,000 will do an average student in the province of Alberta, rather than striving for excellence, we might be better off just forgiving \$17,000 worth of student debt or maybe just giving them the \$17,000 in the form of – I don't know – a new Toyota Corolla. That's about the suggested retail price of a new Toyota, stripped down, basic model, mind you, but \$17,000 will get you pretty close to getting a new car.

By comparison, at Princeton University, which has, admittedly, the richest per-student endowment on the North American continent, Princeton's per-student endowment is approximately \$1.3 million. Seventeen thousand dollars in Alberta across four universities and all our colleges and our polytechnical institutes; \$1.3 million per student at one university.

So, Mr. Chairman, \$3 billion is not enough. Three billion dollars is a great start, but in our view that's what it must be, a start, especially given that there is no absolute commitment on the part of the government to put any money into the fund. We trust them. We believe them. We take it in good faith that they will contribute money to the fund. But \$3 billion as a cap is the wrong way to go. Three billion dollars needs to be viewed as a start to this

postsecondary education endowment fund if, in fact, we want it to foster excellence in advanced education in the province of Alberta.

The fund needs to be contributed to not only this year and next year and perhaps the year after that till the \$3 billion cap is reached, but it needs to be contributed to every year in perpetuity. Perhaps – I don't know – 20 years, 50 years down the road, perhaps at that point a government in that time, the government of that day will say: "You know what? There really is enough money in the fund now to generate, at 4.5 per cent of the endowment, the funds to provide sustainable excellence in postsecondary education in the province of Alberta." But you're not going to reach that at \$3 billion, nowhere close.

So amendment A1 seeks to strike out section 4(5) by removing the \$3 billion cap and allowing this endowment fund to grow the way it really was envisioned to grow by those who envisioned it first.

Thank you, Mr. Chairman.

**The Chair:** The hon. Member for Edmonton-Mill Woods.

**Mrs. Mather:** Thank you, Mr. Chairman. For the past decade and more postsecondary education has endured a funding drought that has left our system impoverished and struggling while the demands on it continue to increase. The message from stakeholders and voters during the recent provincial election was clear: reinvestment in postsecondary is overdue. Finally the provincial government seems to be responding. We face many significant problems exacerbated by years of neglect, deferred maintenance of infrastructure, the urgent need to attract and retain new faculty, and the struggle to keep up with advances in technology to name just a few. What we need now is rational, predictable, and sustainable funding from government, which will allow us to overcome these challenges and provide the postsecondary education Albertans want.

9:50

The proposal to uncap the proposed \$3 billion funding limit – that is, amendment A1 – is more than a matter of figures. It is a shift of mentality as much as of money, from a perspective of spending to one of investment. I point out a parallel in the energy sector. With world oil prices rising, development and production are not falling off. In fact, investors are borrowing to get a piece of the action when the projects they are backing come on stream. They recognize that rising costs reflect accelerating demand, and this creates a future.

Mr. Chairman, I would like to see us take the same view when it comes to the human energy generated by education. For more than 30 years economists have been virtually unanimous in recognizing that it is not resources or technology that create wealth but people. If there is any one area that deserves our attention and support, it is the drawing out of our people into their fullness, which is what the word "education" means.

Resources will eventually be expended, infrastructure and technology will become obsolete, but human potential is unlimited. I've spoken of human potential in quantitative economic terms, but it is far more than that. The human is the end and focus of our political, economic, and cultural activity, and education is a means of maximizing our humanity.

So finally I say: let us commit ourselves to investment in education, therefore, with the same unrestrained abandon with which this province has facilitated the energy sector. Thank you.

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

**Mr. R. Miller:** Thank you, Mr. Chairman. I can never speak quite as eloquently or with such heartfelt warmth as my colleague from

Edmonton-Mill Woods, but I would as well like to enter into the debate on this particular amendment.

Mr. Chairman, the other day I made a comment in this Assembly in reference to the price of oil. I indicated that industry analysts are suggesting that oil could reach \$80 per barrel. I was heckled and almost shouted down at the suggestion that oil might go to \$80 a barrel, and the next morning there was a news report from some industry analysts suggesting that in fact there may well be a spike on the horizon of somewhere in the order of \$105 per barrel of oil.

Now, I'm not sure, Mr. Chairman, and I'm assuming that we'll find out in a week and a day what number the government is using in their budget forecasts, but I suspect that the number is going to be somewhat less than \$80 a barrel and certainly nowhere near \$105. I'm guessing that probably more likely somewhere in the area of \$40 a barrel is the number that the government is going to be using when they make their budget forecasts. So given that every indication is that we're likely to remain somewhere in the area of \$50 to \$60 a barrel, perhaps \$80, maybe even, heaven forbid, \$105 per barrel, a \$3 billion cap, although as my colleague from Calgary-Currie suggested, a very big number, is almost like we're putting an artificial limit on a fund that could do tremendous things for the future of this province if we would allow it to do so, especially if we should be so fortunate as to see oil skyrocket, which there is some possibility it might do.

Given that, I would suggest that it would be prudent to remove the cap, as this amendment would allow us to do, and let the fund rise to whatever level it may rise based on the possibility of some rather incredible surpluses over the next number of years. If for some reason it starts to get to such a big number that it's not prudent to have that money in that fund anymore and it could be better used somewhere else, if we suddenly find ourselves with the very best postsecondary education system in the world and we realize that there's more money there than we can reasonably use, we can certainly find other things to do with it. I hear an hon. member behind me suggesting perhaps free tuition for all. Boy, wouldn't that be a wonderful thing?

So, Mr. Chairman, those would be my comments speaking in favour of the removal of this cap, and I look forward to continued debate. Thank you.

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

**Dr. Pannu:** Thank you, Mr. Chairman. I'll be brief. I rise to speak to amendment A1, which seeks to remove subsection (5) of section 4 in Bill 1, Access to the Future Act. I think it's to be noted that there's a developing consensus in this House and across the province that we have been underinvesting in postsecondary education for the last 10 to 15 years. That underfunding and underinvestment has caused serious problems within the system. Accessibility and affordability are just two symptoms of the larger problem.

Although the rate at which high school students graduate from this province is deplorably low, even many of those who graduate don't end up in the postsecondary system to take advantage of the education and training facilities that it makes available. In spite of that, we have an accessibility problem, a shortage of spaces, and a problem of affordability. Imagine if we were to successfully manage to encourage high school students to stay in school, complete high school, and then move on to a postsecondary system. The numbers wanting to get into postsecondary institutions would be much greater. In other words, those numbers are very dynamic. How many people, how many spaces there will be in the system is likely to grow, and if that happens, then the \$3 billion figure may look already out of date within the next four to five years.

So I think this amendment is good in the sense that it says that \$3 billion may not be enough. My only concern is that if we remove the reference to the \$3 billion here, that might be interpreted by some in this House and outside that we need less. Let me make it very clear that I will be supporting this amendment on the assumption that the amendment seeks to have a much larger amount given that the demand on the system and the participation in the system is likely to grow and grow very rapidly in the coming several years.

So that being the case, of course, you know, \$3 billion looks arbitrary without really asking the larger questions about the shape the system will take in the next few years. I've been talking about the need to establish a commission which looks at some of these important questions of affordability, accessibility, funding, the governance of institutions, the role of private, for-profit institutions within the system, and we can go on and on. So we will need, in fact, a serious examination of the system, and only at the end of that should we be coming to some sort of determination of what amount should be in this fund that will be adequate, that will be sufficient.

In light of all these considerations, I'm happy to support this amendment that's being put forward by the hon. Member for Calgary-Currie. Thank you.

**The Chair:** The hon. Leader of the Official Opposition.

**Dr. Taft:** Thank you, Mr. Chairman. Obviously, I support the amendment as well. We pushed very hard on the idea of a postsecondary endowment fund last fall. We had a wonderful reception to it. There's a sense in Alberta that people want to grab the future. They have a feeling that we're changing chapters or we're moving to the next chapter in Alberta's development, and they see postsecondary education as absolutely the key topic of that chapter.

As my colleague from Edmonton-Mill Woods said so eloquently, education is about our humanity and investing in our humanity. It's about our children. It's about our future. I don't see why we should put a cap on that. We have a potential here to do something genuinely dramatic, as has been made clear by the Member for Calgary-Currie.

**10:00**

There are individual universities in North America and others that I know of in Europe with endowments that would dwarf this \$3 billion. If we're going to have a postsecondary education system that takes its rightful place with the MITs and the Harvards and some of the universities in Texas and the Cambridges and so on, we're going to need to provide those kinds of resources and those endowments. We need to stop thinking of this as an expenditure. We're not saying this is an expenditure. We're saying: put this into a savings account, a savings account dedicated to the children and to the future of this province through postsecondary education.

If we're making that investment – and it's widely understood by economists, by tax people, by public policy experts that this is perhaps the best investment a society can make – why would we put a cap on that? Why would we do that? Why would we limit how much we can put into education and postsecondary education? The evidence is very clear that in the long term for every dollar that we put into postsecondary education, a society will get many dollars back in taxes and in productivity improvements.

So I do not see any justification for putting this cap in place and would encourage all MLAs – I can see they're closely paying attention – to support this amendment to Bill 1. It would take Bill 1, which has a good heart to it, and make it a better bill.

On that note, I would like to move adjournment of debate.

Thank you, Mr. Chairman.

[Motion to adjourn debate carried]

**The Chair:** Shall progress on Bill 1, Access to the Future Act, be reported when the committee rises? Are you agreed?

**Hon. Members:** Agreed.

**The Chair:** Opposed? It's carried.

## Bill 5

### Family Law Amendment Act, 2005

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

**Dr. B. Miller:** Thank you, Mr. Chairman. The hon. Minister of Justice did bring forward some amendments. I'm assuming that the amendments are not up for discussion right now. That's my understanding, that I don't have to address the amendments at the moment but that I could address the substance of the bill.

**The Chair:** There are amendments on the floor.

**Dr. B. Miller:** There are amendments on the floor, so the amendments are what is to be discussed. Okay.

Well, the amendments that were presented by the hon. Minister of Justice are mostly housekeeping items. They're very complicated, and they're amendments to the original Family Law Act. The first amendment, section A, is really just changing language, and actually the same language is changed in different parts of the act, striking out the word "prescribed" and substituting "provided for."

Now, I don't think there's anything substantive in this change at all. I think the understanding that the minister communicated to the House is that the word "prescribed" seemed too specific, perhaps too harsh, and didn't give enough flexibility so that every time the rules are changed under the regulations, there has to be a rushing to the cabinet for a decision. In order for that not to happen, the words "provided for" are added. So I've no problem with those kinds of housekeeping changes.

In the amendment section B, section 5 is amended in the proposed section 20 by striking out "or agreement to the contrary between the parents of a child regarding the guardianship of the child" and simply substituting the words "regarding the guardianship of a child." I think that's trying to make this whole section simpler. This section is subject to any order of the court in regard to the guardianship of a child, so it's pretty straightforward. I think the understanding of the minister was that the longer sentence was making it too broad, allowing parents to perhaps agree that even a third party could be the guardian of a child, and that makes it too broad.

There's the adding of subsection (5), that if parents "agree in writing, both parents continue to be the guardians of the child even after the child begins to usually reside with only one of them."

Now, this whole bill is very complicated because of the legal language that needs to be in the bill to protect those involved, especially to protect the child. I've been reading the amendments and also the bill from the point of view of using as a threshold test: is this in the best interests of the child? It seems to me that that is the most important question in a bill that tries to define guardianship. Is this in the best interests of the child? The second principle that can be applied to this bill is the principle of gender equality so that both the father and the mother are equally regarded in respect to the definition of guardianship.

Then going on to amendment C, which again is just a housekeeping item of changing the language in respect to enforcement officers

and using the word “designated” instead of “prescribed.” The same with amendment D and the same with E. So these are all housekeeping items.

A question I have for the Minister of Justice, when he can respond to this, is under section F. It’s a bit of a puzzle to me what this means. There’s the addition of a clause “respecting financial information to be provided under section 65,” which has to do with financial support or financial agreements in respect to guardianship, and I’m just not sure how that fits in. I need some clarification, some explanation why there is a need for this amendment. That’s amendment F.

Those are my only comments on these particular amendments, and I would like a response to a couple of those points before we can go ahead and put them to a vote.

10:10

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

**Dr. Pannu:** Thank you, Mr. Chairman. I rise to speak to Bill 5, Family Law Amendment Act, 2005. I want to start by acknowledging the fact that the minister did brief . . .

**The Chair:** Are you speaking on amendment A1?

**Dr. Pannu:** Are those the amendments that are before us from the minister?

**The Chair:** Yes. We’re speaking to amendment A1 to the Family Law Amendment Act.

**Dr. Taft:** Those are from the minister.

**Dr. Pannu:** All right. I’m sorry; I was under the mistaken impression that those amendments were not to be under discussion until the minister’s convenience allowed it.

Yes. Many of the pieces of the amendments that are proposed in A1 are fairly straightforward. One of the places where amendment A1 attempts to amend the proposed act is in section 20(1), which currently reads: “This section is subject to any order of the court or agreement to the contrary between the parents of a child regarding the guardianship of the child.” This section 20, by the way, deals with the guardians of the child. Now, the amendment proposes to strike the last part of this first statement, so the section would then read: “This section is subject to any order of the court,” period, I think. So I have no particular concern with that change being proposed.

The other part of A1 speaks to amending section 20(4), Mr. Chairman. Section 20(4) at the moment in the proposed legislation reads as follows: “Despite subsection (3), a parent with whom the child has usually resided for one year is a guardian of the child even if the child no longer resides with the parent.” I think the change, the amendment being proposed to 20(4), says: “Despite subsection (3)(a), if both parents so agree in writing, both parents continue to be the guardians of the child even after the child begins to usually reside with only one of them.” That causes some concern. It makes the matter of who is the guardian of the child less clear than is the

case in the present legislation and, I think, will cause lots of problems for the child and the mother, particularly if the child is very, very young, was born in the hospital, and there’s a dispute over who the child’s guardians are.

So, Mr. Chairman, I find it difficult to support the proposed changes in 20(4) as part of amendment A1, so I won’t be able to vote in favour of it. Thank you.

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

**Dr. B. Miller:** Yes. Mr. Chair, I think it would be appropriate for us, since we need to get some clarification from the minister about some of these points on his amendments – I would like to adjourn debate so that we can continue at another time.

[Motion to adjourn debate carried]

**The Chair:** Shall progress on Bill 5, Family Law Amendment Act, 2005, be reported when the committee rises? Are you agreed?

**Hon. Members:** Agreed.

**The Chair:** Opposed? Carried.

The hon. Acting Government House Leader.

**Mr. Renner:** Thank you, Mr. Chairman. I move that the committee rise and report bills 17, 32, and 33 and report progress on bills 28, 1, and 5.

[Motion carried]

[The Deputy Speaker in the chair]

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

**Rev. Abbott:** Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bills: Bill 17, Bill 32, Bill 33. The committee reports progress on the following bills: Bill 28, Bill 1, Bill 5. 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 committee concur in the report?

**Hon. Members:** Agreed.

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

The hon. Acting Government House Leader.

**Mr. Renner:** Thank you, Mr. Speaker. I move that the Assembly stand adjourned until 1:30 tomorrow afternoon, Wednesday, April 6.

[Motion carried; at 10:17 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]

