

## Legislative Assembly of Alberta

**Title: Thursday, April 7, 2005**

**1:30 p.m.**

Date: 05/04/07

[The Speaker in the chair]

head:

### Prayers

**The Speaker:** Good afternoon.

Let us pray. Let us keep ever mindful of the special and unique opportunity we have to work for our constituents and our province, and in that work let us find strength and wisdom. Amen.

Please be seated.

head:

### Introduction of Guests

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

**Mr. Marz:** Well, thank you, Mr. Speaker. I'm very pleased today to have 20 guests with me from the Kneehill Christian school, which is in the community of Linden. The students today are accompanied by Miss Terri Miller, a teacher, Miss Dana Toews, a teaching assistant, as well as parents Glen Regehr, Mrs. Lois Regehr, Mr. Steve Berniko as well as Cheryl Berniko and Beverly Cottier. They're all seated in the public gallery, and I'd like the Assembly to give them the traditional warm welcome.

**The Speaker:** The hon. Member for Whitecourt-Ste. Anne.

**Mr. VanderBurg:** Thank you, Mr. Speaker. It's a great privilege for me today to introduce a very large group from the Evansview school. They're accompanied by teachers Darlene Haggart, Bonnie Perrett, and Carol Baksa, and at this time I'd ask them to please rise and receive the warm welcome of this Assembly.

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

**Mr. Snelgrove:** Thank you, Mr. Speaker. It gives me great pleasure today to introduce a group of students from probably one of the biggest school areas in Alberta. In fact, they're taught by the School of Hope, and only the school is centred in Vermilion. The children are home-schooled all over the province. They're here today with their group leaders Monika Poland and Chuck Marple and their parents Wanda Auld, Allison Mohr, Sharon Robertson, Kelley Thompson, Harvey and Val Younker, and Tammy Younker. I'd ask them and their students to rise and receive the traditional warm welcome of the Assembly.

**The Speaker:** The hon. Member for Highwood.

**Mr. Groeneveld:** Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to all members of this Assembly 18 of Alberta's brightest students from my constituency of Highwood. They are visiting the Legislature today from the Edison school, just north of Okotoks, and have come to see question period. The students are accompanied by their teacher, Joseph Smith and five parent helpers: Diane Duncan, Candy Erikson, Elly Singer, Karen Hodges, and Syl Mortensen. They are seated in the public gallery, and I'd ask that they rise to receive the traditional warm welcome of this Assembly.

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

**Ms Pastoor:** Thank you, Mr. Speaker. It is my distinct pleasure that

I introduce to you and through you my baby sister from Manitoba, who is a highly respected and prominent Liberal organizer in Manitoba, and also my nephew Michael Brennan. My sister's name is Florence Eastwood, and Michael is from Leduc-Beaumont-Devon. I would ask that they rise and receive the warm welcome of this Assembly.

Thank you.

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

**Dr. Pannu:** Thank you very much, Mr. Speaker. I have a longish introduction. With your permission I take pleasure to introduce to you and through you to all members of the Assembly Ruth Maria Adria, a highly respected elder advocate. She is accompanied by 13 other very concerned family members, many of whom happen to be seniors as well. The Elder Advocates of Alberta held a press conference this morning highlighting the following concerns: problems with Bonnyville health care centre . . .

**The Speaker:** Hon. member, with the utmost respect, this is an introduction, not a ministerial or member's statement. There is an opportunity later this afternoon or next week if the hon. member wants to provide a statement or a recognition. So let's get on with it.

**Dr. Pannu:** Okay. Thank you, Mr. Speaker. I'll take your direction.

The names of the guests, Mr. Speaker, are Yvonne Nadeau, her husband Guy Brookes, Flora L'Heureux, Audrey Johnston, Louis Adria, Gordon Haig, Brenda Haig, Ed Marcum, Orpha Donnelly, Katherine Kutt, Joseph Green, Eva Makowichuk, Anne Romanow. I'll ask these guests to please rise and receive the warm welcome of the Assembly.

**The Speaker:** To the hon. members for Edmonton-Centre and Cardston-Taber-Warner, are your guests here now, or do you want to do the introductions later?

**Mr. Hinman:** Later on.

**Ms Blakeman:** I'm not sure if they're here or not. I will go ahead with it if that's all right with you.

**The Speaker:** Please proceed.

**Ms Blakeman:** Mr. Speaker, I'm very fortunate in having a wonderful postsecondary institution in my riding, and I'd like to introduce to you and through you to all members of the Assembly a social studies 10 class from NorQuest College. I believe they're in the public gallery, and there are 11 students here today accompanied by their instructor, Michelle Tracy. If they're in the gallery, I would ask them to please rise and accept the warm welcome of the Assembly. I don't see them rising, so I'm assuming they'll come in later, and I'll send them the *Hansard* to let them know.

Thank you.

**The Speaker:** Others? The hon. Minister of Infrastructure and Transportation.

**Dr. Oberg:** Thank you very much, Mr. Speaker. It gives me great pleasure to introduce to you and through you two individuals that are very close to me. In making the first introduction, I will be invoking the legislative immunity that we enjoy by sitting in this Assembly as

it is the birthday of my wife, who is sitting in the Assembly. At risk of dire consequences to myself I will ask my wife, Evelyn Oberg, to please stand. Sitting beside her is a resident of the Calgary-Glenmore constituency who has been very active down there and is somebody that is extremely wonderful. It is my wife's mother, Mrs. Katy Walter. Could you please stand and receive the warm welcome of the Legislative Assembly.

head:

### Oral Question Period

**The Speaker:** Hon. members, 23 individuals have advised me today that they would like to participate, so brevity would be really helpful.

The first Official Opposition main question. The hon. Leader of the Official Opposition.

### Securities Commission

**Dr. Taft:** Thank you, Mr. Speaker. Yesterday the Minister of Finance assured this House that she trusted the full independence of the report compiled by her nine commissioners from the Alberta Securities Commission, yet former and current employees with that organization have indicated that the commissioners together with Mr. Sibold and Mr. Linder, the chairman and executive director, are a tight-knit group. What still remains to be seen is why this government continues to take the word of these part-time commissioners, paid \$288,000 a year, over the word of 30 employees who came forward and braved threats from an employer who publicly called them cowardly and depraved. To the Premier: what does the Premier have to say to the employees of the Alberta Securities Commission who want to come forward and speak out against the toxic work environment there but can't out of fear of legal threats from Mr. Sibold and Mr. Linder?

**Mr. Klein:** I don't believe that to be true, Mr. Speaker, but I'll have the hon. Minister of Finance speak to it.

**Mrs. McClellan:** Mr. Speaker, I have commented on this in the House prior to today. I think that it's obvious that the members of the commission staff feel quite comfortable in coming forward with their concerns, which they have done, and the commission in receiving that and, in fact, a letter from me requesting it launched an investigation with an external person to provide information on this.

The other point I want to make again is that the hon. member opposite keeps asking for this to be made public, when, in fact, these persons came forward on the basis of a solicitor/client relationship and anonymity. So, Mr. Speaker, I don't think the employees at the commission are in any way inhibited from coming forward with their concerns.

1:40

**Dr. Taft:** Mr. Speaker, she's out of touch.

To the Minister of Finance: would the minister please explain why a number of enforcement employees at the Alberta Securities Commission were not even aware of Mr. Mack's investigation into the enforcement problems of the commission? What is the secret?

**Mrs. McClellan:** Well, Mr. Speaker, I don't know that to be true. I have not heard from enforcement officers in the commission that feel that they were not able to provide information. As I indicated, the investigation, as I understand it, first dealt with the complaints that were raised primarily by staff in the commission. Secondly, the investigation included discussions with persons who would have been named in the initial investigation, and that report was brought forward as well. So I have no knowledge of that.

**The Speaker:** The hon. leader.

**Dr. Taft:** Thank you, Mr. Speaker. Back to the Premier: given the vital importance of the Alberta Securities Commission to the economy of this province and the nature of this controversy, has the Premier personally inquired into the operations and the concerns at the Alberta Securities Commission?

**Mr. Klein:** The answer to that question is no, Mr. Speaker. It's in the good hands of the Minister of Finance.

**The Speaker:** The second Official Opposition main question. The hon. Member for Calgary-Varsity.

### Infrastructure Needs in Fort McMurray

**Mr. Chase:** Thank you very much, Mr. Speaker. Rod Love is a lucky man. He draws paycheques from private companies while flying high on Alberta government planes. He pockets salary from a company proposing a doomed rail link to Fort McMurray and consulting fees from the government's million dollar study of the same pricey railway scheme trumpeted by the Premier. My first question is to the Minister of Infrastructure and Transportation. What was Rod Love, a private consultant, doing on a government plane to Fort McMurray last summer?

**The Speaker:** The hon. minister.

**Dr. Oberg:** Thank you very much, Mr. Speaker. I think probably the best way I could answer that is that you can talk to Rod Love and ask him.

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

**Mr. Chase:** Thank you very much, Mr. Speaker. To the Premier: what portion of the government's million dollar rail study did Mr. Love receive in fees for service?

**Mr. Klein:** It's my understanding, Mr. Speaker, that Rod Love, a consultant at the time, consulted with the consortium that proposed the rail on communications, and it was limited to that.

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

**Mr. Chase:** Thank you, Mr. Speaker. Again to the Premier: will the Premier abandon further royalty reductions in the form of roads for royalties and admit that building and paying for public roads is the government's responsibility?

**Mr. Klein:** Mr. Speaker, if the hon. member is alluding to Fort McMurray, we are looking for various ways to accommodate needed infrastructure in that area. That's what recent meetings have been all about, to find ways in which government and industry can work together to provide that infrastructure.

**The Speaker:** The third Official Opposition main question. The hon. Member for Edmonton-Manning.

### Minimum Wage

**Mr. Backs:** Thank you, Mr. Speaker. The Minister of Human Resources and Employment and the Premier announced the minimum wage increase some months ago. It still isn't happening. My question is to the Minister of Human Resources and Employ-

ment. Will this government guarantee that this basic increase to \$7 will occur within our Alberta centennial year?

**Mr. Cardinal:** I can say yes, Mr. Speaker, but in addition to that I want to clarify for the member because it is an important question. It's a good question. The fact is that we advised the House here about three weeks ago that we would spend a bit of time consulting with the foods industry, in particular, that may be impacted in this particular change. We've done that. We've completed that. We've received close to 2,000 different recommendations. We are assessing, and we will announce the results in the very near future.

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

**Mr. Backs:** Thank you, Mr. Speaker. A question to the same minister. With industry lobbyists pushing for this, will the government consider that servers in fast-food establishments and restaurants are not worthy of the full minimum wage?

**Mr. Cardinal:** Mr. Speaker, that's exactly who we are consulting: the food industry. They have responded. There are 2,000 submissions that have come in. We just finished that process. I am now in the process of tabulating the stuff and then reviewing, and then I'll go forward through the normal process we do to change policy.

**Mr. Backs:** Mr. Speaker, to the same minister. The lobbyists are also pushing for youth to have a lesser rate. Will the government consider that youth saving for their education and helping their families should get a lesser minimum wage than other Albertans?

**Mr. Cardinal:** Well, Mr. Speaker, you know, like I said, we announced that the minimum wage is going to be \$7. We said that we will announce later as to how that may be implemented. That is still in place. We're always open to look at other options. We will continue monitoring the situation, and if there are future changes that need to take place, of course this government always listens, and we'll make the changes.

**The Speaker:** The hon. leader of the New Democratic opposition, followed by the hon. Member for Lacombe-Ponoka.

#### Protection for Persons in Long-term Care

**Mr. Mason:** Thank you very much, Mr. Speaker. Earlier today Elder Advocates of Alberta held a public forum at which over 50 people, including family members of seniors in care, told heart-rending stories about the appalling conditions that elderly residents in long-term care are forced to endure. While seniors are being routinely overmedicated and neglected, family members are often intimidated into silence. Two years ago Alberta's Ombudsman outlined serious systematic failures in government oversight, yet the neglect and abuse continue. Mr. Speaker, I'll table that at the appropriate time. My question is to the Premier. Given that two years ago the Ombudsman report said that the responsible department takes the position that "it is exempt from the rules of natural justice," why has the government still not acted to protect seniors against abuse and neglect in long-term care facilities?

**Mr. Klein:** Mr. Speaker, I take exception to the preamble, but I will have the hon. Minister of Health and Wellness respond.

**Ms Evans:** Mr. Speaker, I too take exception to the preamble.

There's a generalization there that is not appropriate. Let me make a couple of remarks and then remind the Assembly that the Protection for Persons in Care Act, should anybody choose to make a complaint or file a complaint about it, resides with Aids to Daily Living in Seniors and Community Supports.

Over the past year we have increased funding. There have been some modest increases. Over the next three years we hope to provide assistance for further funding for long-term care. In terms of the drugs and the overmedication, as I've responded earlier in the House, it's appropriate, if people have concerns about that, to file them either with a physician or with the facility themselves or, in fact, let the minister know. We would be pleased to follow up on those cases.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. Again to the Premier: given that the Ombudsman two years ago clearly substantiated the complaints of residents, why has the government still failed to implement a proper process for investigating abuse and neglect in long-term care?

**Mr. Klein:** Well, Mr. Speaker, I believe that there is in place a proper process, and I'll have the hon. minister respond.

**Ms Evans:** Mr. Speaker, we have been launching a number of initiatives, among those a comprehensive front-line staff training program. We'll have over 7,000 front-line staff trained by the end of June 2005. Should there in fact be circumstances where staff or administration in these facilities do not have the capacity to administer proper care, then those staff members should be reported.

Mr. Speaker, I think that at the time that we are able to talk about our new budget, we'll be able to talk about more supports still to long-term care facilities.

1:50

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

**Mr. Mason:** Thank you, Mr. Speaker. Given that the Ombudsman found that the department responsible for protecting persons in care failed to investigate complaints, why is the government allowing these dreadful failures to continue?

[Two ministers rose]

**Ms Evans:** We're all eager to tell you that, first of all, if there are complaints, very specific complaints, they could be tabled. The legislation currently resides with the Minister of Seniors and Community Supports.

But may I just invite the hon. member – and I like him a lot – to just sit with me and talk to me about it, and I'll do what I can to resolve the problem? [interjections]

**The Speaker:** Hon. members, it's true that we do have a 45-second guide, but sometimes too much information.

The hon. Member for Lacombe-Ponoka, followed by the hon. Member for Lethbridge-East.

#### Live Hog Exports

**Mr. Prins:** Thank you, Mr. Speaker. Yesterday the U.S. International Trade Commission determined that Canadian live hog exports to the United States are not causing material injury to American

producers. My first question is to the Minister of International and Intergovernmental Relations. Does this mean the end of trade action against our producers?

**The Speaker:** The hon. minister.

**Mr. Stelmach:** Well, thank you, Mr. Speaker. It has been very good news, the ruling by the United States International Trade Commission, on a 5-0 vote, indicating that there is no harm done to American producers. Because the vote itself was unanimous, we anticipate that there probably won't be an appeal, but we have to wait a further 30 days to see if there will be one because that's within the regulations.

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

**Mr. Prins:** Thank you, Mr. Speaker. My last question is for the Minister of Agriculture, Food and Rural Development. What will this ruling mean for Alberta's hog producers?

**The Speaker:** The hon. minister.

**Mr. Horner:** Well, thank you, Mr. Speaker. First of all, I would like to reiterate what my colleague has said: this is great news for Alberta's hog producers. While the \$25 million in tariffs is going to be returned, it's unclear as to how much our producers will receive of that.

More importantly, Mr. Speaker, where do we go from here? The concept of dumping is questionable, especially when it's applied to industries such as agriculture, which is subject to production cycles and those sorts of things. In that light, we've proposed that antidumping rules be modified to take into account the cyclical nature of the industry, and that's going to make things a lot more equitable for our producers.

**The Speaker:** The hon. Member for Lethbridge-East, followed by the hon. Member for Drayton Valley-Calmar.

#### Long-term Care Standards

**Ms Pastoor:** Thank you, Mr. Speaker. I, too, have just returned from that very disturbing press conference held by the Elder Advocates of Alberta, and to me it was very clear that the Protection for Persons in Care Act has shamefully failed Albertans. My question would be to the Minister of Seniors and Community Supports. Has this government established who is ultimately accountable, not just has the authority to make recommendations but actually accountable, for the quality of life of vulnerable residents in long-term care?

**Mrs. Fritz:** Well, Mr. Speaker, I inherited the responsibility for the Protection for Persons in Care Act when I became minister of this portfolio. As you know, this act was proclaimed in 1998. It was the first of its kind in Canada, and it has led the way. It's a model for the rest of Canada.

Hon. member, I am currently reviewing the 13 recommendations that were in the legislative review report, but this is not a matter of just amending the act to do an amendment. I'm also working with the Minister of Justice, the Minister of Health and Wellness, and the Minister of Children's Services in order to develop a comprehensive, co-ordinated approach to the Protection for Persons in Care Act.

I want to say this, and it's based on the earlier question as well. We take allegations of abuse very seriously. It is really important.

It is. It is important that persons that are living and being cared for in our public facilities are safe, that they're treated with dignity and respect. I can tell you this, Mr. Speaker: if this legislation does not meet those goals, I will make the necessary amendments to ensure that the act does.

**Ms Pastoor:** I certainly thank you for that answer. It is encouraging to hear that there are multimistries involved with this. However, my question would be: is there going to be a single ministry and I mean really accountable not only for the staffing but for the way these institutions are run?

**Mrs. Fritz:** Well, Mr. Speaker, we've said in the Assembly before that the Minister of Health and Wellness and I are working very closely on long-term care standards, which, hon. member, you're familiar with. The way those standards are now, there are a number of very good organizations in the province that are assisting us with those standards, and that would include the Alberta Senior Citizens' Housing Association, the Long Term Care Association, regional health authorities, our departments, and we are going to come forward with those standards together. But you know, hon. member, in that term "long-term care" there is care, but there is the board and room and housing part of it that is in my portfolio.

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

**Ms Pastoor:** Thank you. Yes, I'm very aware of how far reaching this problem is.

I guess my third question, please, if I might, is: when will the government be strengthening the Nursing Homes Act? Again, hopefully we'll have those province-wide standards that you're referring to.

**Ms Evans:** Mr. Speaker, in terms of the Nursing Homes Act we have currently got a review of all of the standards pertaining to our long-term care facilities, including the Nursing Homes Act, and we will provide that information accordingly. I've got a number of pieces of it, but at this time I think we've covered the topic with the comments made earlier in response to the second question.

**The Speaker:** The hon. Member for Drayton Valley-Calmar, followed by the hon. Member for Calgary-Mountain View.

#### Photoradar

**Rev. Abbott:** Thank you, Mr. Speaker. There are some very disturbing rumours flying around that Alberta's picturesque highways may soon become Alberta's picture-risk highways; in other words, that photoradar may soon be coming to provincial highways. Can the hon. Minister of Infrastructure and Transportation either substantiate or put the lens cover on this issue?

**The Speaker:** The hon. minister.

**Dr. Oberg:** Well, thank you very much, Mr. Speaker. For the sake of brevity the answer to that question is no, absolutely not.

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

**Rev. Abbott:** Thank you very much. Given that recent news articles have also talked about adding demerit points to photoradar tickets, can the minister point out if that rumour has any merit?

**Dr. Oberg:** Again, Mr. Speaker, very, very quickly, the answer is no, we will not be giving demerits. For those of us who have teenage children who drive our vehicles, we certainly do not want demerits put on photoradar.

**The Speaker:** The hon. Member for Calgary-Mountain View, followed by the hon. Member for Foothills-Rocky View.

#### Oil Well Drilling on Crown Land

**Dr. Swann:** Thank you, Mr. Speaker. Recently members of the Lubicon First Nation confronted construction crews clearing bush for oil and gas development in areas designated as buffer zones according to the Grimshaw agreement. According to the Lubicon chief, the oil companies in question, with deep connections to this government, did not consult the band prior to the crews moving into the area. My first question to the Minister of Aboriginal Affairs and Northern Development: given that your ministry was given \$6 million to enable consultation with First Nations for these purposes, what are you doing about this failure?

**Ms Calahasen:** Well, Mr. Speaker, first of all, let me discuss the whole issue of consultation. We started in about June 2003 to be able to start developing a consultation process. Since that time, we've had a lot of different meetings with the various First Nations and, as well, with industry, and we're at the point now of making sure that we do a number of things.

One is that with the money that was given to us – each different ministry was given the money so that we could begin to build a capacity within government. We've been able to do that, and that has helped us to be able to work with the First Nations on building their own capacity. Since that time, we've also received money to be able to ensure that that capacity within First Nations would be also dealt with, and we have put money into what we call traditional land-use studies. Those traditional land-use studies are to be able to map where the First Nations have traditionally done their work, traditionally done their traditional activities.

**The Speaker:** I'll turn it over to the hon. member for a supplementary.

**Dr. Swann:** To the Minister of Environment: will you, sir, support an environmental impact assessment before the projected 512 wells are drilled in areas in and around the Lubicon nation?

2:00

**Mr. Boutilier:** Mr. Speaker, I want to say that EIAs, as they're referred to, environmental impact assessments, are very important tools to ensure the environmental standards that we enjoy here in Alberta. Certainly, when they are used with the parameters and conditions to make that determination, we are certainly not afraid in any way, shape, or form of having an environmental impact assessment if the parameters warrant such. What I would do is ask the Minister of Energy to supplement relative to the EUB process on that point.

**The Speaker:** Well, we'll proceed to the third supplementary.

**Dr. Swann:** To the Minister of Energy: given the disregard for Lubicon rights in these developments, will your ministry stop these particular developments in the area until these issues have been addressed?

**The Speaker:** The hon. minister.

**Mr. Melchin:** Thank you, Mr. Speaker. I'm delighted to be able to respond to that. In this case I have been informed that the company has moved some pipe and has done some clearing around a well site. That is very standard procedure. This is in anticipation of the spring thaw. They have not yet gone forward to the Energy and Utilities Board, which is a requirement, but they will. That will come forward in due course. That does require public consultation, so there will be a process of public consultation before any licence is actually issued for drilling, as is the normal procedure.

**The Speaker:** The hon. Member for Foothills-Rocky View, followed by the hon. Member for Calgary-Currie.

#### Métis Hunting Rights

**Dr. Morton:** Thank you, Mr. Speaker. Like many members I am hearing constituents' concerns about the impact of the interim Métis harvesting agreement on the conservation of Alberta's fisheries and wildlife. Their message has been clear and in my opinion accurate. Good policy should be based not on the rights inherited from ancestors of some Albertans to harvest wildlife, rather good public policy should be based on the responsibility of all Albertans to conserve our wildlife for our children. My question is to the Minister of Sustainable Resource Development. If a lake or river has size and number limits on the fish that can be taken or if a lake or river is open only for catch-and-release fishing, do these limits apply to Métis fishermen, and specifically does the IMHA allow Métis netting of rainbow and brown trout on the Bow River?

**The Speaker:** The hon. minister.

**Mr. Coutts:** Thank you, Mr. Speaker. If Métis are fishing with a rod and reel, then a licence is required, and all the provisions under legislation and regulations and the rules that are set out do apply. When Métis are wanting to use nets for subsistence fishing, then they require a domestic fishing licence – they do require a domestic fishing licence – and they must comply with conservation measures and provisions such as lake closures. There is no domestic – no domestic – fishing allowed on the Bow River. Domestic fishing is only allowed on a limited number of lakes and rivers such as the Peace and the lower Athabasca rivers in the province of Alberta.

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

**Dr. Morton:** Thank you, Mr. Speaker. My supplemental question is to the same minister. Can the minister tell us how many new gill net licences have been issued to Métis since the interim Métis harvesting agreement was signed? I have been sent a document circulated . . .

**The Speaker:** I think the hon. member has asked the question already.

**Mr. Coutts:** Mr. Speaker, I can reassure the hon. member – I have some stats – that over the past five years there have been some changes in the numbers of domestic fishing licences. In the year 2000 we issued 2,194 licences, in 2001 we issued 1,919 licences, in 2002 we issued 2,003 licences, in 2003 we issued 1,941 licences, and in the year 2004, which was last year, we issued 2,139 licences overall. That's just an example of the total number of licences over the past four years since before this interim agreement came into place, and you'll see that there's not a great variance.

**Dr. Morton:** My second supplemental is to the same minister. Can you clarify, please, for the House: are those individual fishing licences, or are those netting licences?

**Mr. Coutts:** Mr. Speaker, we have limits in place and records in place to make sure that we know what kind of limits individuals holding licences have. They can apply for one body of water, or if they need to go for three bodies of water, then they have to have three different licences. There are also limits on setting mesh sizes and limits on the number of nets that are allowed, and we have records on that as well. You can be assured that we will be tracking the conditions on net checks as well as surveys and voluntary reporting. Our job in Sustainable Resource Development is to abide by the Supreme Court decision.

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

### Security in Seniors' Apartment Buildings

**Mr. Taylor:** Thank you, Mr. Speaker. About a year ago it came to light that hundreds of legitimate residents of two subsidized seniors' buildings in Calgary's East Village were being terrorized and intimidated by drug dealers, crack addicts, and sex trade workers who were getting into and in some cases even living in the buildings. Murdoch Manor and the George C. King Tower are owned by the province. Despite assurances by the seniors minister at the time that action was being taken, residents are still complaining that things have not improved. To the Minister of Seniors and Community Supports: when is the government going to do something about these appalling living conditions?

**Mrs. Fritz:** Well, Mr. Speaker, I haven't heard of this incident at all. That's news to me, hon. member, and I'd look into it for you, but in the meantime I'd ask that the Solicitor General reply regarding the justice issues that you raised.

**The Speaker:** The hon. minister.

**Mr. Cenaiko:** Thank you very much, Mr. Speaker. That's a very good question. In fact, my constituency assistant attended there this past Sunday and had breakfast with the seniors at the facility. There are a number of issues that we're dealing with there. One of the greatest issues is the fact that some of the residents, as well, that reside in the premises are allowing for the side doors to be opened, which is allowing some of the street people and/or the drug traffickers and the prostitutes to enter into the building. So we're working with the management company, Trinity Foundation, to look at ways that we can ensure the security of the residences there, but as well ensure that some of those issues regarding safety of the building itself are going to be there in the future.

**Mr. Taylor:** Mr. Speaker, to the Solicitor General then: how does the government ensure that regulations regarding safety, upkeep, and residency in the seniors' buildings it owns are enforced?

**Mr. Cenaiko:** Another very good question, Mr. Speaker. Again, the safety and security of residents in any building, whether it's a government building or whether it's in their own residence or whether a condo or an apartment building, the residents themselves have to ensure that they all keep a watchful eye out for their neighbours and other residents and the facility that they're living in. The police are there to assist them in reporting any incidents that are

of a suspicious nature. As well, the crime prevention units of the police services throughout the province are there to assist in developing plans and action plans with regard to ensuring that their residences are safe.

**Mr. Taylor:** Well, Mr. Speaker, then to the Solicitor General: with all of that in place, will he explain why seniors in these two buildings apparently cannot be protected from the criminals getting inside?

**Mr. Cenaiko:** Well, I think I answered that the first time, Mr. Speaker, in the fact that if we can ensure that the residents that reside in the buildings don't allow those doors to remain open, then we'll be able to ensure that that premises is secure. One of the things that they're going to be looking at is the exit doors and that, but if the residents inside are allowing those doors to be open, we have to have a clear message to them not to open those doors.

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

### Private/Public Partnerships

**Mr. Martin:** Thank you, Mr. Speaker. Last year's budget foolishly committed \$1.2 billion over three years to finance provincial infrastructure through P3s. Since then skyrocketing costs forced the government to abandon two flagship P3s, the Calgary courthouse and the southeast Calgary hospital, which are now being built the old way through public financing. The third P3, the southeast Edmonton ring road, is only going ahead because the government misled the public when it said that it would be slightly cheaper to build a P3 when, in fact, it's going to cost tens of millions more. My question is to the Minister of Finance. In light of this dismal track record and the Auditor General's scathing criticisms, will the government do Alberta taxpayers a favour and abandon its failed P3 strategy in next week's provincial budget?

2:10

**Mrs. McClellan:** Well, of course, Mr. Speaker, you would not nor would the member expect me to elucidate to this House at this time about next week's budget. However, I am prepared to make a brief comment on P3s. What I understand from the Auditor General is not that you abandon P3s, but that you use a very rigorous process when you're determining whether a P3 is the appropriate vehicle. I will certainly say that we take that advice, and that is the process we use.

**Mr. Stevens:** Point of order.

**The Speaker:** Okay.  
The hon. member.

**Mr. Martin:** Yes, Mr. Speaker. My question is a follow-up to the minister. Why does the government stubbornly cling to the faint hope that somewhere, somehow P3s will work when the overwhelming evidence both here and elsewhere is that P3s cost more and make government less accountable to taxpayers?

**Mrs. McClellan:** Well, Mr. Speaker, I don't think we cling to P3s. However, we have said that they may be – may be – an option in some projects. What is important is that you have a very rigorous process to determine if, in fact, that is an instrument you would use. I would suggest by the number that have gone forward that the process is rigorous and that we are not entering into a great number of them, but there may be advantages in entering into a P3.

If there was time in the 45 seconds, I would ask the minister of infrastructure to elaborate on the reasons for using a P3 on the Anthony Henday.

**The Speaker:** But this is question period, not debate period.  
The hon. member.

**Mr. Martin:** Thank you, Mr. Speaker. In view of the fact that this rigorous process is going to cost us \$40 million in Edmonton, how can the minister say that this is a process that's good for the taxpayers of Alberta?

**Mrs. McClellan:** Mr. Speaker, that is exactly the question that I would like to ask the minister of infrastructure to speak to.

**The Speaker:** The hon. minister.

**Dr. Oberg:** Thank you, Mr. Speaker. First of all, the hon. member has misled this Assembly on two different occasions on this question, and quite frankly I'm tired of it. He said that we've got \$40 million more. Sorry, that is just not true. He also stated that we misled the public. There has not been a more rigorous process on P3s in the world than what we went through on the particular P3 for the Anthony Henday. It's time that these people came clean and actually stated the truth in this House.

**The Speaker:** Well, we have another point of order here, so this should be quite interesting later when we debate this.

But at the moment we're moving on to the hon. Member for Calgary-McCall, followed by the hon Member for Edmonton-Centre.

### Self-managed Care for Seniors

**Mr. Shariff:** Thank you, Mr. Speaker. I have been approached by two seniors experiencing very similar concerns. Today my question pertains to an 81-year-old senior who has been wheelchair bound for the past eight years, is diabetic, suffers from high blood pressure, and has kidney problems. In 1999 Alberta health care paid \$2,053 per month to provide care for this senior in a nursing care facility. In 2000, after nine months of stay in the nursing home, she opted to move out into a seniors' apartment, accessing self-managed care funding. She received \$912 per month for that service. In 2002 this amount was reduced to \$847, and now it's been reduced to \$331 a month.

My questions are to the Minister of Health and Wellness. Can the minister shed some light on the self-managed care program and advise this House on how the department determines the appropriate and adequate amount of self-managed care resources for seniors who opt to live on their own instead of in a nursing home?

**Ms Evans:** Well, Mr. Speaker, since the Broda report the conclusions led us to try and provide options for seniors, either within home-care settings or within other facilities. Self-managed care, when it is perceived that either the guardian or the person is capable of undertaking that care, is done through an assessment by the health authority and funding through the health authority. It differs from home care in that the health authority funds and manages and provides it, but self-managed care is done when the seniors themselves purchase that type of care.

In the case of this particular senior, like other seniors that may be mentioned in this Assembly, with private details on a confidential basis I will follow up.

**Mr. Shariff:** Given that the example I gave is not an isolated incident, will the minister conduct a review of the self-managed care program to determine if Albertans receive adequate self-managed care funding for their conditions?

**Ms Evans:** Mr. Speaker, all Alberta regions have self-managed care, and advanced home-care systems in Canada include Albertans as among the best. We have an appeal process in Calgary through the Calgary health region, and the client may wish to appeal that following the review that I would assure would be conducted. Other than that, to conduct a blanket review of self-managed care would do a disservice to some of those care facilities and the self-managed care that is going on in an exceptional fashion.

**The Speaker:** The hon. Member for Edmonton-Centre, followed by the hon. Member for Wetaskiwin-Camrose.

### Missing Health Records

**Ms Blakeman:** Thank you, Mr. Speaker. The last annual report for the Ministry of Health and Wellness shows the department blew its health information and accountability budget by \$4 million, bringing the total spending on health information and accountability to \$53 million. This year they plan to spend about the same. My questions are to the Minister of Health and Wellness. How could the ministry spend over \$50 million in the name of protecting health information and still lose data on 670,000 personal health records?

**Ms Evans:** Well, Mr. Speaker, at Public Accounts when we talked about the risks of IT and the assessment of how we manage risks in IT, there is a plethora of systems that help support over \$8 billion worth of health circumstances. The link with this tape is totally unfair in that the tape has been managed by a contractor. Internally how we manage data and collect data and store data and look after patient records is quite a different circumstance.

**Ms Blakeman:** Still in your department.

Again to the same minister: given that this ministry alone, not including regional health authorities, Government Services, and other departments, has handed out \$99 million to IBM over the last four years, what penalties will IBM face for losing the confidential information of 670,000 Albertans?

**Ms Evans:** Mr. Speaker, as yet the investigation by the Privacy Commissioner has not been completed, and whether or not they have been the persons or the corporation that has effectively lost the tape, I cannot make that determination. But we will provide details at such time as it's appropriate.

**Ms Blakeman:** Thank you. My final question, to the Minister of Restructuring and Government Efficiency: when can we expect the report determining the effectiveness and reliability of outsourcing critical health management issues, such as the handling of personal health records?

**Mr. Ouellette:** Mr. Speaker, I can't tell you exactly when there would be a report done on that. The Privacy Commissioner is investigating all of these records missing right now, and I can assure you that our ministry is internally looking at everything right now, at whether or not all of our policies are being followed on protecting how all of these records are transferred or moved around. If any improvements need to be made, I assure the hon. member that they will be.

**The Speaker:** The hon. Member for Wetaskiwin-Camrose, followed by the hon. Member for Edmonton-Decore.

### Battle River Water Strategy

**Mr. Johnson:** Thank you, Mr. Speaker. The Battle River runs through my constituency, and along with many other Albertans my constituents rely on the Battle River for their water and livelihood. In recent years lack of moisture has compromised water levels of the Battle River, and as such there must be a better way to manage water levels in the Battle River to ensure the availability of water in the future. My question is to the Minister of Environment. If water is truly a shared resource, as we've heard, what steps are being taken to protect the economic interests of Battle River users?

**The Speaker:** The hon. minister.

**Mr. Boutilier:** Well, thank you very much, Mr. Speaker. The hon. member is absolutely correct in terms of this resource, which I've referred to in the past as blue gold. Presently we are working on the Battle River water management plan. I want to say to the hon. member that this plan is very important, where we are having all of the affected parties involved so that when we are doing the correct work in managing this important resource, we do it right the first time.

**Mr. Johnson:** My second question is to the same minister. What will be done in the field this year to address our immediate concerns over water availability?

2:20

**Mr. Boutilier:** Mr. Speaker, again another important point. An immediate impact of the water strategy is the decision to raise the weir which is called Driedmeat Lake, which I know the hon. member is familiar with, by about 60 centimetres this fall. Now, this is going to improve the water storage available to the city and to the county of Camrose. So it is an example of where we're working together with the management plan but also with the important stakeholders so that we can balance the economic, the social, and the environmental needs in this particular region.

**Mr. Johnson:** My final question to the same minister: why hasn't the department acted on requests from some groups in the river basin to simply divert water from the North Saskatchewan River to the Battle River?

**Mr. Boutilier:** Mr. Speaker, diversion is costly, and environmentally it is a complicated solution, but it doesn't mean that we will rule out any option in terms of doing this right, as I mentioned. Staff from the ministry will continue to work with the Battle River watershed advisory group. I want to assure the hon. member and this House that in terms of analyzing the options available, we'll ensure that we continue to conserve this blue gold that's important to all of us.

**The Speaker:** The hon. Member for Edmonton-Decore, followed by the hon. Member for Calgary-Montrose.

### Room and Board for Forest Firefighters

**Mr. Bonko:** Thank you, Mr. Speaker. The Department of Sustainable Resource Development has stated that they will be charging men and women who fight forest fires \$450 a month for room and board. These men and women provide an extremely valuable

service to the people of Alberta, risking their lives to protect public forests but, more importantly, human lives and communities. To the Minister of Sustainable Resource Development: given that this policy will result in a substantial decrease in pay for firefighters to perform the same job as last year, how can this government justify the reduction to the men and women who risk their lives to get the job done?

**Mr. Coutts:** Well, Mr. Speaker, the Department of Sustainable Resource Development about a year and a half ago had discussions with staff regarding an increase for meals and accommodations that would put us more in line with other Canadian provinces. We manage our firefighting resources to provide the best possible firefighting situation for Albertans and to protect Albertans' livelihood, protect Albertans' property. Changes to the department's meals and accommodation have been addressed so that there is equity among staff at this particular time, and a consultation was done over the last year and a half to bring that in line.

**Mr. Bonko:** Mr. Speaker, given that the camp conditions have been compared to Third World conditions, will this minister implement standards for living conditions with the extra money from the supplemental request that he's asked for?

**Mr. Coutts:** Mr. Speaker, staff can choose to be accommodated in whatever way they wish. They can choose to be in a department staffing situation or bring their own accommodation. For department staffing situations we charge \$150 a month, or \$5 a day, and to have meals provided, we look at \$300 a month, or \$15 a day. These are seen as reasonable rates.

In terms of the accommodation we try to make improvements to that, being that these are mobile accommodations, and keep them to standards that are acceptable.

**Mr. Bonko:** Mr. Speaker, given that this policy will no doubt have an effect of chasing away the most experienced firefighters, how can this government assure Albertans that their lives and communities will not be at risk?

**Mr. Coutts:** Well, Mr. Speaker, that's the ultimate objective of Sustainable Resource Development in our firefighting efforts: to make sure that property and people's livelihoods are not at risk. We have emergency firefighters that are well trained, and the staff are dedicated to making sure that the policy of preserving people's livelihoods is definitely a priority for them.

**The Speaker:** The hon. Member for Calgary-Montrose, followed by the hon. Member for Edmonton-McClung.

### Application Process for Seniors' Benefits

**Mr. Pham:** Thank you, Mr. Speaker. When Albertans become seniors at the age of 65, they are entitled to assistance from many programs, both provincial and federal, but it is necessary for them to complete a large amount of paperwork. The necessary forms are confusing, and often it is necessary to contact the governments in order to get details to complete the form to send to the government. Making an error somewhere within these forms could easily result in a loss of benefits. My question today is to the hon. minister responsible for seniors. Given that all this information is already on file with either the provincial or federal government, why is it necessary for the senior to provide it again when applying for benefits?



**The Speaker:** The hon. Minister of Seniors and Community Supports.

**Mrs. Fritz:** Thank you, Mr. Speaker. I can understand the hon. member's concern that some seniors may be challenged when they're filling out our seniors' benefit forms, but I want to assure you that we work very hard to make certain that those forms are streamlined, that they're easily accessible and usable for our seniors. Having said that, though, hon. member, we do require a consent to be signed by our seniors, and that's so that we can use the information for the benefit program as well as protect the privacy of the information that the senior has given us.

Also, Mr. Speaker, once a senior applies to our program – and in answer to your question, hon. member, we do keep the name and address and personal information – if they make reapplication for a form, we do not require that they resubmit that information.

Thank you, Mr. Speaker.

**Mr. Pham:** My second question is again to the same minister. Is there any place that the elderly may go for one-stop assistance to help them through all these forms that they find themselves faced with?

**Mrs. Fritz:** Well, Mr. Speaker, just very easily said, we do have a seniors' information line, hon. member. There are approximately 13,000 calls per month to that line. When a senior does call, they will receive information such as where the one-stop offices are located throughout Alberta. There is one here on Jasper Avenue in Edmonton, for example, and one in the Kerby Centre that you may refer your constituents to, hon. member. There's also a directory of organizations on our ministry website. But I'd like to leave you with that number for the seniors' information line, and it's 1-800-642-3853.

Thank you.

**Mr. Pham:** My third question is again to the same minister. Do we have plans to work with the federal government to try to streamline the process and get rid of duplication by providing a one-stop service centre for the elderly?

**Mrs. Fritz:** Well, Mr. Speaker, we do have one of the most generous packages of seniors' benefits in Canada, yet we also know the importance of maintaining the confidentiality of the applicants' information. Having said that, hon. member, we do provide basic information to other ministries. We do provide that information as well to the federal government. If a senior applies for old age security, for example, through the federal government, the federal government lets us know that about the senior, and then that senior receives an information package about our benefits.

Mr. Speaker, I'd like to invite the hon. member, who I know, my friend from Calgary-Montrose – he graduated at the top of his class at the University of Calgary in computer sciences – to meet with me . . .

**Some Hon. Members:** Time.

**Mrs. Fritz:** . . . and I'd work with you, hon. member, if you can think of another way to streamline the database.

**The Speaker:** The hon. Member for Edmonton-McClung, followed by the hon. Member for Edmonton-Strathcona.

## Government Contracts

**Mr. Elsalhy:** Thank you, Mr. Speaker. The Auditor General reacted in his last annual report to instances of sole sourcing and noncompliance with policies for some of the \$210 million worth of contracts entered into and managed by the Alberta Corporate Service Centre. To the Minister of Restructuring and Government Efficiency: does the Alberta Corporate Service Centre now comply with the Auditor General's recommendations for all contracts?

**Mr. Ouellette:** That's a very good question, Mr. Speaker. We take any Auditor General recommendations very seriously, and at this time we are working very hard on adhering to all recommendations that the Auditor General has given us.

**Mr. Elsalhy:** Okay. To the same minister, then: how did the process for awarding contracts become so lax in the first place? Why weren't the rules followed to the extent that the Auditor General had to react?

**Mr. Ouellette:** Mr. Speaker, I think the last instance that I heard from the Auditor General is that he was very happy with how we adhered to responding to what he had stated.

**Mr. Elsalhy:** Okay. To the same minister, then: will an audit be done for all contracts that are still in effect to ensure that this centre and the ministry are not exposed to the implications and the risk stemming from the recommendations not being met?

**Mr. Ouellette:** Mr. Speaker, I think we'll leave that up to the Auditor General at the time. We will adhere to his recommendations, and if he gives us any more, we'll follow them.

**The Speaker:** Hon. members, thank you very much. Today we were able to get 17 different members into the question period. From time to time there were some interjections from hon. members saying "time." Well, just let me go through this as an elucidation, particularly for those members who said "time."

The first set of questions, initiated by the Leader of the Official Opposition, 3.5 minutes; the second set, 2.5 minutes; the third set, 2.5 minutes; the fourth set, initiated by the leader of the ND opposition, four-plus minutes; question set number 5, the hon. Member for Lacombe-Ponoka, two minutes; question 6, 3.5; question 7, 1.5 minutes; question 8, Calgary-Mountain View, 3.5; question 9, four minutes; question 10, Calgary-Currie, was three minutes; question 11, the hon. Member for Edmonton-Beverly-Clareview, 4.5 minutes; question 12, Calgary-McCall, 2.5 minutes. There seemed to be a lot of interjections at that one, yet it was 2.5 minutes in all. Question 13, Edmonton-Centre, two minutes; Wetaskiwin-Camrose not quite four minutes; question 15, Edmonton-Decore, three minutes; question 16, Calgary-Montrose, 3.5 minutes; and Edmonton-McClung, well, it was about three minutes maximum in all.

So actually there was pretty good brevity. But it just seems that the correlation between the interjections for time is disproportionate to the amount of time used in the question period. This is a strange revelation.

Now, the hon. Member for Edmonton-Manning, would you like to clarify something for all your colleagues in the House?

2:30

**Mr. Backs:** I'd like to apologize, Mr. Speaker, for distributing a letter during the order. I wasn't aware that that shouldn't happen during Routine.

**The Speaker:** Hon. members, just in a few seconds from now we'll call on, first of all, five introductions, and then we'll deal with Members' Statements.

Hon. members, might we revert briefly to Introduction of Guests?

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

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

**Mr. Hinman:** Thank you, Mr. Speaker. I'm very pleased today to introduce to you and through you to this Assembly an exceptional group, what I consider some of the finest resources here in Alberta, and that's our students and our teachers. They've come here from Magrath high school. They left early this morning to participate and see what goes on here at the Legislative Assembly. Their goal as the Magrath high school Zeniths is to always strive and reach for the highest point, which is done both by their teachers and the students. Their academic and sports awards over the years, I believe, would be second to none in comparison to other high schools by number. I'd like them to please stand and receive the warm welcome from this Assembly, the students from Magrath high school, including my son Tanner Hinman.

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

**Ms Blakeman:** Thank you very much, Mr. Speaker. Earlier I tried to introduce my group, and I'm pretty sure they're now here in the public gallery. So once again I'd like to introduce to you and through you to all members of the Assembly a very eager and interested social studies 10 class from NorQuest College. There are 11 students here today, and they're accompanied by their instructor Michelle Tracy. I will be going back out to talk to this group tomorrow, so I'm sure that they're looking forward to the discussion then and that they've enjoyed question period and will enjoy the few minutes more they have to stay in the Assembly. I'd ask them now to please rise and accept the warm welcome of the Assembly.

**The Speaker:** The hon. Minister of Infrastructure and Transportation, did you actually tell the whole world your wife's age today?

**Dr. Oberg:** No, I didn't, Mr. Speaker. I did invoke legislative immunity, but I did not say her age. Legislative immunity will only go so far.

Mr. Speaker, every once in awhile there's someone who moves to Alberta who's really going to make a true difference in our lives here. The introduction that I have to make today is one of these individuals. About a year ago we had the absolute pleasure of having Mr. Lance Carlson, the president of the Alberta College of Art and Design, move here, and he is now in the members' gallery. I would ask him to rise to receive the warm welcome of the Legislative Assembly.

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

**Mr. Horner:** Well, thank you, Mr. Speaker. While question period was ongoing, I noticed some gentlemen come into the members' gallery who I'd like to introduce. They are representatives of the Canadian Wheat Board, led by their chairman, Mr. Ritter. I would ask that they rise and receive the traditional warm welcome of this House.

head:

## Members' Statements

### U of A Sports Achievements

**Dr. Taft:** Mr. Speaker, it's my pleasure to recognize the great achievements in sport accomplished this year at the University of Alberta. There were countless examples of athletic success, but I'd like to point out a few in particular. The University of Alberta Golden Bears basketball team led by coach Don Horwood completed their season with an impressive record. They were tough to beat at the 2005 Canada West Championships, capturing the title with a convincing 72-54 victory over the University of Victoria.

The Pandas women's hockey team also had an incredible season with a record 28 wins and only one loss, sadly in the final championship game. For years they have been the number one women's hockey team in the Canadian Interuniversity Sport league.

The top-ranked Golden Bears volleyball team captured their fourth CIS title in March of this year with a 3-2 win over the Trinity Western Spartans. This was the closest national final in recent history.

Finally, on March 28 the number one seeded Golden Bears hockey team took the 2005 CIS Telus University Cup in Edmonton. In a nail-biter the team came from behind to overcome a two-goal third-period deficit to defeat the Saskatchewan Huskies. This ended a stellar year for the Bears hockey team. Led by coach Rob Daum, the team creamed the competition with 38 wins and only five losses.

Mr. Speaker, it's my honour today to rise and congratulate the many athletes, coaches, and support staff at the University of Alberta. I'm proud to say that my constituency of Edmonton-Riverview is home to these great teams. Their dedication to sport and athleticism truly makes Edmonton the city of champions. Congratulations again to the University of Alberta for achieving such success in sports.

Thank you.

### Sue Moleski

**Mrs. Tarchuk:** Mr. Speaker, it is my pleasure to rise today in the Legislature and recognize a very outstanding individual who has touched the lives of hundreds of young Albertans. Sue Moleski, a teacher with Banff elementary school in the town of Banff, was named one of the best teachers in Canada when she recently received a Prime Minister's award for teaching excellence. This award honours achievements of exceptional educators who instill in their students the love of learning. Sue was chosen from among 236 nominees for her leadership, innovative teaching styles, and her impressive dedication to youth.

As a parent who was fortunate to have children in her classroom several years ago, I have seen first-hand Sue's commitment to the education of her students and her positive influence on their learning environment. Very simply, she loves kids, and she loves teaching.

Teachers have an incredible impact on the lives of children they instruct. They can shape minds, stretch imaginations, and challenge their thinking. We can all think of a specific teacher, a special mentor who had a dramatic impact on our own lives and is partly responsible for who we are today. For many students of Sue Moleski she will be that teacher. She knows how to inspire students as they embrace math, music, and the fine arts while also encouraging an appreciation and understanding of the cultural and ecological richness of their surroundings. Like all great teachers, Sue has that ability to bring out the best in her students and get them to believe in themselves and their own abilities. Much of a teacher's success is measured by the number of young lives they touch. In winning this award, it is evident that Sue has touched many, and we are fortunate to have her in a classroom in our province.

Please join me in congratulating one of Alberta's and Canada's exceptional educators, Sue Moleski.

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

#### 2:40                      **Teen Drug Addiction**

**Mrs. Jablonski:** Thank you. Mr. Speaker, there are two ways to fight the growing drug problems that exist in our society. One is through education and prevention, and another way is through drug treatment. Drug abuse is a growing problem and is worse than what we experienced in the '80s. Two facts to prove this point: in 1992 6.5 kilograms were confiscated going across the Mexican/U.S. border; in 2001 1,360 kilograms of methamphetamine were confiscated. That's 6.5 and 10 years later 1,360 kilograms. This is a growing problem.

In a truck wash that my family runs, we were told about the problem of getting young men to drive trucks or just to get truck drivers. In one company 27 men applied for the job and went through a drug test. Of the 27 none passed the drug test. Only the 28th applicant was suitable for driving trucks.

Teens from a decade ago knew more about drugs than teens today, who think they are smarter than the drugs and that they can control them. We must increase the antidrug messages to our youth that include visual shock treatment. We must increase our drug abuse prevention efforts. And for those youth whose bodies and souls are already trapped by drug addiction, we need to give authority to caring parents to be able to step in and help their drug-addicted children when they see that their child who is abusing drugs is creating significant physical, psychological, or social harm to themselves.

Mr. Speaker, a parent has written to me pleading for help. You probably heard about the recent youth in Vancouver that killed a 32-year-old victim by swerving out of control behind the wheel of a stolen SUV. His desperate father was on TV last night begging the judge to help him with a stiff sentence so that his son might get professional help with his five-year-long heroin and crack cocaine addiction. The youth also expressed his remorse and apologized to the victim's family, saying that he didn't mean to kill that person but he has a \$200 a day drug problem.

Mr. Speaker, the whole purpose of society is to allow each individual an opportunity to have a healthy and happy life. We need to address the problem of drug addiction through prevention, education, and necessary drug treatment. This is our responsibility and our duty towards our children.

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

#### **National Child Care Strategy**

**Dr. Pannu:** Thank you, Mr. Speaker. Investment in quality child care and development is a smart investment, especially at the beginning of the 21st century. However, Alberta's child care system, particularly in the for-profit sector, is among the worst in Canada. Alberta has the lowest number of regulated spaces in Canada, and waiting lists for nonprofit child care programs grow longer by the day. Child care workers earn less than \$10 an hour after two years of postsecondary education. Special needs care and services for aboriginal people and rural communities are lacking.

These problems stem from Alberta's policy to leave child care to commercial operators. Early education development services availability must not be contingent on one's ability to purchase the services. Rather, it must be viewed as a public good and available to all those families who choose to take advantage of it.

A national child care strategy would go a long way toward better nonprofit quality child care in Alberta families. But this government chose to walk away from a national program because they do not want to be accountable for how the funds are spent and want to funnel the money to for-profit child care operators. The care and development of young children, Mr. Speaker, is too important to leave to the marketplace.

One argument this government has used against a national child care initiative is that it would penalize parents who want to stay at home. However, a national child care strategy does not mean that Alberta cannot develop its own policy for supporting parents who stay at home. We could support stay-at-home parents with community playgrounds, nursery schools, and other such services. But the fact is that 70 per cent of families with children under five have both parents in the workplace. These families need and deserve a quality and affordable child care system.

Thank you, Mr. Speaker.

#### head:                      **Presenting Petitions**

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

**Mr. Backs:** Thank you, Mr. Speaker. I have a petition from a number of good Albertans from the communities of Lamont, Tofield, Stony Plain, Sherwood Park, Spruce Grove, and other communities which reads:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to prohibit the importation of temporary foreign workers to work on the construction and/or maintenance of oil sands facilities and/or pipelines until the following groups have been assessed and/or trained: Unemployed Albertans and Canadians; Aboriginals; unemployed youth under 25; under-employed landed immigrants; and displaced farmers.

There are 100 in total.

Thank you.

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

**Mr. Bonko:** Thank you, Mr. Speaker. I'd like to table a petition of approximately 101 residents that says that "We the undersigned residents of Alberta" urge the Assembly to "prohibit the importation of temporary foreign workers to work on the construction and/or maintenance of oil sands facilities and/or pipelines until the following" Canadians are considered: "Unemployed Albertans and Canadians; Aboriginals; unemployed youth under 25; under-employed landed immigrants; and displaced farmers."

**The Speaker:** The hon. Member for Edmonton-McClung.

**Mr. Elsalhy:** Thank you, Mr. Speaker. Today I rise to submit a petition that I received from 105 concerned Albertans. The petition reads as follows:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to prohibit the importation of temporary foreign workers to work on the construction and/or maintenance of oil sands facilities and/or pipelines until the following groups have been assessed and/or trained: Unemployed Albertans and Canadians; Aboriginals; unemployed youths under 25; under-employed landed immigrants; and displaced farmers.

Thank you.

#### head:                      **Notices of Motions**

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

**Mr. Stevens:** Thank you very much, Mr. Speaker. I rise pursuant to Standing Order 34(2)(a) to give notice that on Monday I will move that written questions appearing on the Order Paper do stand and retain their places with the exception of written questions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11.

I'm also giving notice that on Monday I will move that motions for returns appearing on the Order Paper do stand and retain their places with the exception of motions for returns 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18.

head: **Introduction of Bills**

**The Speaker:** The hon. Member for Calgary-Montrose.

#### **Bill 205**

##### **Fair Trading (Telemarketing) Amendment Act, 2005**

**Mr. Pham:** Thank you, Mr. Speaker. I request leave to introduce a bill being the Fair Trading (Telemarketing) Amendment Act, 2005.

The goal of this bill is to provide Albertans with some relief from telemarketing, especially during their family dinnertime, by limiting the hours that telemarketers can call.

[Motion carried; Bill 205 read a first time]

**The Speaker:** The hon. Member for Wetaskiwin-Camrose.

#### **Bill Pr. 2**

##### **Camrose Lutheran College Corporation Act**

**Mr. Johnson:** Thank you, Mr. Speaker. I request leave to introduce a bill being the Camrose Lutheran College Corporation Act.

The bill addresses some necessary changes that result from the merger of Augustana University College, formerly Camrose Lutheran College, with the University of Alberta.

[Motion carried; Bill Pr. 2 read a first time]

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

#### **Bill Pr. 3**

##### **Medicine Hat Community Foundation Amendment Act, 2005**

**Mr. Mitzel:** Thank you, Mr. Speaker. I request leave to introduce a bill being the Medicine Hat Community Foundation Amendment Act, 2005.

[Motion carried; Bill Pr. 3 read a first time]

**The Speaker:** The hon. Member for Peace River.

#### **Bill Pr. 4**

##### **Brooklynn Hannah George Rewega Right of Civil Action Act**

**Mr. Oberle:** Thank you, Mr. Speaker. I request leave to introduce a bill being the Brooklynn Hannah George Rewega Right of Civil Action Act.

Mr. Speaker, a family in need has turned to us for help. I look forward to the debate, the careful consideration, and hopefully the support as this bill moves through the approval process.

[Motion carried; Bill Pr. 4 read a first time]

head: **Tabling Returns and Reports**

**The Speaker:** The hon. Deputy Premier.

**Mrs. McClellan:** Thank you, Mr. Speaker. I'm pleased to table today the annual report for the year ended December 31, 2004, for the Credit Union Deposit Guarantee Corporation.

Further, Mr. Speaker, I am tabling responses to questions raised during supplementary estimates on March 16, 2005. The responses have been provided to the appropriate members.

2:50

**The Speaker:** The hon. Minister of Economic Development.

**Mr. Dunford:** I have two tablings today. First, I'd like to table the required number of copies of the 2003-2004 Alberta Economic Development Authority activity report.

The second tabling is the 2003-2004 International Offices annual report.

Thank you.

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

**Mr. Chase:** Thank you, Mr. Speaker. Today I wish to table two letters from Calgary-Varsity constituent Dr. Irene Kyle that were sent to the provincial Minister of Children's Services and the federal Minister of Social Development in which Dr. Kyle expresses concerns about the Alberta government's lack of support for the national child care system as many of Alberta's daycares are underfunded and of poor quality.

Similarly, constituent Allison Wagner has called upon the government to re-evaluate their position and direct more funding to child care in this province.

Thank you.

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. I would like to table for the information of the Legislative Assembly a letter that I wrote on April 4, 2005, to the hon. Minister of Infrastructure and Transportation. It is asking the question: "When did the Edmonton Public School Board apply for capital funds to purchase and set up portables at Kenilworth Jr. High?"

Thank you.

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

**Mr. Backs:** Thank you, Mr. Speaker. I'd like to table five copies of the labour force survey from Stats Canada for the months of January 2004 to February 2005 showing extensive employment in the construction industry in Canada over that period of time; also, five copies of five letters from central Alberta communities from concerned Albertans protesting the use of temporary foreign workers in the oil sands.

Thank you.

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

**Dr. Pannu:** Thank you, Mr. Speaker. I would like to table the following document on behalf of the hon. Member for Edmonton-Highlands-Norwood. The document is the appropriate number of copies of the prebudget document prepared by the Parkland Institute. The report lays out a framework for building a socially sustainable and equitable economy.

I'd like to table copies of a letter dated April 22, 2003, from G.G. Scott Sutton, who at the time was the Ombudsman of Alberta. In the letter Mr. Sutton cites several incidences of administrative unfairness

in Alberta Community Development and raises concerns that “the Department believes it is exempt from the rules of natural justice.”

Thank you, Mr. Speaker.

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

**Dr. Swann:** Thank you, Mr. Speaker. Today I'd like to table the appropriate number of copies of an article from the *Observer-Dispatch* in the state of New York outlining the story of a white-tailed deer recently diagnosed with chronic wasting disease that was served and consumed at the Verona fire department at its annual sportsmen's feast on March 13.

Thank you.

head:

### Tablings to the Clerk

**The Clerk:** I wish to advise the House that the following documents were deposited with the office of the Clerk. On behalf of the hon. Mr. Hancock, Minister of Advanced Education, public postsecondary institutions' audited financial statements, public colleges and technical institutes for the year ended June 30, 2003, and universities and Banff Centre for Continuing Education for the year ended March 31, 2004; pursuant to the Apprenticeship and Industry Training Act the Apprenticeship and Industry Training Board 2003-2004 annual report. On behalf of the hon. Mr. Horner, Minister of Agriculture, Food and Rural Development, pursuant to the Farm Implement Act the Farm Implement Board 2004 annual report.

head:

### Projected Government Business

**The Speaker:** The hon. Official Opposition House Leader.

**Ms Blakeman:** Thank you, Mr. Speaker. Under the appropriate standing order I'm requesting that the government share with us the projected government business for the week of April 11 to 14.

Thank you.

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

**Mr. Stevens:** Thank you, Mr. Speaker. It's my pleasure to provide an outline of the projected government business for the week of April 11, 2005. On Monday, April 11, in the afternoon there will be private members' business: Written Questions, Motions for Returns, and Public Bills and Orders Other than Government Bills and Orders. From 8 to 9 o'clock that evening there would be private members' motions. At 9 p.m. second reading will continue on Bill 16, Bill 23, Bill 24, Bill 36, Bill 15, Bill 38, and Committee of the Whole on Bill 8 and Bill 12.

On Tuesday, April 12, in the afternoon there will be second reading on Bill 23, Bill 24, Bill 36, Bill 15, Bill 38, and Committee of the Whole on Bill 22, Bill 8, Bill 12, and Bill 15. On the evening of Tuesday, April 12, commencing at 8 p.m., there will be Committee of the Whole on Bill 1, Bill 5, Bill 23, Bill 8, Bill 15, Bill 25, and Bill 24.

On Wednesday, April 13, following question period there will be a recess till about 3 p.m., when the Budget Address will proceed. On the evening of Wednesday, April 13, at 8 p.m. there will be under Government Motions the main estimates supply motions and day 1 of 24 of Committee of Supply, commencing with Restructuring and Government Efficiency.

On Thursday, April 14, in the afternoon there will be Committee of Supply with the opposition leaders' response to the budget.

**The Speaker:** Thank you. Just to the House leaders, if you project

this time frame today and in the outline of the agenda next Wednesday afternoon say that there would be a recess to 3 p.m., we still have two orders of business to conclude this afternoon. I think we'll be beyond 3 p.m. You might just consider how this will work in this possibility next Wednesday afternoon.

First point of order, the hon. Deputy Government House Leader.

### Point of Order

#### Parliamentary Language

**Mr. Stevens:** Thank you, Mr. Speaker. The point of order is under Standing Order 23(h), (i), and (j), and *Beauchesne* paragraph 484(3) and relates to the first question posed by the Member for Edmonton-Beverly-Clareview, wherein he used the words “misled the public” in relation to a description surrounding the P3 relating to the Anthony Henday project. *Beauchesne* at the citation given says that members are not to “impute to any Member or Members unworthy motives for their actions in a particular case.” This particular matter clearly falls into that category, and on behalf of the government I wish to say that the imputation is wholly untrue.

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

**Mr. Martin:** Thank you, Mr. Speaker. It looks like we'll have two points of order that will be somewhat similar.

Mr. Speaker, it was my understanding in looking through 23, if I follow what the hon. minister is saying, and my understanding in looking at the unparliamentary language that the Speaker was kind enough to hand out to us, that misleading the public was not ruled unparliamentary. That seems to be the words that we have. I thought misleading the public – I could have said it in different ways, but we believe that this is what happened.

I'll just quote why I said this, Mr. Speaker. In a question-and-answer background, and this was at the time given exclusively to government MLAs, this is what it says. The question-and-answer document states that the cost of building the southeast ring road conventionally is between \$452 million and \$497 million compared to the \$493 million P3 cost. By contrast, another document given to the public and the media on January 25 said that the cost of building the southeast ring road conveniently is up to \$497 million. Now, it seems to me that that's misleading the public, and it's there in black and white.

Thank you, Mr. Speaker.

3:00

**The Speaker:** Are there additional comments on this point of order?

Now, hon. leader of the third party, you rose on a point of order, too, which is almost identical. I can deal with these both at the same time or deal with them separately.

**Mr. Mason:** Well, Mr. Speaker, it was the same term. The difference being in respect to the use by the hon. Member for Edmonton-Beverly-Clareview, it was misleading the public, which is clearly not unparliamentary, and in the case of the Minister of Infrastructure and Transportation it was misleading the Assembly, which we believe was unparliamentary.

**Mr. Stevens:** On that point of order, Mr. Speaker, on behalf of the Minister of Infrastructure and Transportation I would like to withdraw his comments made that are the subject of this.

**The Speaker:** Additional comments?

Hon. members, this is the first opportunity that we've had this session to have to deal with these words misled, mislead, misleading,

or what have you, and unfortunately – and unfortunately – it depends on the context pretty much. *Beauchesne* 489 says that it is unparliamentary to use words like mislead. The very next section, *Beauchesne* 490, says that it has been ruled parliamentary to use the words misled, misleading at various times. I provided all members of this Assembly a large document of all the words and all the rulings since 1905 that have applied in this House with respect to this matter.

Then we have our own Standing Orders and our Standing Order 23, which has already been quoted today:

- (h) makes allegations against another member;
- (i) imputes false or unavowed motives to another member.

Those two both specifically have “another member.” So we go back to the context in which it was used, how it was used in order to arrive at our conclusion in dealing with this today.

The hon. Member for Edmonton-Beverly-Clareview said the following, which led to the interjection from the hon. Deputy Government House Leader:

The third P3, the southeast Edmonton ring road, is only going ahead because the government misled the public when it said that it would be slightly cheaper to build a P3 when, in fact, it’s going to cost tens of millions more.

At that point that led to the interjection.

Well, if we want to then refer to *House of Commons Procedure and Practice*, Marleau and Monpetit, and if you want to refer to page 526:

Although an expression may be found to be acceptable, the Speaker has cautioned that any language which leads to disorder in the House should not be used. Expressions which are considered unparliamentary when applied to an individual Member have not always been considered so when applied “in a generic sense” or to a party.

In the case of this first interjection the statement used by the hon. Member for Edmonton-Beverly-Clareview was, “The government misled.” There’s nothing in the quotation that I can see that says that it’s applied to an individual member. So from that wide-ranging interpretation, we would not view this as a point of order.

On the second point, then, utilization of the words by the hon. Minister of Infrastructure and Transportation, my understanding is that they have been withdrawn, and that would be the appropriate conclusion because those words, in fact, were addressed to an hon. member.

So there would have been a one-for-two or a one-for-one saw-off with respect to this, but the key thing is the utilization of the language in the context. I just really encourage all members to even try and avoid using words like that because that means we just would have saved eight minutes of time by not having used them.

### Orders of the Day

#### Government Motions

head:

#### Amendments to Standing Orders

17. Mr. Stevens moved on behalf of Mr. Hancock:
 

Be it resolved that the Standing Orders of the Legislative Assembly of Alberta be amended as follows:

  1. Standing Order 7 is amended
    - (a) in suborder (1)
      - (i) by striking out “Recognitions (Monday and Wednesday)”;
      - (ii) by striking out “(Tuesday and Thursday)” after “Members’ Statements”;
    - (b) in suborder (4)
      - (i) by striking out “on Tuesdays and Thursdays”;
      - (ii) by striking out “four” and substituting “six”;

- (c) by adding the following after suborder (4):
  - (4.1) Members’ Statements shall be allocated in proportion to the number of members other than members of the Executive Council in each party represented in the Assembly or as agreed to by House Leaders or, failing agreement, as determined by the Speaker.
  - (d) by striking out suborder (6).
2. Standing Order 8 is amended
  - (a) by striking out suborder (2) and substituting the following:
    - (2) On Monday evening, from 8 p.m. until the vote is called pursuant to suborder (4), the order of business for consideration of the Assembly shall be as follows:
      - Motions other than Government Motions
    - (b) in suborder (3) by striking out “on Monday evening commencing at 9 p.m.” and substituting “on Monday evening after the vote is called under suborder (4).”;
    - (c) in suborder (4) by striking out “shall retain its place on the Order Paper” and substituting “shall be considered”.
    - (d) by adding the following after suborder (4.1):
      - (4.2) Only one motion other than Government motion shall be considered on Monday evening.
  3. The amendments to the Standing Orders in this motion shall take effect on Monday, April 11, 2005.

**The Speaker:** The hon. Official Opposition House Leader. This is a debatable motion, hon. members.

**Ms Blakeman:** Yes, it is debatable.

**The Speaker:** Proceed.

**Ms Blakeman:** Thank you. I am rising in support of the government motion. This, in fact, was agreed upon between the three House leaders: the Government House Leader, the Official Opposition House Leader, and the House leader from the third party. I think that what is proposed in the standing order will be of benefit to all members.

Very briefly, what we are coming to is an amalgamation of what we knew as Recognitions, which appeared in one-minute form on Mondays and Wednesdays, and Members’ Statements, which appeared as two minutes on Tuesdays and Thursdays. There seemed to be some confusion over that, so we have negotiated and agreed between us that we would make them all private members’ statements, with the understanding of private members’ statements and the importance of preserving a member’s ability to speak on any topic they felt they needed to express within the boundaries of decorum. We have some Speaker’s rulings and precedents to rely upon if we wish to check exactly what that means. So we will end up having – I can’t remember how many each week – six a day. That’s all been divided out, and there’s a chart that’s accompanying the standing order that lays that all out.

Secondly, to help us to better organize the Monday evenings, when we have private members’ motions debated between 8 o’clock and 9 o’clock and we ended up with a situation where we could have two motions or even three up, we’ve decided to do one motion each night, and if we finish early, the agreement here is that we would go on to the government business, which usually follows at 9.

There were a number of other issues, Mr. Speaker, that we as House leaders were not able to get to. I want to be clear that that is not because in any way did we regard or certainly I did not regard the issues as being any less important than the ones that we are

looking at in this standing order change, but simply times being what they were and particularly the availability of certain members, we just couldn't meet often enough to negotiate all of the things that our members had requested us to negotiate.

In particular, I've been requested by one of my members, the Member for Edmonton-Gold Bar, to underline that he had submitted and, in fact, has tabled in this House on a previous occasion his proposals for changing the Public Accounts Committee, which appears as Standing Order 50. I would refer all members that are interested in pursuing this – and, indeed, it is very much worth pursuing – that he has tabled that as a sessional paper, and it would be available through the usual channels.

There have been many discussions over the years about Standing Order 50, which sets out the parameters for the Public Accounts Committee. I want to reassure the Member for Edmonton-Gold Bar and, indeed, all members of the Public Accounts Committee that the House leaders' inability to have the time to meet on this is not a reflection on the importance of the committee. Certainly, it is on our list to return to it and to negotiate and carefully consider that.

There were a number of things we were looking at. Starting and end times – off the top of my head, I'm sorry, I can't remember all the other things that are on our shopping list still to be returned to and discussed, but just to reassure all members, there is every intention that we do get to that. More difficult for us to do while we're in session, obviously, but perhaps once the spring sitting has risen, we may have a bit more time to arrange the schedules of the three House leaders to meet.

3:10

Some of the things that were being proposed by the Member for Edmonton-Gold Bar were around the ability to meet outside of session, the ability to call witnesses before the committee, the ability to charge the Auditor General to make special investigations and for him to call witnesses, the ability to report directly to the House and to comment on various reports that have come through the Legislative Assembly, and that the committee cannot currently entertain questions relating to the public policies or programs of the government but simply to the numbers that appear in the annual reports. There's also a suggestion that the committee have a budget for research or investigative staff.

So those are some of the issues that have been put before us by that member and, indeed, my reassurance that the report is still in front of us. In the meantime, I urge all members to support Government Motion 17, in which the content is dealing with the harmonization of recognitions and private members' statements and moving to one motion being debated each Monday evening.

Thank you for the opportunity to speak in support of Government Motion 17, and I look forward to its swift passage.

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

**Mr. Martin:** Yes. Thank you, Mr. Speaker. There are times in politics – people don't believe this – when we sometimes can agree on some minor things, and hopefully it adds to the House and makes the House sometimes, I suppose, more efficient, although that shouldn't be the prime requisite. Also, we should work sometimes to make it more democratic. So, certainly, all of us as House leaders got together on one day and did this. I would suggest that it would have been helpful if the House leaders could have had more meetings ahead of this session to look at other aspects of what's going on.

The hon. Official Opposition House Leader alluded to Public Accounts, Mr. Speaker. Certainly, we would agree that Public

Accounts should be changed. I look at the House of Commons and I see the good work that has been done by that Public Accounts outside of the House with all members of all political parties participating in it, and I think that we could learn something from that, where the Public Accounts becomes not as toothless as it is now and when even government members and opposition members can bring issues forward, as they do in the House of Commons. As we know, Mr. Williams, the chairman of Public Accounts, today was issuing a report that flowed from there to do with the particular scandal that's going on. I think we need to do more of that sort of thing, where all members, not just the opposition but all members, can participate in a much more direct way in democracy.

I think we should be looking, Mr. Speaker, down the way if we can get these sorts of agreements on other things, perhaps how we handle question period, perhaps how we do other things in this House, with the goal to be efficient where it makes sense. Right? So we're not just talking that there is some efficiency there but also where it can be more democratic and more democratic for individual members. We believe somewhat that sometimes there is a democratic deficit here for ordinary members. Hopefully, as the Legislature becomes a little more balanced, we can begin to look at some ways that we can add to the power, if you like, of ordinary members.

Thank you, Mr. Speaker.

[Government Motion 17 carried]

**The Speaker:** Now, the three House leaders, just one little bit of clarification – okay? – now that this was done. On Motion 17 that you have on the Order Paper, under item 1(c) can you just sort of verify for me if there is agreement with respect to the allocation of these members, that the three of you have agreed to the allocation of who speaks on what day over a great length of period? Can you shake your head “yes” if you've agreed on that? Okay. So there's no reason for myself and others to spend the weekend trying to figure out the apportionment. Okay. Thank you very much. I appreciate that.

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

**Bill 19  
Securities Amendment Act, 2005**

[Adjourned debate March 23: Mr. Knight]

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

**Mr. Knight:** Thank you, Mr. Speaker. I concluded my remarks on second reading when I adjourned. What I'm expecting is some pretty constructive debate on this bill given the importance of the Securities Exchange to all Albertans, and I look forward to that.

Thank you.

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

**Mr. R. Miller:** Thank you, Mr. Speaker. I'm thankful to have the opportunity to open debate on behalf of the Official Opposition on Bill 19, the Securities Amendment Act, 2005.

[The Deputy Speaker in the chair]

Mr. Speaker, in the government's press release they talk about how this particular piece of legislation will harmonize Alberta's securities regulation with other provinces and territories, what is

largely being referred to as a passport system. It will be my representation today that that might be along the lines of some of the comments that were made about the smoking bill the other day when we passed it. In this particular case it might be better to get something rather than nothing at all.

In the research that I've done over the last week or so in regard to the passport system, it appears to me more and more as if really we should have seriously considered the idea of one overarching national commission as opposed to proceeding with the idea of a passport system. I'll speak to that further as we get into the debate this afternoon.

The bill is designed to strengthen various areas in terms of enforcement, and given some of the news, Mr. Speaker, over the last week or so regarding the allegations that have been made at the Alberta Securities Commission as it refers to enforcement and the various reports that we've discussed in this House, certainly I think there is probably a need for some stronger enforcement than what is in the current legislation and perhaps in the current rules and regulations.

It was interesting, Mr. Speaker, that the Minister of Finance did make staff available to myself and my researcher when this bill was first introduced, and I would like to thank her for that again. The minister has always been very helpful in that regard, and we do certainly appreciate it. The staff indicated to us at the time that the feedback that they had been getting in developing the legislation was that there was a need for stronger enforcement. In fact, when we were speaking to various stakeholders, including a number of stockbrokers, some staff at the Alberta Securities Commission, various traders, and individual shareholders who buy and sell stocks in this province, there was continually sort of an allusion to the fact that perhaps we needed stronger regulation.

At the time I didn't pay an awful lot of attention to that when we were first doing our consulting. Then as the allegations and the information came forth that, in fact, these allegations were in place and that the minister had asked for reports, everything just sort of seemed to fall into place in my mind in terms of the fact that we had sort of heard these murmurings about a need for stronger enforcement. At the time I wasn't really sure why or where that was coming from, and now it all sort of seems to make a little more sense to me.

So I'm pleased to see that we have in this piece of legislation moved towards some stronger enforcement, and I think that's a good thing. I will be questioning, as we get into the debate at committee stage, whether or not, in fact, the stronger enforcement allows the Securities Commission to address more areas or if it gives them more jurisdiction, more bite, as it were, in the areas that they do now cover. I think that that comes, again, out of some of the comments that we've heard from the various stakeholders as we were consulting in preparation for debating this bill.

### 3:20

Mr. Speaker, the third point that I'm going to refer to – and I've apologized in the past and I will again for sounding somewhat like a broken record although I think it speaks to a pattern that we see with this government – is the whole issue of continually moving more and more items out of legislation and into regulation. When we met, in fact, with the minister's staff, they were quite open that this is something that the Securities Commission has been asking for.

I spoke to some people at the Ontario Securities Commission, and an interesting comment came out of that conversation. They indicated that they had absolutely no difficulty leaving in legislation items such as we're moving here into regulation or rules. They had no difficulty leaving those things in legislation in Ontario.

The reason that she gave was quite interesting, Mr. Speaker. She

indicated that in Ontario the Legislature sits far more days than it does in Alberta, and as a result they have not a lot of difficulty in having changes made to legislation when something arises that would be mandating a change. She suggested that perhaps the reason the Alberta commission might be looking to have more items moved into rules and regulations may have something to do with the fact that we don't necessarily sit as many days in this Assembly as the corresponding Legislature does in Ontario.

I found that quite interesting because I've indicated several times that certainly I would like to see us sit more days and longer and deal with as much legislation as possible in the interests of democracy and transparency and accountability as it relates to government. So that was an interesting revelation to me, Mr. Speaker.

Now, if I could just go back to the issue of the passport as opposed to one overriding commission, Mr. Speaker. I know that it's Ontario that was pushing for one single commission, but at this point only a very few provinces have actually signed on to the passport although all of the others, I understand, have signed a memorandum of understanding that they will be proceeding with that. I'm concerned that it doesn't really address the issues that arose when the federal government's Wise Persons' Committee first recommended an overriding commission. In fact, there seems to be an awful lot of support for a commission right here in Alberta from some rather influential people.

So that makes me wonder if perhaps this isn't another example of this government – I'm not going to say picking a fight because I don't think that's quite appropriate. But certainly there's a history over the last 12 years or so, Mr. Speaker, of this government pulling the Ottawa versus Alberta card out of their hat. In fact, the previous Finance minister correlated the idea of a national securities commission to the national energy program and tried to suggest that, in fact, the two were similar in terms of the impact they would have on Alberta. I don't think that was fair at all given the fact that right now Alberta is second to Ontario in terms of the amount of trading that is done in our commission. So I think we have an awful lot of influence in Alberta over what happens nationally.

I'm going to quote from some of the concerns that were raised by people, including some of the ones that I mentioned are Albertans, and I think we should be heeding some of their advice. David Dodge, the governor of the Bank of Canada, has indicated that Canada's international reputation may in fact be at stake in international financial markets, making it difficult for us to attract foreign companies investing here because of the fact that there is at times the belief out there that maybe differing sets of rules across the provinces make for loopholes. Certainly, the idea of the passport is to address that, and I appreciate that.

Now, the Investment Dealers Association, again a rather respected group of people, argued as well in favour of a national securities regulator to replace the various 13 provincial and territorial agencies. Again, Mr. Speaker, perhaps the passport plan that is contemplated by this bill will go some ways toward addressing that but not necessarily all the way.

Now, I mentioned some Albertans, and I would just like to refer to quotes from those people. In fact, Mr. Speaker, it was Gwynn Morgan from EnCana who publicly endorsed the proposal from the Wise Persons' Committee. EnCana, as you know, is one of the largest players in the oil and gas industry, particularly natural gas, and generates billions of dollars of business in this province. I would say that when Gwynn Morgan suggests that we should have looked more closely at a national commission, we perhaps should have been paying some very careful attention to what Mr. Morgan had to say.

Mr. Speaker, Scotia Capital is one of the largest investment banks



in Canada. David Wilson says that he thinks we should carefully “consider the need to meet global best practices, investor protection and economic efficiency.” He says that “the case for a single regulator has never been stronger.” Scotiabank, he says, “see the passport model as a substitute for a single regulator,” and in fact he thinks that the provinces “are settling for second-best.” Now, this government time and again talks about doing what is best for Albertans. If we have Scotiabank, one of the very largest investment banks in the country, suggesting that Albertans are settling for second best, that causes me concern, Mr. Speaker, and when we get to committee, I certainly will be asking the Finance minister what her thoughts are on that.

There’s another one here, Mr. Speaker, that I want to refer to. It actually comes from Barbara Stymiest, the chief executor officer of the TSX at the time. This is a year ago now. She’s saying that they have long wanted a single regulator to reduce concern about investing in Canadian markets. She says that “a regulatory system whose rules, regulations and actions are shaped by the needs of all Canadians – because it is accountable to all Canadians – is absolutely vital to shaping an economic future in which all can share equally.”

Now, Mr. Speaker, in this age where free trade is a bigger issue all the time, where the world is literally becoming smaller all the time through technology, where people in Alberta invest not just in Alberta but across the country and indeed across the continent and even around the world, and in fact people from around the world certainly are looking to invest in Canada and, thankfully, in Alberta, I believe we should be taking every step possible to ensure investor confidence.

As I said, it’s been in the news a lot lately, and the minister has assured us that in fact we do only have one set of regulatory investigative techniques used in this province. I certainly have to take her word for that. I unfortunately don’t have the opportunity to see the report that she cites to guarantee me that. If I don’t get to see it, of course that means that investors don’t get to see it, and I’m not completely convinced that it has removed suspicions in the minds of investors. I certainly hope that it will, but I’m not convinced at this point that it has.

3:30

There are a number of other really interesting comments made here about political will, Mr. Speaker. In fact, the comment that I am going to refer to comes from the former Minister of Finance. He talks about whether or not one regulatory commission would be the best thing for Albertans and people looking to invest in Alberta. He says that the political will just is not there, and that causes me concern. If, again, it’s been identified that, in fact, a single regulator would be the best thing and political will is the only thing that’s standing in our way, then I think we’re missing the boat by accepting a second-rate system in the passport system. I’m wondering whether or not we shouldn’t in fact be pursuing that single system regardless of political will.

The former minister said, and here’s the exact quote: regardless of whether a single regulator would be good for the country or good for investors, even those from Alberta. This is where he was indicating that Albertans are still sore about the NEP of the 1970s. Now, I’m sorry, but correlating the debate over the way a Securities Commission should be run in the year 2005 really has nothing, if anything, to do with the NEP of the 1970s. Again, if it’s political will that’s getting in the way of what would be best for Albertans and best for investors wishing to put money into Alberta, I think maybe we’re just not working hard enough at that.

Mr. Speaker, I would also like to address a couple of items that

come out of my reading of the bill, and again I know that when we get into committee, I’ll be looking at this a little more closely. A couple of ideas come out of it. In section 6 we talk about allowing the Lieutenant Governor in Council to “designate one of the members of the Commission as the lead independent member.” It doesn’t really refer to just how much power or what powers that lead independent member might have. I’ll be looking forward to hearing the comments from the minister as far as that is concerned in terms of defining just exactly what the role of a lead independent member would be and just how much power that member would have and who they would report to and so forth.

Another one that catches my eye is section 8 in light of the current situation with the ASC. Section 14.1(1) says that

if a member of the Commission resigns or a member’s appointment expires, the Chair may authorize that individual to continue to exercise powers as a member of the Commission in any proceeding over which that member had jurisdiction immediately before the end of that member’s term.

Now, this is opening up all sorts of possibilities in my mind in light of the current situation because, of course, we have a member of the commission who is about to leave early next month, a month today if I remember the date correctly. This clause, if it’s passed, would in fact allow a future chairman to appoint that commission member to carry on in his or her duties until whatever particular jurisdiction that member was working on is completed. It could be years.

In fact, at this point we’re not sure which particular items that member might have been working on. There have been suggestions that that member may have been working on the reports that were forwarded to the minister. In light of the current situation I’m really curious to see how that particular clause might play out, and when we get to committee stage, I will certainly be asking the minister about that one in detail.

Now, I also talked a little bit about the fact that we’re moving more and more legislation into rules, Mr. Speaker. My question will be to the minister, and she can either make note of it at this time and respond later, or when we get to committee stage, perhaps we can debate it. I’d like to know why we can’t harmonize our legislation with other jurisdictions as opposed to moving everything into rules and regulations and then harmonizing rules and regulations with other jurisdictions. If Ontario is comfortable leaving things in their legislation, we could certainly look at the Ontario legislation and harmonize our legislation with Ontario’s legislation as opposed to moving it into rules and regulations.

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

**Mr. Martin:** Thank you, Mr. Speaker. It’s with mixed feelings that we talk about this bill. I believe probably, all other things being considered, it’s a step in the right direction, but I think we have some very serious problems with the Securities Commission generally.

I used to work under the Securities Commission with Investors Group as a financial consultant. I can tell you that even back then – that’s five to 10 years ago – there was a lot of dissatisfaction, a lot of people complaining, getting complaints from clients, others, people within the industry that the Securities Commission was basically a toothless tiger, that the Securities Commission just did not do its job. I’m talking specifically, of course, about enforcement.

This has led us to where we’re at today, Mr. Speaker, in regard to the serious allegations that have come forward from the former enforcement director. Mr. Alford has said that there’s a two-tier

regulatory system. I know that the minister has said that in her study, their internal investigation, that's not the case. But the reality is that there are a lot of people that know something about the Securities Commission – and I'm sure the minister is aware of this – that believe that's not the case. They're still not satisfied. That's why I think, perhaps, of some sort of public inquiry.

What's happening across Canada – and I'll come to that – is that people are seeing the Securities Commission in Alberta as a bit of a joke, and that hurts all of us when that happens. It hurts investors that might want to come from outside the province to do some investing, and it hurts the small investors here in Alberta. Now, whether that's true or not, if that perception is out there, this is a very, very serious matter, Mr. Speaker. Perception is everything in this business, and the reality is that especially when these rumours are floating around for a number of years and then the enforcement director comes public and says this, this just adds to the fire.

The point that I'm making – and we've had a number of phone calls and e-mails over this; I'm sure the minister has too – is that people are concerned, especially the small investors. The bigger ones will get by. They know how to work the system no matter what security system you have. But a small investor – let's say it's a fledgling company that's going on the securities market, wants to get some capital, and some small investors are interested in it. If all of a sudden they don't believe that there's a level playing field, that the rules are being enforced – and, again, that's the perception out there – they're probably not going to invest. That may be an economic stimulus, that small company in some small town or whatever.

3:40

I think that we should take this much more seriously than we have. Sure it's all right for the Securities Commission, you know, to investigate themselves and say, "Well, no, there's nothing to it," but it just begs, just cries out. Then people say: "Well, who is investigating who here? How do we know this is the case? How does the minister know?" As I say, I think that we should take this much more seriously than we have in the past.

Again, the problem with an internal investigation when people are working there: there's that sense of intimidation, Mr. Speaker. If they have a job that's paying pretty well, there are not many brave people that are going to throw that job away and come out if they feel that there's intimidation occurring there. That's just the reality. So if it's some sort of public – and I hate to use the term public inquiry because that's overused – investigation, and the public investigation comes back and it says virtually what the internal report has said, then great. All the small investors are going to say: "Well, I guess it is okay. I can have some confidence in the Securities Commission."

I want to say to the minister that this has not just happened. For 10 years there have been rumours about the Securities Commission in Alberta. You know, we've mentioned the names Bre-X, the Boyle brothers. There's a whole list that have gone through. Part of it is that even when they catch them, they can't get them to the courts. They take off. There are a number of examples of that. So it becomes really toothless there.

For example, Mr. Alford had said at the time – and this is where it becomes dangerous too, not only in the province, but this is going across the country. I'm quoting here from a group that hands out a business magazine in Ontario. It's called *Business Edge: Ontario Business News, With An Edge*. So this is what's going out right now in Ontario. Mr. Alford says, "The people who are the subject of a (securities) arrest warrant pretty much have to stumble into the police." In other words, even if the force was lax, even if we find them guilty, we never get them to court because there's no way to catch up to them.

He goes on and talks about the Boyle brothers. He talks about

Zelitt's absence at a trial in Calgary in March. He didn't show up. He's probably in Czechoslovakia. This is going out across the country about the Alberta Securities Commission, Mr. Speaker, and that's a serious matter.

Regardless of what is happening at the Securities Commission, we have people across the country who believe that the Securities Commission in Alberta is a joke. We have small investors in Alberta starting to believe that. If that's the case, again perception is very important here, and I think the minister would agree. So we have to do something about that perception at the very minimum, Mr. Speaker.

To come to the bill, I think the mover of the bill is correct. When you have 13 different organizations trying to regulate across this country, it becomes very confusing, and it just doesn't make a lot of sense. I believe that there's an attempt in this bill to at least move in the direction of a passport, to simplify it somewhat. Again, that's probably worth doing, but I guess I would say that I'd be for some sort of national securities regulator. I know Alberta has not been for that.

It's not the federal government. They don't want to be there. But surely there could be agreement among provinces. I've had some problems with this, having been here under the Alberta Securities Commission and having clients in B.C. or whatever when I was in that business. It seems to me that it would make a lot of sense if the provinces could get together and work out a national system that works for everybody. I don't know why we would not want to do that.

It's not the federal government. I know we have an aversion here to the federal government being involved in these things, Mr. Speaker, but it does not have to be the federal government. It should be 13 jurisdictions that could get together to set up a national program.

The advantages to this, Mr. Speaker, are sort of four, as I see them. The first one is the obvious one, the complexity. Thirteen authorities each pursuing their own regulatory agenda, you know, is mind-boggling, frankly, with the complexity of the costs, the direct costs of delays and inconvenience when dealing with the regulators, and the cost of accessing the Canadian capital markets is not worth the bother for foreign issuers and gives an incentive to Canadian issuers to expand by accessing the capital markets. So the complexity is a problem, I believe.

Then – I've alluded to it already – inconsistent enforcement. The perception is again, at least, that the enforcement in some jurisdictions is seen as quite diligent, while in others, like Alberta, it is seen to be nonexistent. To the extent that investor protection depends on enforcement, investor protection is inconsistent across the country. Again, another reason, I believe, for a national regulatory debate.

The other thing – it's part of the complexity – is when you have 13 different authorities. We're changing our policies here; maybe in the Legislature in Manitoba they're changing theirs. They may be complementary; they may not. We have no control over it. So, again, how does an investor keep up with this? Which regulations are you're working under, Mr. Speaker? As I said, it becomes very complex.

The other, of course, is infrastructure costs. To have 13 different organizations costs all of us more money than it would if we had one regulatory board.

Now, in saying that, Mr. Speaker, I recognize that there's an attempt here with the passport system to deal with some of these problems, but I think it would be simpler and easier not to worry about the passport system but to have 13 people sit down and have one regulatory system. I think that it begs out. Then we would not have to worry, as we are, about Alberta's Securities Commission

being seen as sort of the weak link and a joke among the rest of Canada and getting articles like I talked about right across Canada. We know it's happened in the *National Post*. All of these things have a very negative impact, and one of the ways then, I think the best way, would be to go to a national securities regulator with all the provinces involved.

Thank you, Mr. Speaker.

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

**Mr. Bonko:** Thanks, Mr. Speaker. If I've got this right, Bill 19 is trying to make amendments to the Securities Act. The province is increasing the Alberta Securities Commission's enforcement for the legislation for a number of reasons. The province had been proposing that passport securities systems allow companies to apply for approval in just one province. Instead, the passport system allows market participants to enter multiple points at a single point as well, and the passport system for businesses approved by one province would be approved by several provinces then.

In the wake of the numerous corporate scandals that we've seen in the country not just this year, many years before, this bill attempts to increase the enforcement of the Alberta Securities Commission. While it strengthens on one end, it does nothing to encourage actual enforcement. This bill actually doesn't have much teeth, and I would have a problem supporting it.

The legislation removes public debate for changes involving the Securities Commission. In moving the procedures behind closed doors, there's even less public transparency and accountability for that.

When we go to page 7, the record keeping, here's part of the problem as well. "This section applies to every recognized exchange, recognized self-regulatory organization, recognized clearing agency, recognized quotation and trade reporting system," but it talks about the company with regard to maintaining and keeping orderly books. A lot of that can be the stem of the problem, as we've seen in a lot of cases. "The books and records that are necessary to record properly its business transactions and financial affairs and the transactions that it executes on behalf of others." I think that, again, if this has no ability to go in and take apart the books of a third party, then what's the point of this particular piece? Like I said, it doesn't do much to enforce the bill there. So I would have a problem, Mr. Speaker, in fact supporting this because it's far removed from where it was actually meant to be.

Thank you.

3:50

**The Deputy Speaker:** Hon. members, Standing Order 29(2)(a) is available for questions, comments, if any. No one else wishes to speak?

Seeing none, does the hon. Member for Grande Prairie-Smoky wish to close?

**Mr. Knight:** Thank you, Mr. Speaker. Well, I think that we have had an indication here this afternoon of how important this piece of legislation is for Albertans. I do think that perhaps it might be prudent for me to again just outline in a very broad way what it is that we're attempting to do here.

What the Securities Amendment Act, 2005, does, Mr. Speaker, under three rather broad and key themes is facilitate the establishment of an innovative single-access passport system. There has been some mention that this particular passport system is not across Canada, and that is true. There are a couple of provinces that will be taking it to their cabinets shortly, and we expect that they will be

involved, although the province of Ontario certainly is not at this point in time.

The second thing that's, I think, important here that has been a timely topic is enhanced enforcement and compliance powers that strengthen investor protection. Certainly, I don't believe that any of us would argue that those particular points with respect to the bill here before us are not a good thing.

The other thing that this will do, of course, is harmonize the provisions of the Alberta Securities Act with those of other jurisdictions across the country, and this does, by the way, include Ontario. It will replace some provisions of our act and standardize them with national rules that are applicable across Canada, such as the new prospectus and registration exemption rules.

So, Mr. Speaker, with that, I think that what I would like to say is that we recognize the importance of the questions that we've had today, and certainly there are a number. The ones that we will deal with in committee will be done at that point in time.

Thank you.

[Motion carried; Bill 19 read a second time]

### Bill 36

#### Police Amendment Act, 2005

**The Deputy Speaker:** The hon. Solicitor General.

**Mr. Cernaiko:** Thank you very much, Mr. Speaker. I rise today to move that Bill 36, the Police Amendment Act, 2005, be moved to second reading.

Mr. Speaker, the proposed amendment to the Police Act covers many aspects of policing in Alberta, ranging from how policing is funded to how police commissions and police committees operate to how complaints against the police are monitored. Bill 36 ensures fair and objective investigations into complaints against police and enhances the credibility of the complaint review process.

The proposed changes to the act, the most comprehensive since 1988, also clarify how municipal police commissions and police committees in areas served by the RCMP are appointed and function. The amendments follow recommendations from the report of the Alberta MLA Policing Review Committee, released in 2002, and are the result of extensive public consultation.

Mr. Speaker, at this point I would like to go through this bill and speak to selected sections. In section 6 we have changed the population threshold that determines which municipalities are responsible for providing their own policing and those that are not. Towns with populations of not more than 5,000 will not have to pay for police services. We have raised the threshold from 2,500.

Section 8 enhances the role of the director of law enforcement. This amendment makes the appointment of the director of law enforcement mandatory, whereas today it's optional. This director of law enforcement will monitor how police chiefs and commissions handle complaints against the police. Other duties of the director of law enforcement will include monitoring police services to ensure that adequate and effective policing levels are maintained, developing and promoting professional practices and standards, and training for police services as well as police commissions and police committees.

Mr. Speaker in section 23 we are proposing changes to the role of policing committees and how they are structured. Generally, the amendments make the terms and roles of police commissions and committees similar to each other.

In section 14 we have set a maximum of six consecutive years for any commission member. Expiry dates of appointments are staggered, and terms are no less than two years to promote stability

and consistency. As with police committees, the chair and vice-chair cannot be council members or municipal employees.

Mr. Speaker, a new section is added after section 28 of the Police Act concerning the public complaint director. This section states that each police commission or committee "shall designate a person as a Public Complaint Director," who will either be a committee or a commission member; an employee of the commission, committee, or municipality; or some other qualified person.

In sections 17 and 20 we are proposing changes to the way complaints against police are overseen. The primary goal, Mr. Speaker, is to establish a process that will assure the public that investigations are fair, objective, and complete. The objective is to enhance the credibility of the process and to assure the public that there is proper review of police service complaints. The chief of police will be responsible for providing progress reports to the complainant with copies to the commission on any complaint investigation, not just the results when the complaint is resolved.

This section also facilitates the informal resolution of complaints. The amendments will allow police from outside the province to be used for investigations or for disciplinary hearings. At the end of the day, Mr. Speaker, I think we all agree that the process of investigating public complaints against the police must be a transparent process, where justice is not just done, but it is seen to be done.

Section 23 of the bill deals with serious incidents and deaths involving the police. A police chief must notify the police commission and the minister as soon as possible. Upon hearing about the incident, the minister may request or direct another police service to investigate, may appoint members of the public to monitor the process, or both. The external investigator or monitor will provide reports to the minister.

Those are my comments regarding Bill 36. The Police Act is a cornerstone of public security in Alberta. These amendments reflect Albertans' views on how the police should be overseen and the leadership role of the provincial government. Thank you, Mr. Speaker.

As per discussion with the opposition I move to adjourn debate.

[Motion to adjourn debate carried]

### **Bill 38 Pharmacy and Drug Amendment Act, 2005**

**Ms Evans:** Mr. Speaker, I take leave to introduce second reading of Bill 38, the Pharmacy and Drug Amendment Act, 2005.

The act was passed in 1999 but was not proclaimed on the understanding that it would be reviewed and amended before it came into force. This act will replace the provisions in the Pharmaceutical Profession Act that regulate pharmacies and drugs, while pharmacists' regulations under the Health Professions Act are intended to replace provisions in the Pharmaceutical Profession Act that regulate pharmacists.

The proposed amendments in Bill 38 will make a series of adjustments to reflect current pharmacy practice and clarify regulatory requirements for pharmacies and drugs in Alberta. The amendments will further support the Alberta College of Pharmacists in regulating pharmacies and how drugs are prepared and distributed. The amendments will also strengthen the rules that govern the operation of pharmacies and the practice of pharmacists who work in those operations.

Mr. Speaker, the definition of the term "prescription" will be amended through this bill to remove the requirement that a certain amount of a drug be specified. Pharmacists will still be required to comply with the terms of the prescription as it is written. However, doctors, pharmacists, and patients will be allowed to work collaboratively to tailor drug therapy to patient needs.

The definitions of pharmacy, institution pharmacy, and patient will be revised through the amendments. The pharmacy definition will more accurately reflect the restricted activities that take place in pharmacies by expanding the definition to include compounding and selling or providing for sale as well as dispensing drugs.

**4:00**

The definition of institution pharmacy will be revised to include all publicly funded pharmacies, including those operating within federal institutions in Alberta. Pharmacies operating as a part of the public health system should be exempt from the licensing requirements. Clarification will also be added respecting the activities institutional pharmacies may carry out. The proposed changes will clarify the circumstances in which institutional pharmacies may sell drugs to the public, which in all other cases requires a community pharmacy licence.

The definition of patient will be amended to differentiate between the person for whom the drug is intended and the patient's agent, who may pick up the drug for them at a pharmacy. In order to protect the public, it is proposed that drug wholesalers and distributors be required to maintain and provide records to the college in accordance with the regulations.

An amendment is being proposed to clarify that only health professionals authorized by this act or another enactment may dispense drugs to the public and to clarify that such authorization through another enactment is not authority to operate a pharmacy.

Bill 38 will articulate new licence categories, which will recognize specific types of pharmacy practices, including licences for compounding and repackaging pharmacies, mail order pharmacies, and satellite pharmacies. Detailed operating standards for each type of licence will be specified in regulations. These changes recognize the broad scope of current pharmacy practice, and it allows the Alberta College of Pharmacists to set specific standards in regulation for various types of service delivery.

The licensing structure proposed in these amendments will require a licensee to hold a community pharmacy licence before they can apply for a satellite pharmacy licence or a mail order pharmacy licence. A satellite pharmacy licence will enable a licensee to operate a satellite pharmacy at a distance from the primary pharmacy. Satellite pharmacies will be allowed in communities that are currently not served by pharmacies. For example, a satellite pharmacy may operate one day a week in a rural community or on a reserve where there isn't a pharmacy. The licensee will be responsible for ensuring that the community pharmacy and the satellite pharmacy are both under the supervision of a pharmacist and that they operate in accordance with the act, regulations, and operating standards.

When an application for a licence is made, it is proposed that applicants show that they are able to and will comply with the code of ethics and standards for the operation of pharmacies.

Mr. Speaker, it is proposed that the new provisions address licence refusals and that checking is done for both pharmacists and proprietors. If the licensee or proprietor has been convicted of an indictable offence related to misconduct under the act, the registrar of the Alberta College of Pharmacists would be authorized to refuse to license an applicant or to renew a licence. This refusal could also come if the licensee or proprietor has been convicted of an indictable offence related to misconduct, fraud, or commercial matters.

In order to add a greater degree of fairness to the licence decision process, decisions respecting licensing issues made by the registrar will be allowed to be appealed to the college's council or to a body appointed by the council. It is proposed that a clause add prohibiting pharmacy owners from directing, influencing, or attempting to

influence the management or the operation of a licensed pharmacy. This change will directly prohibit an owner from directing a pharmacy to contravene legislation, regulation, code of ethics, and standards for the operation of pharmacies.

In the event of a bankruptcy, receivership, or when a pharmacy ceases to operate without plans for an orderly succession, a provision in the bill will allow the Alberta College of Pharmacists to apply to the Court of Queen's Bench for an order to appoint a custodian. This provision will help ensure that drugs are protected and patient records are available as required in order to meet patient needs in these types of cases.

The bill proposes to add a requirement that following a pharmacy inspection, a field officer must provide a report to the pharmacy owner in addition to the current requirement to give it to the college registrar and the licensee. The report will indicate findings of the inspection and any specific action required by the licensee and the pharmacy owner. If the report is unsatisfactory, it is proposed that the field officer direct the licensee or proprietor to take specific action to comply with the act, regulation, code of ethics, or standards for the operation of the pharmacy.

An amendment will be added to provide for an appeal of a field officer's directions resulting from a pharmacy inspection. A provision is being proposed to require a licensee and proprietor to accommodate practice visits under the Health Professions Act. Practice visits are an important component of ensuring professional competence. In situations where there's a clear risk to the public sector to proceedings against a licensee or pharmacy owner being completed, amendments will allow for conditions of suspension of a pharmacy licence. The licensee or proprietor may apply to the Court of Queen's Bench to stay this decision.

Mr. Speaker, to help protect the public, an amendment is proposed requiring a pharmacist to be in attendance in a pharmacy at all times that the pharmacy is open to the public. The exception would be when it is otherwise authorized in regulations. So if it's open, the pharmacist must be there.

Other amendments include providing authority for the college to ensure pharmacists have the necessary technology for good pharmacy practice, providing authority to create regulation governing where drugs and medicines may be stored, and expanding liability protection to licensees who make a report to the Alberta College of Pharmacists in good faith regarding proprietor misconduct.

Mr. Speaker, this is an overview of the proposed amendments, and having understood that this House is so agreeable, not only have I moved the second reading of Bill 38, I request adjournment.

[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 28  
Municipal Government Amendment Act, 2005**

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

**Mr. Bonko:** Thank you, Mr. Chairman. I rise to talk about Bill 28, the Municipal Government Amendment Act, 2005. I believe it was last year that the Premier announced that there was \$3 billion for

municipal infrastructure. These investments in municipal infrastructure come at a crucial time. Many Albertan communities are experiencing unprecedented growth. All municipal governments face major infrastructure deficits and have access to only limited revenues to address them.

During this bill we were hoping that it would have, in fact, addressed many of the concerns that councillors and municipal leaders had. There was a short period that there was consultation. Consultation, in fact, did include the AUMA, the Alberta Urban Municipalities Association, which I think was good, but it might have missed a few of them. I raised this before in the past about the members of Edmonton city council not being aware of this on a number of particular occasions. These investments in the municipal infrastructure are very much needed, and there needs to be much consultation.

The AUMA has been engaged for several months in discussions about the allocation of the new provincial funds, and, like I said, every elected reeve and councillor needs to be included. The outlying areas could have been affected by a downgrowth in the economy, such as in Hines Creek, where they lost some 100 jobs and it's pulling \$6 million out of the economy. They, in fact, might be a perfect example as to how a rural town could be included within the discussions here. There, like I said: the loss of 100 jobs and \$6 million to the economy. They might be experiencing a downward trend of people going to those areas and wanting to set up stakes. That affects the school's viability in there. That would be a perfect example. I'm not sure if they were included.

Fort McMurray, which is on the other end of it, is experiencing huge growth within the economy. In fact, they're the ones that this bill could certainly benefit as well with providing affordable housing, which is certainly one of the concerns with regard to that.

How does one define infrastructure in the bill? Well, it's defined with all capital assets required to create and maintain a safe, secure, and sustainable community. But it shouldn't be limited to transportation infrastructure, which is roads, bridges, or public transportation, as well as utilities, environmental infrastructure, water delivery systems, which are certainly a topic in everyone's mind with regard to water basin transferring and certain areas of the communities drying up. That's certainly a concern when you've got people worrying if they're going to be buying a property in an area where there is no available water with regard to the decreased amount of rainfall. In fact, the rivers are running lower every year with regard to the environment. Does that have a particular piece with it? But, again, with the water is the delivery of the sewage systems, raw sewage treatment systems, recycling systems, and landfills.

**4:10**

We also talked about the sewage system up there for Fort McMurray, which was designed, I believe, to handle approximately 40,000 people, but it's boomed to over 50,000 to 55,000 people. I know that people up there in Fort McMurray were consulted. Calgary was certainly consulted because the idea was hatched down in Calgary with the mayor asking for an approximate \$70 million to be able to rebuild some of the depressed areas in Calgary and attract, in fact, more investments. Investments, obviously, would bring greater property values within the region and encourage more development, and again you would encourage more people to take up roots within that particular area.

Property values. If oil and gas companies move in that might pose certain other health risks and might have people, in fact, not wanting to move into the areas with the potential development of those areas. We've also had a number of cases – take Calgary, for instance – where there is back to talk of sour gas wells, and about eight of them

in the surrounding southeast area. There needs to be consultation, certainly, into that because there are definite health risks associated with the blowouts or with the sour gas wells in particular.

Going back to the property values, again. If oil and gas companies move into the area, certainly I, myself, wouldn't want to be raising a family or moving into the area, not to mention the sight, the sound of the continuous 24 hours of the pumps churning. But the smells. Perhaps they do some of the purging of the burn-offs. I know that some of the time they do have the ability to in fact have the odd time that they do need to do burn-offs. But what are the health risks? We've never actually gone there and investigated that.

Those are just a couple of the particular pieces when we discuss property values, Mr. Chairman, that I think this committee should certainly be looking at.

Thank you.

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

**Mr. Agnihotri:** Thank you, Mr. Chairman. I'm pleased to rise and speak to Bill 28, Municipal Government Amendment Act, 2005. The purpose of this amendment act is to give municipalities additional tools for revenue generation to assist them in addressing the needs of their residents. The bill proposes a series of four amendments, that include a community revitalization levy, a community aggregate payment levy, Crown lease, and the assessment of linear properties.

Mr. Chairman, the municipalities in Alberta have been pressing the government for years and years to assist them in revenue generation by amending the Municipal Government Act to allow them new tools. This position has been endorsed and brought forth to the government by the two main organizations that represent municipalities in their dealings with the provincial government, the Alberta Urban Municipalities Association and the Alberta association of rural districts and counties. Additionally, the Federation of Canadian Municipalities has also been a proponent of increasing municipal tax tools to create sustained revenue sources.

The rationale for this is that traditionally municipalities have been reliant on provincial government transfers and property taxes for revenue generation. However, the last decade has seen a dramatic decrease in government transfers, forcing municipalities to rely on the property tax base, which is generally narrow in scope. The results of this are seen in the massive infrastructure deficit not only in Alberta but across Canada.

If municipalities are to avoid infrastructure deficits in the future, they will require new revenue sources that go beyond property taxes and user fees. Such tools could also serve a more general purpose by ensuring that municipalities have greater self-reliance and that they have autonomous fiscal capacity to respond creatively to the needs and aspirations of their electorates. In order for this to occur, the MGA would need to be amended to allow municipalities to employ such new tax tools should they choose to do so, thereby providing a flexible sphere of taxation authority analogous to the existing sphere of municipal responsibilities.

Amendments would give municipal governments greater capacity to raise their own source of revenue through a larger and more diversified basket of tax tools. This would enhance community control and electoral accountability. Two of the proposed amendments to the MGA have been introduced to give municipalities two new tools for revenue generation: the community revitalization levy and the community aggregate payment levy.

Mr. Chairman, more discussion is needed on this bill around the community revitalization levy. This is a tool that can have benefits for the revitalization of a stressed community such as Calgary's East

Village, but there need to be discussions around the freezing of property taxes. Specifically, how does this affect the province's portion of the education property tax? This amendment will allow municipalities to retain the education property tax increment for tax increment equivalent financing as well as the municipal increment currently being used.

However, this exemption only applies to the incremental financing. This allows municipalities to retain this part of the property tax assessment to help pay off their loan for the redevelopment project. There are critics who say that this type of scheme amounts to a developer subsidy. There is also the issue of the impact on the taxpayers in the municipality. It seems that there is a question of fairness if one person's property tax is frozen for 20 years while on the next street over, out of the development zone, that resident is being forced to pay increased property tax. These issues need to be debated before support can be given to this bill.

Mr. Chairman, I receive many phone calls from my constituents regarding their property tax assessments. They want help to pay off their loans for the redevelopment project. They are happy in regard to the intent of this bill, but they are not so happy with the actual implementation of the bill. The provision says that the property assessments will be fixed and that the council can impose a levy on the incremental assessment value on property, increased since the assessment was fixed. The increase in the assessed value will not be included in the calculation of equalized assessments. For example, the municipality may spend a large amount of money on infrastructure to make the area more desirable. This may cause the value to increase, but what about the vacant land or vacant lot where the owner decides to construct in the future? The assessment went up because of new construction, not just because of the cost of new infrastructure. Why should this new building's assessment not be added to the equalized assessment when a similar building in another neighbourhood or even another municipality does?

Thank you.

4:20

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

**Mr. Elsalhy:** Thank you, Mr. Chairman. I have already spoken to this bill, Bill 28, the Municipal Government Amendment Act, 2005, and today I promise not to take too much time during this stage of debate. I have mainly expressed my understanding of having a proposed levy to help municipalities cope with the expenses that they're faced with and the decisions that they have to make in carrying out their duties as needed by their citizens.

Today I am just going to further comment on minor things with this bill with respect to the community revitalization levy because the way I understand it, it appears to be some sort of a tax increment financing scheme, which is really the buzzword now in municipal taxation protocols, whereas the government agrees to finance improvements for private development in a district or in a zone that definitely and urgently needs maintenance and upgrading and then hopes to recover some of that cost when the value of those properties goes up. Then hopefully the taxation goes up, and that kind of offsets the initial cost.

I don't disagree with this mechanism as such, but I think we should always have to view it in a bigger picture of fairness. You know, I have discussed this before. Anything we do should be approached from a fairness standpoint so citizens don't get burdened with extra taxes that could have been allocated differently from the provincial government. The hon. colleague from Edmonton-Ellerslie has commented on what difference it might make to be living on this side of the street or one block over. So, again, we have

to take into account any decision that might affect people's taxation and people's pocketbooks.

Also, many different city officials and municipal leaders in Edmonton and elsewhere approached us as the Official Opposition and approached me personally and indicated that they really can't decide whether this is an excellent deal or not too good. They agree that the Alberta Urban Municipalities Association has been consulted, and they have faith in that organization, but their concern mainly was that the lack of detail regarding the administration of this bill is not making them comfortable. They see the merit and they see the positive side to it, and they appreciate the tool that is being given to them to deal with their financial questions; however, they're just not sure about the administration component. I think clarification would be advisable so that these municipal officials and local leaders would have the peace of mind that, yes, in fact we're empowering you with a tool, and we're also facilitating the administration and the usage of that tool so that they know what they're doing, and they can offer that same clarity to their constituents and their citizens.

Also, some of the concerns that were raised by those municipal officials rotated around or touched on the fact that this new revenue-generating tool is also based on property value. So I think they would much rather have seen it tied to other mechanisms for taxation like income tax or maybe a hotel tax or a share in government gaming revenues or something like that because it just adds extra burdens and extra pressures on homeowners, who are, I think, to some extent overtaxed as it is.

Also, on the idea of consultation I commend the government on involving the Alberta Urban Municipalities Association. However, I think they should just expand more. Now that we're talking about regulations – it seems to be the favourite way of doing government business now – the city of Edmonton, the city of Calgary, the urban municipalities, the smaller towns and villages should all be involved in the drafting and implementation of those regulations so, in fact, they can get that satisfaction that they participated, and then the likelihood of their accepting the new law would probably rise because now they have been involved and they had a say in it. I think it would follow naturally, you know, if this government is really willing to involve them and get them to participate.

With that, I would voice my support for the bill and the intention and the direction that's it's going, and I will take my seat and, hopefully, listen to some more debate. Thank you.

[The clauses of Bill 28 agreed to]

[Title and preamble agreed to]

**The Chair:** Shall the bill be reported? 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-Centre.

**Ms Blakeman:** Thanks very much, Mr. Chairman.

**The Chair:** We are considering an amendment under that, amendment A1.

**Ms Blakeman:** Yes. Thank you very much for the reminder. Yes, I am speaking on the amendment.

I will note that the government has gotten into the habit of giving us government amendments which, in fact, are amending multiple sections. I respect the guidance of the Official Opposition critic on this bill, who did not insist on a severance, to have these separated out so that each one required a vote on it, but I express my concerns when I see two pages' worth of amendments amending some six different sections, which are clearly six different amendments because six completely different issues. But our critic didn't ask for a severance, and therefore I will follow their lead, but I will express my concerns about what I see.

4:30

Now, I've read the opening remarks from the sponsoring Minister of Justice and Attorney General, and I've also read his remarks on tabling these amendments. The first section, section 4.1, is amending section 12(5)(b) in the original act. I know that what's being suggested here is around those legal definitions and the impact and import that particular words have, but I'm also noting that we continue to perpetuate what I see as a Charter challenge here. Once again we are specifically setting out gender roles here, which I think is problematic. That is – I'm sorry, I'm really struggling with these different sections – around the surrogacy and the guardianship, which I'm reading as section 8(1)(d). The original act was that "on a balance of probabilities, a male person is presumed to be the biological father of a child in any of the following circumstances" and then lists them. But, again, we are listing specific gender roles here because we are putting into the legislation male persons and female persons, and in other cases we're talking about mothers and fathers. We have got to watch this language.

I argued long and hard about this back on November 27, 2003, when we were looking at the original debates on the Family Law Act. Anyone that wants to see the amendments that I brought forward then and the arguments I made, please refer to *Hansard* pages around 1950. But I'm seeing the same thing happen here. I know that the minister is talking about establishing the circumstances in which a male is presumed to be the father of the child. The language is being changed to reflect a similar change to the language that's going to be used in section 20(2)(d), which is establishing automatic guardianship.

I still think this is problematic. If I were able to vote against this particular amendment as a separate amendment, I would be doing so because I think we have to move away from these gender-specific and sex-specific roles. The Charter is telling us that we have to stop looking at it that way, and I believe that, and I certainly have a number of constituents who are affected by that. I think we have to start thinking about parents rather than defining these roles according to sex.

That flows over into section B, as it appears in the amendment, which is amending section 20, which is setting up the guardianship sections. Again, we have the same thing here, Mr. Chairman, because we are specifically setting out the mother and the father, and elsewhere we are referring to male persons being fathers and female persons being mothers. You know, we have to get away – I heard somebody else in here saying: well, under the Adult Interdependent Relationships Act there were two sisters that were adopting a child. Well, now, they get into the same sort of complexities. Which one of them is supposed to be the mother, and which one is supposed to be the father? Well, they can't, obviously, because one of them is not a male person. So, you know, I think we have to move away from this kind of laden language and open it up so that we're talking about parents.

So that's my number one concern with the section B amendments, which are amending section 20, that there is, again, that laden language and that specific language that I think gets us in trouble. I still believe there's going to be a Charter challenge come back on us, and then we'll be in here amending it again.

My second concern around the guardianship is to make sure that the safeguards are still in place around the concept of coercion because I am supportive of moving towards the concept of equal parenting. I would like to see more men involved in strong and equal positions in raising their families. I think that's important for modern society, and I would like to see more and stronger involvement from men in family life. I also still feel it incumbent upon me to raise the issues of those women out there that find it difficult to raise their voice, and that is around any kind of coercion.

I agree with what's being said here, that there's an assumption of equal guardianship and equal parenting responsibility and equal parenting powers and all the rest of what the minister has laid out and what I read in the legislation here. I still have to put it on the record and make sure that there are protections against coercion because it's allowing that there can be a written agreement between the parents of the child regarding guardianship. I want to make sure that we're guarding against any kind of coercion, whether that would be, you know, physical or mental intimidation or financial incentives or disincentives that put people, usually women, that are coming from a position of unequal power in a position where they feel they might have to sign something. You know, women still make less money, although that's improving. We still have an imbalance there, and I think we need to ensure that that imbalance is not institutionalized and reinstitutionalized every time we open up legislation like this.

I mean, the point, after all, of section 15(2) of the Charter was to ameliorate those conditions of discrimination and to take action to ameliorate those conditions of systemic discrimination and inequity. I'm always going to raise in this House and question to make sure that we have not trod on that concept of addressing that inequity and of trying to ameliorate it and banish it, in effect. So while I agree with the concept that is being established through this amendment, I still disagree with the specificity of the language that's in it. If this were severed out, I honestly don't know how I would vote. I'd have to think much longer on it.

Section B(b), which is section 5 and amending proposed 20, I'm okay with as long as we have dealt with the coercion factor.

Amendment C, which is again back to the prescribed and designated language, I'm fine with.

Again, same thing with language around amendment D, which is, if I've got this straight, section 8, which is fine.

Again, the same kind of language in E, where we're striking "prescribed" and substituting "provided for."

The final amendment, F, amending section 12, regulation-making authority to define "party."

So, clearly, many of the sections that are included in this multiple amendment package are housekeeping, as the minister outlined. My two concerns are those issues that I've already raised around the guardianship and the use of language because I think it gets us into trouble. Again, I know the minister feels that this isn't affected, and he's a lawyer, and I'm not. But I have still found it worthwhile putting this on the record because years later I find out that in the end I was right, so I'm still going to do it.

Overall I'm supportive of most of the amendments that are brought forward here. I still think we are not addressing the gender specificity here, and that remains a huge problem for me.

I will look forward to others speaking on this and will consider carefully how I will proceed in the final votes in Committee of the

Whole and consider it further for the vote on the third reading. I thank you for the opportunity to outline my concerns here. I'm happy to hear from anyone on the government side that wants to speak to this.

With that, I will take my seat. Thank you.

4:40

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

**Dr. Pannu:** Thank you. I've been confused a few times by that term.

I rise to speak on amendment A1, which is before the House in the debate on the Family Law Amendment Act, 2005, Bill 5. We have looked very carefully through the amendments. I must put on record the fact that we've been in touch with the minister and his office with respect to our concerns, and he has been responding quite expeditiously to the questions that I posed to him. So I want to express my appreciation for that.

While the amendments contained in A1 go some way in addressing some of the concerns that we had, I don't think they go far enough. I will try to put some of those concerns on record and then propose a subamendment to A1 in the hope that if that subamendment gets the support of the House, then the concerns that we have will have been addressed in a satisfactory manner, although I'm not holding my breath that that's what will happen.

Mr. Chairman, some of the concerns about this bill have been communicated to the minister by concerned citizens and some legal experts, so the minister is well aware of those. But here are a few things that I think are worth the attention of the House and perhaps worth reiteration so that they are on the record here. I want to express a concern that I share with a sort of submission that was made to the minister with respect to changes to section 20 of the existing act.

I understand that the motivation for the changes is to better reflect the equality provisions of the Charter, which the NDP caucus would generally support. However, as the Charter itself stresses, there have to be reasonable limits on the equality guarantees which can be imposed by government, and we think that this is an area where these limits perhaps should be given careful consideration.

The Family Law Amendment Act, Bill 5, by not restricting the 12 months of cohabitation during which the baby was born to the 12-month period prior to the birth of the child, already included as a joint guardian many putative fathers who were previously not recognized as joint guardians without obtaining a court order. The proposed section 20(2)(c), (d), and (e) further expand the detail of the legislation and may cause troubles for unaware men who will find themselves joint guardians, with all the responsibilities that may entail, to children who they know are not their progeny. No longer will they have to acknowledge a child as their own before the responsibilities are imposed on them. However, although this may cause some problems in some cases, it is likely that on balance it will give more protection to a child who will be disentitled from claiming support against a short-term partner who married or lived with his or her mother but failed to expressly acknowledge that he was the father of the child.

The real concern, then, is with subsection (3) of section 20, and there I think the concerns have to do with cases where people who have not been in a long-term relationship are in an equal position as the mother of a child in terms of guardianship. There is a problem of children born out this kind of a relationship, say, in a hospital. If the child is born in a hospital, then a man who may have only had a passing relationship with the mother may go to court to claim



guardianship of the child. This child would be stuck in the hospital until the court decides guardianship.

Similarly, if the mother of a child from a one-night stand decides to have the child at home and not in a hospital, then there is no question as to who is the guardian. The child is already at her home, and thus she is the guardian. This section in the view of family law experts – and we agree with them – is perhaps an overresponse to the notion of equality as guaranteed in the Charter, and the amendments in A1 do not address this concern.

There seems to be a circle of logic here in the provisions of Bill 5 before us. Where the child lives, for example, determines who the guardian is, that is section 20(3)(a), and who the guardian is determines where the child lives, section 21(6)(c). So there are problems with sub (3) of section 20 of the bill, and the main substantive amendment that I have to amendment A addresses that concern and the difficulty that we find with section 20(3)(a).

So, Mr. Chairman, I have a subamendment here that I'd like to now introduce. I have it available for distribution. I'll wait for a minute or two.

**The Chair:** We will call that subamendment SA1.

**Dr. Pannu:** I'll wait for the green light from you, Mr. Chairman.

**The Chair:** It will be distributed momentarily.

**Dr. Pannu:** Thank you, Mr. Chairman. I am ready to proceed then. I move that the government amendment A1 to Bill 5, Family Law Amendment Act, 2005, be amended in section B as follows: by adding the following after clause (a) – it reads as (a.1). The (a.1) reads as follows: in subsection (3) by striking out “and the father are both the guardians” and substituting the words “is the guardian.” So to make it clear again, the (a.1) in subsection (3): by striking out “and the father are both the guardians” and substituting “is the guardian.”

4:50

Subamendment (b) simply seeks to make a minor change in wording in clause (b) in the proposed subsection (5) by striking out “continue to be” and substituting “are.”

So these are the two amendments. The first one, clearly, the first portion of it, the (a) portion, is more substantive. The second portion simply, I think, cleans up the language.

I ask for our serious consideration of this amendment, both by the hon. minister and the hon. members of the House, and I seek their support for this amendment. Thank you, Mr. Chairman.

**The Chair:** The hon. Deputy Government House Leader on subamendment SA1.

**Mr. Stevens:** Thank you, Mr. Chairman. I have a few comments, and I'd like to start out by thanking the hon. member for his interest in the matter and bringing the concern forward. There's no doubt in my mind that the amendment offers clarity. I appreciate what the hon. member is attempting to do, but I will urge the members of the House not to support the subamendment.

The amendments that we're dealing with generally have been predicated upon some court decisions criticizing the current situation that we're dealing with. Currently, the Family Law Act provision, that is based on the Domestic Relations Act, provides an arrangement which effectively the courts have said is contrary to the equality provisions of the Charter. So what we have done in bringing forward the new legislation, these amendments, is to address three considerations.

Firstly, we're trying to comply with the equality provisions of the

Charter. Either the legislation had to treat the parents equally or differences in treatment had to be justifiable. The new legislation had to be as clear as possible so that there will always be a guardian of the child who could make decisions for the child, and the new legislation should be in the best interests of the child.

Now, there's no doubt that this particular subamendment provides clarity, but where I believe it falls down, or I am advised by Justice officials that it falls down, is in the area of being able to comply with the equality provision of the Charter to withstand what we would see as a subsequent Charter challenge. The government amendment that is subject of this subamendment we believe meets the criteria because the default is to both parties until residence defines otherwise, and therefore there is equality.

The provision that is put forward by the hon. Member for Edmonton-Strathcona would disadvantage fathers who wanted to be involved in the child's life and who have not established guardianship by virtue of the relationship provisions of the legislation. Unless they would be able to reach agreement with the mother, they would be required to obtain guardianship by way of court process. This would not be a level playing field between mothers and fathers and, as I said, in our opinion would create a Charter risk.

I do appreciate the interest of the member. I appreciate the intent of the subamendment to make the legislation better, but we have what I would consider to be a fundamental concern which we are attempting to address in the amendments we brought forward, so I would urge members of the Assembly to vote against the subamendment.

**The Chair:** The hon. Member for Edmonton-Centre on subamendment SA1.

**Ms Blakeman:** Yes. Thank you. I'm sorry. I'm looking for clarity from the minister if he would be so kind as to assist here. Where it's talking about “where the mother and the father . . . are not the guardians of the child,” does that not also cover situations where the child, for example, might be a temporary guardian of the state? No. This subsection (3) is strictly on residency. I'm going to take my seat and let the minister clarify that because I must have misread earlier statements.

**Mr. Stevens:** There are other pieces of legislation which deal with guardianship. The child welfare legislation I believe deals with guardianship when we're talking about children who are subject of a state intervention. With respect to adoption, you look to the adoption legislation to determine the guardianship. So there are other acts. This particular provision will not deal with the incident that the hon. member has mentioned; that is, where the child is subject to a state intervention.

**Ms Blakeman:** For clarification, then, we're really just looking at residency and the fact that the child may not be currently resident with either of the parents. That's what it's trying to set out, that if the child is not currently resident with either of the parents, one presumes grandparents, for example, or extended family possibly, that this clause is allowing that both mother and father would be considered guardians of the child until the child resides with them because this is around decision-making over other parts of the child's life. Are they going to take piano lessons or ballet lessons or soccer? With that, of course, are the far more serious concerns around medical treatment, for example.

So what the originating amendment act is really talking about is making sure that the parents are both regarded as guardians even if the child is not with them currently. The amendment, then, would

make only the mother the guardian. If that is the case, Mr. Chairman, I'm going to speak against this amendment because part of what I'm interested in is creating a less adversarial system here and one in which there is a stronger societal expectation that both parents would be involved equally and enthusiastically and vigorously in the upbringing and decision-making and guardianship of a child.

Therefore, to separate it out and to say, "No, we're not going to take one of the parents," in this case specifically the father, is I think running against the grain of what we're trying to move towards in Canada, which is to set up much more equal parenting and to try and take this out of that boxing match, that adversarial and hostile arena that we tend to force people into when we have parents who are not necessarily together and are trying to jointly make decisions and raise a child.

If I have understood that correctly, then I would be speaking against this amendment. I look forward to continued elucidation on this one.

**The Chair:** The hon. Member for Edmonton-Strathcona on subamendment SA1.

**Dr. Pannu:** Thank you, Mr. Chairman. Yes. I would like to clarify or address the point that the hon. Member for Edmonton-Centre has raised. I think that the concern about 20(3) arises with respect to situations where the father does not have a continuing relationship with the mother. I use the example of a one-night stand, a child born of that kind of relationship, or where cohabitation has been so short that there is no relationship of any consequence between the two parents or where the relationship of the father to the child cannot be claimed based on that virtually nonexistent period of cohabitation.

In those cases, I think that 20(3) muddies the water. It gives equal rights to the mother and the more or less nonexistent father, or the virtual father, if you wish, where parentage has arisen out of an accidental, you know, getting-together or relationship or whatever you want to call it. So that's the problem with 20(3), and that's why I propose changes to it, so the mother becomes, in fact, the guardian in such situations and only in such situations. The bill is not clear about this.

5:00

On the other matter, addressing the minister's concern with respect to a court challenge that might arise if 20(3) is dropped or changed in the form in which SA1 – is it called? I think I just want to simply read a section here from a letter that was addressed to the minister by a family law lawyer, a person who has been involved in the development of this bill and similar bills related to family law. She says this:

The provision takes away certainty from the law. A court hearing will be required to obtain the release of the child to one parent or the other. The removal of the automatic provision whereby if none of the provisions of s. (2) apply, the mother is the sole guardian of the child is a failure to recognize the basic facts of biology. It ranks with the failure of the Supreme Court of Canada in its first judgment on discrimination based on pregnancy to recognize that only women get pregnant, an error which the Justices subsequently recognized in a later decision when they changed the law.

So the matter that concerns the minister has already been addressed by the Supreme Court of Canada, and the provision of equality has been interpreted in a manner that is more reasonable and responds to the realities of biology as well as parentage.

Thank you, Mr. Chairman.

**Ms DeLong:** I'd like to weigh in on this just a little bit. There is one strong overriding characteristic or input that a child could have in terms of what will make that child successful, and that is the

involvement of both parents in that child's life. What is most important to that child and I think what should be most important to us as a society is that we do whatever we can to encourage both parents to be involved in their children's lives. Whenever there is a piece of legislation which could possibly limit that involvement, I think it's something we should look at very carefully. I urge everyone to please vote against this.

Thank you.

[Motion on subamendment SA1 lost]

[Motion on amendment A1 carried]

[The clauses of Bill 5 as amended agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Chair:** Opposed? Carried.

The hon. Deputy Government House Leader.

**Mr. Stevens:** Thank you very much Mr. Chairman. I move that we rise and report bills 28 and 5.

[Motion carried]

[The Deputy Speaker in the chair]

**The Deputy Speaker:** The hon. Member for Airdrie-Chestermere.

**Ms Haley:** Thank you, Mr. Speaker. The Committee of the Whole has under consideration certain bills. The committee reports the following bill: Bill 28. The committee reports the following bill with some amendments: Bill 5. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

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

**Hon. Members:** Agreed.

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

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

**Bill 28  
Municipal Government Amendment Act, 2005**

**The Deputy Speaker:** The hon. Minister of Municipal Affairs.

**Mr. Renner:** Thanks, Mr. Speaker. I'm pleased to move third reading of Bill 28.

Mr. Speaker, there was some discussion in committee at which I was able and happy to respond to a number of members. There was some further discussion today, and I'd like to have an opportunity to review *Hansard* and familiarize myself a little bit better with some of the comments and questions that may have arisen. I intend to do that over the weekend, and for that reason I move that we adjourn debate on Bill 28.

[Motion to adjourn debate carried]

**Bill 13****Railway (Alberta) Amendment Act, 2005**

**The Deputy Speaker:** The hon. Minister of Infrastructure and Transportation.

**Dr. Oberg:** Thank you very much, Mr. Speaker. Bill 13 is a bill that does a couple of things. It basically lays out that the compensation when there is a dispute will be handled by a specific board. It also lays out the appeal process when there is a dispute. It is a very short bill. It is something that will expedite rail traffic in Alberta, and I truly believe it is something that will help Albertans.

Mr. Speaker, this is a wonderful bill, and we should pass it. With that, I'll certainly take my seat.

**The Deputy Speaker:** The hon. Member for St. Albert.

**Mr. Flaherty:** Thank you, Mr. Speaker. I'll speak to Bill 13. Being an old railroader's son, my father used to tell me: you never build a railroad on muskeg because of maintenance and high operation costs.

5:10

Anyway, Bill 13 appears rather innocuous, much like the barely exposed tip of the iceberg. It seems to me that one of the questions we have to look at – the road authority and the Land Compensation Board result. It says here that Bill 13 changes appear to be of a grammatical variety as well as spelling out the powers of the operator of the railroad, the road authority, and Land Compensation Board to resolve disputes arising from land acquisition rights where railroads cross roads. This resolution is to take place within 30 days.

My concerns lie primarily with section 30 on the second page, which outlines the minister of transportation's role in making regulations affecting the Surface Rights Board and the Expropriation Act. Viewed in isolation, this Act appears to facilitate land disputes. The other side of the coin has to do with the government-sanctioned potential land grab. So, then, I'm suggesting that whether given this season of Easter or my jokes of opposition infrastructure watchdog, I'm going to play the role of a doubting Thomas and enter into speculation of a land variety. If my speculation comes even close to the truth, then the value of this has some questionable approaches.

My second point, the unanswered question in number 2, has to do with another floated trial balloon. Is this an extension of the roads for royalties type of railroad where there are a lot of spinoffs?

Those are my two reservations, and I'll sit, Mr. Speaker, after mentioning them to you.

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

**Mr. Bonko:** Thank you, Mr. Speaker. I do have questions. With regard to Bill 13, Railway (Alberta) Amendment Act, 2005, in section 2 we talk about what steps this government is taking to address the road authority and the way P3s might be involved then. Who is the road authority when a road is within the contract period of a P3 in particular? Part of section 2, as well: if a private contractor is the road authority, what steps are being taken to ensure that taxpayers' interests are being protected? How do private contractors as road authorities affect the dispute resolution process? Would the minister please define some of those particular stages as well?

If I go to section 3 . . .

**An Hon. Member:** Tell us what page it is.

**Mr. Bonko:** I will, yes.

How will the board members that are selected to sit on the Land Compensation Board and a board neutral to all the participating parties – how are these people selected to sit on this? Will the Land Compensation Board need to make any adjustments to accommodate any new road authorities? That's particular to section 3 because it clarifies and notes that when the operator of the railroad and a road authority can't agree regarding a cost, either side may apply to the Land Compensation Board to apportion the costs. Again, how are the board members chosen in this particular area?

When one moves to section 4, maintenance costs of highway crossings, again, what measures to the landowners near the highway and what role will they have in this particular process, Mr. Speaker? [interjection] To the effect of the bill, yes. Thank you, Member for Edmonton-Centre.

Those are just a couple of quick particular concerns that I'd have with regard to the couple of sections that I'd mentioned there, Mr. Speaker.

[Motion carried; Bill 13 read a third time]

**Bill 7****Health Statutes Amendment Act, 2005**

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

**Mr. Mitzel:** Thank you, Mr. Speaker. I request leave to bring forward third reading of Bill 7, the Health Statutes Amendment Act.

As you know, this bill makes minor technical amendments to three existing pieces of legislation in order to address issues related to health professionals. These issues have been brought forward by the respective professional associations and colleges in Alberta. The proposed amendments in Bill 7 will protect the term "specialist" for health practitioners, will refine definitions of restricted activities, and prepare for the regulation of registered nurses under the Health Professions Act.

I do appreciate the comments and support for Bill 7 that have been received from members of this Assembly to date and ask for your further support of third reading.

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

**Ms Blakeman:** Thank you very much, Mr. Speaker, for the opportunity to speak to this bill in third reading. I had commented on the bill at other stages. As the sponsoring member has pointed out, it is essentially clarifying definitions and recognizing name changes of colleges.

I will point out that it does amend several different health statutes, and it is an omnibus bill in my opinion. I have had ample opportunity to go through it. We have been able to do a feedback loop with our stakeholders. They did give us a few concerns, which we raised. I think I was talking around workforce planning, and overall around planning. This also contains some amendments that were asked for by some members of the health professions community.

So at this point I'm prepared to support the bill in third reading. Thank you.

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

**Dr. Pannu:** Thank you, Mr. Speaker. I had the opportunity to speak on this bill I think at second reading. I concur that most of the amendments that this bill seeks to make are of a technical nature.

They're either requests by professional organizations to make changes in nomenclature relative to the changes that have taken place in the professions themselves as to designations of specializations or additions of new titles resulting from subspecializations.

So if my assumption is correct, that it's essentially an attempt to introduce new terms to bring up to date the language of the existing legislation, and there's no substantive change being sought to existing legislation, then I'm happy to support the bill at third reading.

Thank you.

**The Deputy Speaker:** Does the hon. member wish to close?

[Motion carried; Bill 7 read a third time]

#### Bill 4

#### Alberta Science and Research Authority Amendment Act, 2005

**Mr. Doerksen:** Mr. Speaker, I'm pleased to move third reading of Bill 4, the Alberta Science and Research Authority Amendment Act, 2005.

This bill sets in place the ICT and Life Sciences institutes, which are important to the innovation agenda. I thank all the members for their participation in second reading and committee.

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

**Mr. Elsalhy:** Thank you, Mr. Speaker. I rise today to again emphasize my support for Bill 4, the Alberta Science and Research Authority Amendment Act, as I have previously indicated. Now that it has reached this stage, I agree that it now stands read a third time and that it passes.

Thank you.

**The Deputy Speaker:** The hon. Member for Edmonton-Strathcona.  
5:20

**Dr. Pannu:** Thank you, Mr. Speaker. We have consulted with members of the scientific community on this, and I want to just outline a few concerns that we have received or heard. As the saying goes, the devil is in the details, Mr. Speaker. The information dissemination and review of grant proposals sound useful and in the public interest.

However, a concern has been expressed, and I agree with it, about the fact that these would be chaired by members of the House, MLAs. Undoubtedly, these would be members from the opposite side. It's highly improbable that anyone from this area would be on such review committees unless the minister can make a statement to the contrary and give an undertaking that that's not the case. So that's the concern. If that is the case, then the issues of transparency and objective judgment coming out of these reviews I think become a matter of concern.

Also, membership by ministerial appointment usually translates into membership of people who support the party in power and are exchanged as favours in the form of these appointments. You know, these appointments are really exchanges between those who strongly support the party and the party in power rewarding them for their support. So are environmental groups going to be invited to do the reviews here, or are some academic scientists with international reputations going to be on these review boards, people not necessarily with organic and institutional links with the party in power?

The reference to life sciences seems to be a bit too broad. This

would cover everything from submolecular biology to ecology. And as one scientist who wrote to me said, "I don't know anyone with the expertise to cover this broad area." This gentleman himself is a very, very respected, internationally recognized scientist, and this is what his concern is. Having come from academia myself, I know that in these fields that are so broad and so complex, to look for expertise in all the areas that this team may cover in one person who is on such review boards is highly questionable.

The institutes are a good idea. They can be good, but they should be totally at sort of arm's length from government. They should disseminate reports directly to the taxpayers, who sponsor them, not through a political filter. This doesn't mean that the ministers have to follow the institutes' recommendations but that when they do not, they must give good reasons. This sort of transparency, I would agree and I'm sure all members of the House would agree, is necessary for democracies such as ours to work and work well.

One such independent institute that's desperately needed is one on environment and wildlife. This province I think desperately needs such an institute that's independent of the government, is at arm's length, and gives government and this House the advice that's so badly needed given the state in which we find our water and soil and other resources at the moment.

So that said, I wanted to put on record, Mr. Speaker, very briefly some of the concerns that we have heard and which I strongly share. Thank you.

**The Deputy Speaker:** The hon. Minister of Innovation and Science to close debate.

**Mr. Doerksen:** Just briefly, Mr. Speaker. With respect to the foregoing comments I would just point out that these institutes are set up in the same way as the Alberta Agricultural Research Institute, the Alberta Energy Research Institute, and the Alberta Forestry Research Institute, and they all have MLA co-chairs. This is consistent with that. The work of those three institutes I think you would find to be very good work and based on good science by good scientific people in the life sciences area. One of the persons that's working very strongly in that area is Dr. Lorne Tyrell, who of course is a very well-known, internationally reputable individual. So I don't think that the people we have on this has anything to do with it.

So I would continue to move third reading, and thank you for the support of the bill.

[Motion carried; Bill 4 read a third time]

#### Bill 18

#### Alberta Order of Excellence Amendment Act, 2005

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

**Mr. Rogers:** Thank you, Mr. Speaker. It gives me great pleasure to move third reading of Bill 18.

This bill offers the opportunity to award an additional five exceptional Albertans the Alberta Order of Excellence.

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

**Mr. Agnihotri:** Thank you, Mr. Speaker. I'm pleased to rise again and speak to Bill 18, the Alberta Order of Excellence Amendment Act. This is an excellent bill. I commend the hon. minister for proposing this bill. There are many, many great people in this

province that deserve to be honoured by this award. Doubling the number of recipients is a wonderful idea. I'm delighted to support this bill.

[Motion carried; Bill 18 read a third time]

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

**Mr. Stevens:** I'm pleased to rise and move that we call it 5:30 and reconvene at 1:30 p.m. next Monday, the business of the House on the agenda having been completed this afternoon, Mr. Speaker.

[Motion carried; at 5:28 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

