

Legislative Assembly of Alberta

Title: **Thursday, November 24, 2005** **1:30 p.m.**
 Date: 05/11/24
 [The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon.

Let us pray. We give thanks for our abundant blessings to our province and ourselves. We ask for guidance and the will to follow it. Amen.

Please be seated.

head: **Introduction of Visitors**

The Speaker: The hon. Minister of Education.

Mr. Zwozdesky: Thank you very much, Mr. Speaker. It's indeed a great pleasure for me today to introduce to you and through you to all members here in the Assembly some very special guests seated in your gallery. Visiting us from Ukraine is Roman Krutsyk, president of the Kyiv Memorial Association, and Mr. Peter Dackiw, vice-president of the national council of the League of Ukrainian Canadians. They are accompanied by Audrey McConnell from my office.

I should say, Mr. Speaker, visiting us from Ukraine, Mr. Krutsyk is a professional jurist, also a former member of the Ivano-Frankivsk city council, the Ivano-Frankivsk provincial council, and Ukraine's National Parliament. Since 1999 he has been head of the Kyiv chapter of the Ukrainian Memorial Society, working on a special project, a documentary exhibit called Not To Be Forgotten. This very special project reflects the communist-imposed famine in Ukraine during the 1930s during which millions of innocent lives were taken. A copy of that special document will be presented to you for all members to enjoy later this afternoon.

May I ask Mr. Krutsyk and Mr. Dackiw to please rise and receive the warm welcome of this Assembly.

head: **Introduction of Guests**

The Speaker: The hon. Minister of Human Resources and Employment.

Mr. Cardinal: Thank you very much, Mr. Speaker. It's my pleasure to introduce to you and through you to the members of the Assembly 24 students, teachers, parents, and bus drivers from the Thorhild school. They are seated in the members' gallery. I'd like them to rise and receive the traditional warm welcome of the Assembly.

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

Mr. Horner: Thank you, Mr. Speaker. I don't believe that my group is in the gallery, but I would like to introduce them for the record as I don't believe I'll have the opportunity a little bit later. They are a group of 83 visitors who are currently touring our building from J.J. Nearing school in St. Albert. The teachers accompanying these 79 grade 6 students are Mrs. Sonia Reid, Mrs. Christine Sowinski, Ms Carmen Berard, who's a student teacher, and Mr. Curt McDougall with parents/helpers Mrs. Liane Jensen, Mr. Carman Mackie, Mrs. Corinne VanDeWalle, Mrs. Nancy Hoffman, Mr. Ambrose Micklich, and Mrs. Maureen Maione. They're all

enjoying the great hospitality of this building and the excellent tour guides that we have in the building, and we hope to see them in the gallery soon.

The Speaker: The hon. Member for Strathcona.

Mr. Lougheed: Thank you, Mr. Speaker. I'm pleased to introduce to you and to the Assembly three classes from Wye school. They're accompanied by Ms Carol O'Connell, Mrs. Allison Baker, Mr. Alan Dubyk, and teacher assistants Tia Bartlett and Susan Otway. They're in the public gallery. I would ask them to stand and receive the welcome of the Assembly.

The Speaker: The hon. Member for Dunvegan-Central Peace.

Mr. Goudreau: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to the members of this Assembly one of our newest youth members in our PC constituency association for Dunvegan-Central Peace. Jessica Simard was involved in the last election and co-ordinated the activities in one of our three offices during this past election. She's very involved and willing to get involved in the community. She's presently active with the Falher Chamber of Commerce. She attended for the first time ever and certainly took an active role in the PC policy conference in Red Deer. Jessica is accompanied by Mat Stepan, the director of constituency finances and north field director. They're seated in the members' gallery. I would ask them both to stand up and receive the warm, traditional welcome of the Assembly.

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

Mr. Mason: Thank you very much, Mr. Speaker. I have one guest and one group of guests to introduce today. It gives me great pleasure to introduce to you and through you to this Assembly Liesel Hack. Liesel is a first-year social work student who is assisting us in my constituency of Edmonton-Highlands-Norwood. Liesel was born and raised here in Edmonton and is interested in pursuing a career in international social work and the development of social policy. We're pleased to have her with us, and I'd now ask that she rise and receive the warm welcome of this Assembly.

Mr. Speaker, I'm delighted to introduce to you and through you to this Assembly a group of long-term care senior advocates. This group is led by Lynda and Ron Jonson of Hinton and is called Seniors I Care. Many members of this group were instrumental in helping raise \$120,000 by collecting money through penny jars and other means in order to build a long-term care facility in Hinton. Seniors I Care are here today to urge the government to reinstate the 25 continuing care beds that have been redesignated as assisted living. I'd ask that as I call out their names, they rise and receive the warm tradition welcome of this Assembly: Lynda Jonson, Ron Jonson, Elaine Koch, Vern Koch, Theron Hindman, Judy Hindman, Rita St. Onge, and George Callihoo.

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

Dr. Pannu: Thank you very much, Mr. Speaker. I'm delighted today to introduce to you and through you to this Assembly Ken and Audrey Johnston, who have travelled today from Leslieville near Rocky Mountain House to come here and watch the proceedings of the Assembly. They are here also today to add their voices for the betterment and improvement of long-term care facilities in this province. It was a delight for me in October to visit them at the

community meeting they organized in Alhambra, where they raised concerns around the quality of care of seniors in long-term care in this province. They're seated in the public gallery, I think, and I now request them to please rise and receive the warm welcome of the Assembly.

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

Mr. Eggen: Thank you, Mr. Speaker. I'm very pleased today to introduce to you and through you to the members of the Assembly Ireen Slater. Ireen is a tireless advocate on seniors' issues. She's currently the acting president of Seniors United Now and the chair of the St. Albert chapter of SUN. She is seated in the public gallery, and I would ask that she rise and receive the warm traditional welcome of the Assembly.

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

Ms Pastoor: Thank you, Mr. Speaker. I am privileged today to introduce to you and through you to this Assembly a man who is involved in a very public and courageous struggle to ensure that no one will suffer neglect, as his mother did, in long-term care in this province. He wants the very best care for all. I would ask that Mr. Robert Warden, who is in the public gallery, rise and accept the traditional welcome of this House.

Thank you.

head:

Statement by the Speaker

Death of Canadian Soldier in Afghanistan

The Speaker: Hon. members, it's with great sadness that I advise all members in the House that there has been a report, now covering the country of Canada, that a Canadian soldier has been killed in Afghanistan, and four others are injured. Now, it appears to have been an accident, but we don't know that. I'm going to ask all hon. members to rise with me, and we're going to have a moment of silence for this member of our Canadian armed forces.

May he rest in peace eternal. Our prayers will go to the family of the deceased. Our prayers will also go for a quick recovery of the other four soldiers who have been injured as well.

Thank you very much.

head: 1:40

Oral Question Period

The Speaker: First Official Opposition main question. The hon. Leader of the Official Opposition.

Securities Commission

Dr. Taft: Thank you, Mr. Speaker. The Alberta Securities Commission needs to be completely independent from government. Our market's integrity depends on it. However, the ability for government MLAs to directly influence the makeup and enforcement process of the ASC threatens to destroy that independence. My questions are to the Minister of Finance. Given that government MLAs can nominate candidates to be ASC commissioners and even at the same time can be officers in companies trading under the ASC, will the minister admit that this puts government MLAs in a conflict of interest?

Mrs. McClellan: Well, Mr. Speaker, first of all, all MLAs can nominate. Not all of their nominations are chosen, but all MLAs can nominate. Members of the public can nominate. Members of the business community can nominate. There is a search process as well

that these would all be added to. Usual practice is a panel that examines the qualifications and expertise of each person that's brought forward, and a member is chosen, perhaps, at times to fill a vacancy of someone who has left with a certain expertise.

Mr. Speaker, to suggest that government MLAs somehow are the only people available to nominate is completely false, and I would have expected the hon. Leader of the Official Opposition to know that anyone can nominate to these positions.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. Given that a former ASC manager has publicly stated, "Sometimes you would get calls from the minister [of finance] inquiring about certain problems, issues, in which case there would be enforcement taken," can the minister deny that ministers of her government have at times called to pressure ASC enforcement investigators?

Mrs. McClellan: Mr. Speaker, I can tell this member unequivocally that I have never called to influence any case. I cannot speak for people who have served in this position in the past, but I would suggest that if this hon. member, rather than casting doubt, raising allegations, an air of suspicion, has any – any – real fact, he should bring that forward. I find this line of questioning quite distasteful because day after day, week after week, including the spring session, it has been allegations, innuendo, a hint of doubt, a bit of suspicion, and no real – no real – information has come from that hon. member to my desk.

Dr. Taft: To this same minister: why should investors believe that the Tory appointments at the ASC don't simply turn a blind eye to their Tory friends?

Mrs. McClellan: Mr. Speaker, again – again – I thought we had reached a level of lowness in these questions some point ago, but this member is in a House where we respect members. If he has concrete proof of anything that he is raising, he has a responsibility to provide it rather than cast aspersions on hon. members in this House. This is the way this hon. member has chosen to lead this discussion. The people in this province are not fooled. They do not understand what the hon. member's goal or intentions are. I can tell you, hon. member, that people do not respect what is happening here. They would like proof. They would like these allegations to be founded instead of an attempt to destroy a regulatory institution that is so important to the markets in this province.

The Speaker: Second Official Opposition main question. The hon. Leader of the Official Opposition.

Dr. Taft: Thank you, Mr. Speaker. It seems this government will go to great lengths to cover up the problems at the Alberta Securities Commission. The Minister of Finance dodges opposition questions, avoids the Auditor General's report, fails to disclose a chronology of events before today's question period, and now there are published reports that senior Tories even tried to stop a magazine from running a damning story on the ASC and its relationship with Multi-Corp. It's one cover-up after another. To the Minister of Finance: in order to protect the image of the Alberta Securities Commission, can the minister tell us which top Tories attempted to halt the printing of this month's *Western Standard*?

Mrs. McClellan: Mr. Speaker, the dodging that is occurring in this Legislature is occurring by the hon. Leader of the Opposition, who

has dodged every opportunity to bring factual information here of any substance. All he has done is put allegations in place, again today in this question an allegation that comes out of a newspaper column. Surely you can do better than that. I've read this. The allegations are weak. They're confusing. In places that document is contradictory. Everything that's reported in there has been reported before. They are the same unsubstantiated allegations. The claim is that several persons spoke to the reporter. None are identified, as is the practice of this hon. member: making allegations with nobody identified. You identify them, sir. The ball is in your court.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. I'll give the opportunity to the Minister of Finance to set the record straight. Given that one of the ASC's top investigators admitted that Multi-Corp would have been pursued if it hadn't been for the directive of those above him, will the minister clear the air and categorically deny that ASC senior enforcement staff are pressured from time to time to drop their investigations?

Mrs. McClellan: Mr. Speaker, allegations again. Bring proof. I have said to this hon. member over and over again in this House that if you have any substantiation for any of these things that you're bringing forward, put it on the table. Give it to me. Read an article: somebody says something. That somebody has every avenue and opportunity to have that investigated, and this hon. member knows that.

You do this House and this question period a disservice by continuing a line of questions when you can't substantiate your allegations. You give hints of maybes. Well, you know what? On this side of the House we deal in fact. I have not dodged my responsibilities, and I have backed up my statements, and I will in this House at the appropriate time table the chronological order of fact. I did not hide it from anyone until that point. In fact, the one person who asked me for it has received it.

1:50

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. An opportunity for a yes/no factual answer. I'll repeat: given that a former ASC manager has stated, "Sometimes you would get calls from the minister [of finance] inquiring about certain problems, issues, in which case there would be enforcement taken" can the Minister of Finance deny that ministers of her government have at times called to pressure ASC enforcement investigators? Just say no.

Mrs. McClellan: Mr. Speaker, I can speak for this minister and I have said no. I would suggest that if this person, who is not named but a former employee, has a concern, he has an avenue to bring it forward. I don't know that that's happened.

The Speaker: Third Official Opposition main question. The hon. Member for Lethbridge-East.

Death of Patient in Long-term Care

Ms Pastoor: Thank you, Mr. Speaker. In September for-profit, long-term care resident Jean Warden died of dehydration, malnutrition, and an infection. This government bears some responsibility for the failure to take immediate action following the Auditor

General's May 2005 report. Four separate investigations have been launched through the College of Physicians and Surgeons, Capital Health, and two through the protection for persons in care office. Sadly, the results will come as no surprise to anyone. My question is to the minister of seniors. Given that Robert Warden, Jean Warden's son, is committed to an open and accountable process, will the minister guarantee that the results of these investigations will be made public?

The Speaker: The hon. minister.

Mrs. Fritz: Thank you, Mr. Speaker. You know that it would be inappropriate for me to comment in the Assembly on the personal health care needs of individuals and especially those that are related to the case that the member has brought forward.

Having said that, I can tell you that the Protection for Persons in Care Act, Mr. Speaker, does allow for investigations that are filed. Reports are taken, and investigators are appointed to the file. The report is given in its entirety to the complainant. The complainant looks at that report and will evaluate the report. If they have any change that they'd like to see to the report, they can give that back to the investigator. There is very much a two-way communication in that process.

The Speaker: The hon. member.

Ms Pastoor: Thank you. Would the minister launch a fatality inquiry to ensure a complete and full examination of all the facts, leading to key directives that may prevent a similar situation?

The Speaker: The hon. minister.

Mrs. Fritz: Thank you, Mr. Speaker. Given that the question relates to a fatality inquiry, I would like to direct it to the Minister of Justice.

The Speaker: The hon. minister.

Mr. Stevens: Yes. Thank you, Mr. Speaker. The Fatality Inquiries Act is under my responsibility. The circumstances that give rise to an inquiry essentially are as follows. If there is an attending physician, that attending physician can raise the matter with the medical examiner and an inquiry into the cause of death would be done by the medical examiner. A family member can raise the matter with the medical examiner, and the medical examiner would look into the issue. If the medical examiner's office has cause for concern, he can then ask the Fatality Review Board to review the matter. The Fatality Review Board reviews certain deaths investigated by the medical examiner's office in order to determine whether or not a public fatality inquiry should be held. If one of those circumstances arises, Mr. Speaker, then the medical examiner's office becomes involved. If none of those circumstances arise, then he does not.

The Speaker: The hon. member.

Ms Pastoor: Thank you. I'd redirect my third question to the Minister of Seniors and Community Supports. Given that families, residents, and staff across the province are fearful to launch complaints, will the minister establish an independent office to solve the problems with enforcement and accountability?

The Speaker: The hon. minister.

Mrs. Fritz: Thank you, Mr. Speaker. As the member for the opposition is fully aware, there are 45 recommendations in the long-term care task force report. The member has contributed a supplementary report to those recommendations. That does include the inspector general, whom the member is referring to. We will look at that in due course as we go through the recommendations.

The Speaker: The hon. leader of the third party, followed by the hon. Member for Lac La Biche-St. Paul.

Securities Commission Investigation

Mr. Mason: Thank you very much, Mr. Speaker. My questions are to the Minister of Finance and Deputy Premier. I'd like to start by thanking the minister for providing me today the chronology that she promised, which is a letter from Mr. Bill Rice to her. I received that at 1:29 today. The chronology shows, as I expected, that the shares in question were purchased by the director of enforcement in the morning, and the investigation order was only signed in the afternoon. This is entirely predictable. There's no written record of an alleged conversation in which the director of enforcement was purported to have reported this breach to the executive director of the ASC, a conversation the executive director cannot recall. To the minister: is this account good enough for the minister, or will she do her job and ensure that the unsubstantiated claims made in this document are properly investigated? Don't give me the Auditor General because he can't do it.

Mrs. McClellan: Mr. Speaker, thank you, hon. member. It was 1:29, but that's when you asked.

Mr. Mason: I asked for it days ago.

Mrs. McClellan: Well, I didn't have it days ago.

The Speaker: Hon. member, would you direct your question to the chair.

Mrs. McClellan: Mr. Speaker, the hon. member is reading the sequence of events that are in here, and he's entirely accurate. It is documented in here that there was no documentation from either party on this issue. It does go on, though, to talk about the actions taken by the Alberta Securities Commission on the matter. The ASC, after careful consideration,

has determined that although there was a breach of ASC policy, there was no use of any confidential information, there was no interference with the conduct of the ASC file and there was no breach of ethical standards. The . . . breach by the Director . . . of the ASC's policy has been dealt with internally by the ASC.

Mr. Speaker, I would like to add some more, but I think this line of questioning will continue, and I will wait.

Mr. Mason: Well, who's the Artful Dodger now, Mr. Speaker?

Mr. Speaker, the letter to the minister goes on to say that the investigation into the insider allegation against this company "continued without the [Director of Enforcement's] active involvement, over the next few months, with the last action being taken on August 3, 2004." Given that, does the minister believe that the staff were adequately able to investigate this company when they knew that their boss had shares in it?

Mrs. McClellan: Mr. Speaker, first of all, I think the hon. member needs to understand how a securities commission works. I've indicated before in this House that you don't post a list. You don't

stick it up with Post-its or put a list up of companies that are being investigated. Investigations are handled confidentially and with a very narrow number of people.

There is no question nor have I denied nor does this letter dodge the fact that the person involved, the director of enforcement, did not document his disclosure of this. Indeed, there is no indication of documentation by the other person involved that this was received. What's important in here, Mr. Speaker, is that "the ASC has acknowledged to the Auditor General that greater discipline should forthwith be introduced" into this. I'm not going to read it all. I will table it.

The Speaker: Good.

The hon. leader.

Mr. Mason: Thank you very much, Mr. Speaker. Well, you know, given that the minister has highlighted the complete lack of documentation in regard to this, it's no wonder that the matter was only brought to the attention of the ASC management through the Auditor General's review. Does she think that that's good enough for the ASC management?

Mrs. McClellan: Absolutely not, Mr. Speaker. Obviously, I'm not dodging anything. It's all here, and I'm tabling it.

Mr. Speaker, what is important to me and I believe sincerely to this hon. member is that processes are put in place that this can be prevented and/or detected if it does happen. It says right in the letter that the matter was brought to the attention of the ASC management through the Auditor General's review. He found, obviously, the documents in the file. That's why he reviewed them.

Mr. Speaker, the last paragraph – and I invite members to read this when I table it – is the important one. The last sentence is most important to me: "The Auditor General will be informed of all steps taken in this regard." That is important.

The Speaker: The hon. Member for Lac La Biche-St. Paul, followed by the hon. Member for Calgary-Varsity.

2:00 Postsecondary Opportunities for Youth

Mr. Danyluk: Thank you very much, Mr. Speaker. Recently I met with members of the Youth Advisory Panel, a group of Alberta youth who provide advice to the government about initiatives for and issues of challenges to youth. I was concerned to hear that young Albertans who wish to pursue a career in the trades don't know where to turn for help and information. My question is to the Minister of Advanced Education. What is your ministry doing to ensure that Alberta's tradespeople of tomorrow are not lost to us because of being frustrated and discouraged by the lack of assistance?

The Speaker: The hon. minister.

Mr. Hancock: Thank you, Mr. Speaker. Certainly, everyone recognizes the need for more tradespeople in Alberta, the need to increase the awareness of trades as a very appropriate career option for young Albertans for whom that's their passion. We do have a number of projects under way which are designed to provide information about the option and to support students who are interested. The youth apprenticeship program, for example, is a pilot program. Grades 7 through 12 can explore career options. More than 200 grade 7 students in five rural schools have participated in this project in 2004. We anticipate taking that pilot project further.

We've developed a strategy to increase an awareness among aboriginal students using promotional materials and presentations by aboriginal youth ambassadors. The promotional materials are being made available to schools and students from K to 9. Advanced Education has been a major contributor to the aboriginal apprenticeship project, with well over 200 registered aboriginal apprentices. Student ambassadors are going out to schools and taking the learning clicks program.

So there are a number of ways in which we're trying to make sure that students right from K to 9, through junior high, and into high school have access to the information, the pathways that they need to get into the trades if that's their passion.

The Speaker: The hon. member.

Mr. Danyluk: Thank you very much, Mr. Speaker. Further to those comments and again to the Minister of Advanced Education: how are you ensuring that the students in rural Alberta have ease of affordable access to the trades training?

The Speaker: The hon. minister.

Mr. Hancock: Well, an important question, Mr. Speaker. One of the areas that I would have liked to have touched on in the first one but, in trying to keep brief, didn't, so I'll expand on it here, is that there are areas that we do need to develop. I need to have a discussion with the Minister of Education as well so that we can ensure that our school facilities across the province either have or have access to appropriate facilities and appropriate equipment and teachers so that young students can have, first of all, in what we used to know as industrial arts, an opportunity to try certain trades and learn whether they have a passion or in vocational programs even start their trades while still in high school. There's some work that needs to be done in that area, particularly on the Advanced Education side, some work to be done on the teacher education side so we have vocational and industrial arts teachers available and also to make sure that we have access to the equipment.

The other part of that question, Mr. Speaker, is that we do have distance learning opportunities for rural Alberta. For example, I was talking to the president of NAIT last night, and he was participating in distance learning through the technology of the SuperNet, that is being provided across the province. There are mobile trailers that are going across the province. In Conklin: the first graduating class this year.

In a number of other ways we're making sure that trades training is available in rural Alberta.

The Speaker: The hon. member.

Mr. Danyluk: Thank you very much again, Mr. Speaker. My last supplemental is again to the same minister. Could you please tell me if there are any scholarships that are specifically for rural, northern, aboriginal, and youth-in-need students for other kinds of postsecondary education in addition to the trades?

The Speaker: The hon. minister.

Mr. Hancock: Well, thank you, Mr. Speaker. Through the Northern Alberta Development Council bursary, of course, \$3,000 is provided to about 125 students who are training in areas of high demand in northern Alberta. There's a return service part to the Northern Alberta Development Council bursaries. There are areas of high needs, like medicine, where there's additional support available.

The northern student supplement provides grants of between \$500 and \$1,500 to northern Alberta students needing financial assistance. We have the aboriginal health careers bursary. Children's Services has, as I understand it, the advancing futures bursary.

This is an area where we need to, not just for northern Alberta but for rural Alberta, add to the bursaries and scholarships and the financing opportunities for rural students because we know that the cost of getting to school is sometimes higher than the cost of going to school. A lot of talk about tuition costs, but for those of us who grew up in rural Alberta and had to go to Edmonton or Calgary to get an education, we know that the cost of getting there is way higher than the cost of tuition.

The Speaker: The hon. Member for Calgary-Varsity, followed by the hon. Member for Strathcona.

Private/Public Partnerships

Mr. Chase: Thank you very much, Mr. Speaker. P3 or not P3: that is the question. Asked by governments, their auditors, and electors throughout the world, the Alberta government claims that it can avoid the huge cost overruns, the inferior quality, and the sweet private/profit deals that come at public expense, which have caused other governments to abandon this faulty financial arrangement. My questions are all to the Minister of Infrastructure and Transportation. Can the minister provide this House with any specific completed P3 examples throughout the world that were built cheaper and faster without compromising either quality or safety?

The Speaker: Well, with due respect, this is the parliament of Alberta, so let's restrict it to Alberta.

Dr. Oberg: Mr. Speaker, if I was much better at my Shakespeare, I would go on, but unfortunately my Shakespeare has left me.

The answer to the hon. member is that I'd be more than happy to give him information on the Anthony Henday.

The Speaker: The hon. member.

Mr. Chase: Thank you, Mr. Speaker. There aren't any successful P3 examples in Alberta.

My second question to the minister: when the Ministry of Infrastructure and Transportation states that a P3 project such as the Anthony Henday will cost taxpayers \$490 million, does that price tag refer only to the principal, or does it also include the interest that will be paid out over the 30-year contract life?

Dr. Oberg: Mr. Speaker, it refers to the principal.

The Speaker: The hon. member.

Mr. Chase: Thank you. When this government, awash in nonrenewable resource riches, has the money now to build projects through conventional, transparent, within the debated budget process financing, why would it add further to Albertans' infrastructure debt by borrowing?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. As I've answered in this Assembly numerous, numerous times, this deal is presently at \$23 million over 30 years. It's quite simple to multiply 23 times 30. Included in this is payback on the financing charges that are on the Anthony Henday.

Mr. Speaker, quite simply, if we were to put out \$493 million in one year, there would not be another road built in this province. There are roads right around this province that need to be built. We have taken this money, and we have gotten a good deal. We know exactly when this road is going to be built. We know exactly that 30 years from now this road is going to be returned to us in the same condition as when it was built. That risk assumption by the private sector, that assurance of the actual cost over the next 30 years, the assurance of the actual quality over 30 years is extremely, extremely beneficial to the citizens of Alberta.

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

Traffic Safety

Mr. Lougheed: Thank you, Mr. Speaker. Constituents have been asking questions about the new traffic laws. Now, they certainly believe that speed reduction when passing police and emergency vehicles at the roadside is good legislation. They have some questions about this. Since the emergency personnel and the police officers are busy with either medical or policing activities, I'd like to ask the Minister of Infrastructure and Transportation if the new law is difficult or impossible to enforce.

The Speaker: The hon. minister.

2:10

Dr. Oberg: Thank you very much, Mr. Speaker. First of all, I would like to say that I'm hoping that we never, ever have to enforce this law. I'm hoping that all Albertans slow down when they see emergency vehicles, when they see police, when they see ambulances. But in case there are people that do speed, obviously the emergency personnel, albeit police officers or ambulance attendants, have to first and foremost look after the situation that they are there for in the first place. However, there have been times where there are extra personnel, extra policemen there who are monitoring traffic, and it can be left up to them to do it. To use an example, this law has been in the province of Saskatchewan for a couple of years now, and since 2001 there have actually been 3,000 charges laid. So this law does work, but I really, really must emphasize that I sincerely hope that we never, ever have to enforce this law.

The Speaker: The hon. member.

Mr. Lougheed: Thank you, Mr. Speaker. Constituents also have questions about traffic laws related to speeding in construction zones. To the same minister: who's responsible for posting the speed limit signs at those construction sites?

The Speaker: The hon. minister.

Dr. Oberg: Thank you, Mr. Speaker. At each construction site we have the construction contractor as well as the construction engineer, and it is their responsibility to post the speed limit on these sites. One of the obvious questions that I think may well be coming is that we're currently looking at putting a sign that says "fines doubled in this particular area" so that we can be consistent with the law that was passed in this House back in the spring.

Mr. Lougheed: Mr. Speaker, another concern is that sometimes reduced speed limit signs for construction zones are left up even when there's no activity, or some signs are removed and some others

are left standing. Is there any intention to have contractors ensure that the signing is appropriate?

The Speaker: The hon. minister.

Dr. Oberg: Yeah, absolutely, Mr. Speaker. The hon. member raises a very, very important issue. At too many locations too many times around this province the speed limit signs for construction zones are actually left up when there is no active construction going on. That's for two reasons. First of all, if there is another reason why the speed limit must be lowered; for example, an uneven centre line, no lines painted on the road, things like that. There is presently a decrease in speed limit for that. I really must reiterate that the doubling of the fines only occurs when there's active construction taking place. So the reason for the sign in many cases is that there is some other obstacle, some other obstruction there, and they leave out the construction signs.

Currently I'm experimenting in my particular department with changing the word "construction" to only where there is active construction and actually calling the obstruction something else. We're currently taking a look at how that would work. It probably makes more sense to do that, Mr. Speaker.

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

Policing Services

Dr. B. Miller: Thank you, Mr. Speaker. The Police Act states that "the Government of Alberta is responsible for ensuring that [an] adequate and effective [level of] policing is maintained throughout Alberta." The reality is that many rural areas are not safe due to inadequate police resources. This was recently confirmed by a report on the RCMP from the Auditor General of Canada. My questions are to the Solicitor General and Minister of Public Security. Given that it is the minister's responsibility to ensure that municipalities with RCMP services have the police resources to ensure safety, can the minister tell us why Alberta consistently ranks nearly last in Canada for the number of police officers per 100,000 population?

Mr. Cenaiko: Well, this past year has been an outstanding year for policing in Alberta. The province of Alberta committed \$30 million to policing this past year; \$24 million of it went to municipal policing. Mr. Speaker, we had the largest single increase since 1982. Almost 200 officers were added to the strength for front-line policing in this province. The majority of those officers went to rural Alberta.

We also made a commitment, Mr. Speaker, to look at the serious issues of organized crime, the issues related to meth and crystal meth and crack cocaine and other illegal drugs in this province. We also made a commitment to fund as well positions in the integrated child exploitation unit in the various police services in Medicine Hat, Lethbridge, Calgary, Edmonton, and the RCMP.

We're, as well, preparing our budgets for next year. These are issues that we're looking at and developing as we speak. We're working with all our police agencies to look at areas that we have to continue to move forward on in the future.

The Speaker: The hon. member.

Dr. B. Miller: Thank you, Mr. Speaker. To the same minister: given that this fine report from the Auditor General of Canada

indicates that there are gaps in the requalification of RCMP officers on the use of their weapons – they're supposed to take retraining every three years – can the minister tell us and assure us that the police in Alberta remain current and up to date in their mandatory training?

Mr. Cenaiko: Yes, they are, Mr. Speaker. In fact, the standard for our RCMP officers in this province is that they qualify with their handgun once per year. We want to continue that. We are in fact looking at other standards. We're working with the assistant commissioner regarding looking at new programs and provincial standards across the province. Our ministry is, in fact, at this very moment hiring four auditors to ensure that policing standards are of the highest in this province. No other province does audits like this. Again, we will be leading the nation regarding ensuring that policing standards are the highest in the country.

Dr. B. Miller: To the same minister: will the minister ask the provincial Auditor General to conduct an examination of policing in Alberta such as the federal Auditor General did with the RCMP to assure us that the government is meeting its responsibilities to our police and to all Albertans to guarantee their safety and security as well as our safety and security?

Mr. Cenaiko: Mr. Speaker, in fact, our ministry is doing that already. We are abiding by the report that came out regarding Alberta's role in Confederation. One of those issues and areas was that we look at the value-for-dollar study on the RCMP policing in this province. We are also going to add on to that the costs and provision of municipal policing in the province as well as First Nations policing. We want to develop a program for the future to provide us with the determinants that we will have to look at: what are our needs in this province, what are our needs throughout Alberta, and what needs do we have regarding policing in rural Alberta, in northern Alberta, in remote Alberta as well as in our major municipalities?

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

Animal Health Surveillance

Mr. Johnson: Thank you, Mr. Speaker. Alberta's agricultural sector plays a major role in our provincial economy. Between the \$1.8 billion that our primary producers exported in 2004 and the \$8.2 billion in farm cash receipts, our primary agriculture sector means a great deal to our provincial economy. However, we've seen the devastating effects on the agriculture industry that can come from biological causes such as BSE, and the best weapons we have for combating such biological entities are research and knowledge. My first question is to the Minister of Agriculture, Food and Rural Development. Will the minister please give the House an update on when the province's new level 3 lab will be completed and tell us the type of research that will be taking place there?

The Speaker: The hon. minister.

Mr. Horner: Well, thank you, Mr. Speaker. Given the media on animal diseases and zoonosis recently, it's a very good question. Construction on our level 3 lab is progressing very, very well. We believe that construction will be completed by the end of this December. We still have to get Canadian Food Inspection Agency approval of the laboratory and how we're going to be approaching

the tests there. We anticipate that that should be accomplished by late February, so we hope to have the lab up and operational shortly thereafter. I should note that we're doing this in partnership with the Alberta Research Council and with the University of Alberta. In addition to what the lab will be doing, which is the only provincially owned level 3 lab in the country, we will also work with these to provide them with some space to do some further research that they're interested in.

Mr. Johnson: My second question is to the same minister. How prepared is Alberta to address other animal health issues which could have an effect on Alberta's agricultural sector such as Johne's disease and others?

The Speaker: The hon. minister.

Mr. Horner: Well, thank you, Mr. Speaker. Again a good question. We are very well positioned in Alberta to address these diseases. Certainly, the level 3 lab, that will be in operation, as I said, sometime after February of next year, is going to increase the capacity which we have in that area. We're working with the Alberta veterinary surveillance network in keeping a close eye on the health of our livestock in the province. We announced last year a new veterinary college, which will increase the capacity of veterinary training in the province as well as providing some more valuable research space.

2:20

On the specific question of Johne's disease, Mr. Speaker, we're currently in the process of working with our federal partners to develop a national control program for Johne's, a program that I'm quite pleased to say is patterned after the Alberta surveillance program.

The Speaker: The hon. member.

Mr. Johnson: Thank you, Mr. Speaker. My final question is to the Minister of Innovation and Science. What research will be undertaken with regard to prion diseases through the Alberta ingenuity fund?

Mr. Doerksen: Mr. Speaker, following on the comments of the Minister of Agriculture it's important for us to be able to understand the interface between animal health and human health, particularly as it relates to misfolding proteins. It's toward that end that the Alberta prion research institute is being directed. This is a \$35 million program. It'll be a multiyear program. The members of this Assembly need to know that we put together an international panel which will be chaired by Alberta-born, rural-born Dr. Joe Martin, who's the dean of medicine at Harvard University, along with other international representatives to give us direction so that we can in fact add to the knowledge that the world already has in addressing this important issue. I'd also like to say that we're reviewing project applications now. We expect that some of these will be awarded early in 2006.

The Speaker: The hon. Member for Edmonton-McClung, followed by the hon. Member for Edmonton-Beverly-Clareview.

Protection of Personal Information

Mr. Elsalhy: Thank you, Mr. Speaker. Albertans value their privacy and rely on this government to protect their personal information from unauthorized disclosure. A report by the B.C.

information and privacy commissioner dated October 2004 argues that the USA PATRIOT Act has created new threats to the privacy of Canadians. The Minister of Government Services indicated during the spring session that he would be collaborating with B.C.'s commissioner to assess this threat in this province. To the hon. Minister of Government Services: has the minister made any attempts to secure assurance from U.S. authorities that they will not utilize the provisions of the PATRIOT Act to access Albertans' information through extraterritorial contractors operating in this province?

The Speaker: The hon. minister.

Mr. Lund: Well, thank you, Mr. Speaker. Of course, that is a big concern of ours, that the PATRIOT Act could be used to gain access to information that government has on individuals. But it goes beyond that too. Under PIPA we also have concern expressed in there, which, of course, applies to the private sector, where, in fact, the private sector has a lot of information. Some of the information is housed in data banks in the U.S., or they may even be a company with people that are from the U.S.

So one of the things that we're doing is that we are going to be moving forward on this in conjunction with the B.C. Privacy Commissioner and looking at situations. If, for example, a U.S. court rules that a company must disclose to the intelligence agency the information – and that's the area that it usually applies to – we would pass legislation that would require that the company, if it's about Canadians, could not disclose it even under a court order. The way that we would enforce that would be with a very, very severe fine in Canada on the company if, in fact, they revealed that information to an agency in the United States.

The Speaker: The hon. member.

Mr. Elsalhy: Thank you, Mr. Speaker. I would personally support that.

To the same minister: does this government perform regular audits of foreign-based contracted companies to ensure that they are abiding by Alberta's Personal Information Protection Act, PIPA, and our FOIP legislation?

Mr. Lund: Well, Mr. Speaker, as I said earlier, particularly in the private sector there is some information that's housed in the U.S. We are looking very closely at any information that government has to make sure that that's not flowing into the U.S. It's not quite as easy as it sounds because it takes a very, very thorough forensic audit in order to track this, but we are doing some of it. So far we're quite satisfied that government information is not flowing into the U.S.

Like I said earlier when we were talking about PIPA, it's so difficult to follow it, so we think that by penalizing it very heavily in Canada, we can maybe stop that information from going into the U.S. in the first place.

Mr. Elsalhy: To the same minister: can this government assure Albertans today that their personal information is not at risk of being disclosed, whether inadvertently or intentionally, by putting regulations in place in these contracts with these contractors, having a clause in that contract, that they should not?

Mr. Lund: Well, Mr. Speaker, we have done that. Where government information is housed, we are following it very closely. I can't

say one hundred per cent but very close to it that there won't be any leaks into the U.S.

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

Long-term Care

Mr. Martin: Thank you, Mr. Speaker. The horror stories continue with respect to long-term care for our most vulnerable seniors. In May this government committed to action on long-term care within six months. This hasn't happened, and conditions have actually deteriorated for many vulnerable seniors. One of the major reasons things have deteriorated is that many facilities have been downgraded to assisted living, where there are no standards, fewer staff, and higher costs for seniors. My question is to the minister of seniors. How can the minister justify allowing a long-term care facility to change its designation overnight with the very same vulnerable seniors so that it has fewer staff, less care, and higher prices?

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

Mrs. Fritz: Well, thank you, Mr. Speaker. I'm very pleased to answer this question today. We all know that long-term care has evolved dramatically over the past few years. The community is meeting that need. It has changed from just having lodges that previously, even 15 years ago, were available for people that were approximately the age 65. Yesterday when I was speaking to the association for seniors with housing, the average age is 86 in a lodge. That changes the care needs.

People no longer move just directly from a lodge into long-term care. There has to be a middle component. We know that. We've talked about it. It's been out in the community through that long-term care task force, and that is called supportive living. It's designated assisted living and assisted living, and it is working in the communities. In fact, it's the communities that have come forward with the plans and the fundraising and showed us the need in the community for our seniors.

So, Mr. Speaker, I'm interested in the next two questions.

Mr. Martin: I'm absolutely amazed at what they're doing. It's the same people, the very same people, and they're changing the designation to where there are no standards. How can that be better for the people in those facilities?

Mrs. Fritz: Well, Mr. Speaker, if this member had read that task force report, he would see that the standards that were in place in 1995 have been updated through the regional health authorities, through the care operators, through ASCHA, the Alberta Senior Citizens' Housing Association. Those standards have been updated. They were taken out to the community through the long-term care task force, and they are now being worked upon with the Minister of Health and Wellness and myself and will be brought forward here very soon as to what are the current standards meeting the supportive living for seniors.

Mr. Martin: Mr. Speaker, I'm trying to ask the minister very simply: when an institution overnight changes its designation to where the Auditor General says that there are no standards, how can that be for the betterment of the people in that facility?

Mrs. Fritz: Mr. Speaker, I can tell you this: we have over 330,000

seniors in the province of Alberta over the age of 65; 10 per cent of those seniors are over the age of 85. That is increasing by 40 per cent within the next 10 years. The change that comes about with that is that there are chronic health care needs, there is dementia, and there is Alzheimer's. Those needs are being addressed through designated assisted living and assisted living, where people are in a care setting, where they can bring their own furniture to their rooms. They can have essential cooking. It's just a far better level of care.

The accommodation standards: I do not want you to mislead this House. There are standards. Those accommodation standards are being reviewed with the Minister of Health and Wellness and I, and they are coming forward through the long-term care task force recommendations, Mr. Speaker.

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

2:30 Climate Change

Ms DeLong: Thank you very much, Mr. Speaker. Alberta is on record as saying that we will address climate change with innovation and technology. Yesterday the Minister of Environment was asked about Alberta's participation at the Montreal conference on climate change, and the minister talked about technology solutions in general terms. My question is to the Minister of Innovation and Science. Are there actual, specific technology solutions that the government of Alberta is working on now?

Mr. Doerksen: Mr. Speaker, in fact, I will be attending the Montreal conference for part of that conference as well. My interest lies in two areas. One area, of course, is to find out what the other countries are doing on the technology and innovation side as well as to reinforce to our federal government the fact that we see as part of the solution investment in research and technology because we think that that is the answer. Alberta is led very capably in our research strategy through the Alberta Energy Research Institute, which is very capably chaired by the Member for Grande Prairie-Smoky. We've established six key areas. I won't elaborate, but they're clean coal, CO₂ management, bitumen upgrading, the improved recovery of oil and gas, alternate and renewable energy, and water management.

The Speaker: The hon. member.

Ms DeLong: Thank you very much, Mr. Speaker. My final question is also to the Minister of Innovation and Science. What part does industry play in energy research and technology development?

Mr. Doerksen: Mr. Speaker, industry plays a very important role. Let me emphasize that directly the Alberta government invests \$30 million annually into energy research. We invest more than that again through incentives through various programs to encourage industry involvement in areas such as CO₂ management and CO₂ capture and storage and for use in upgrading facilities.

Mr. Speaker, specifically on some of the alternate energy, just to give you two examples, we have invested money through the innovation program into a 52-home subdivision in Okotoks on solar energy and in another project in Vegreville to do with biomass. So we are engaged in these areas. These are important, and we do see innovation and technology as the key.

The Speaker: Hon. members, I'll call upon six hon. members in a few seconds from now to participate in Members' Statements, but might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

head: Introduction of Guests (reversion)

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

Mr. Danyluk: Thank you very much, Mr. Speaker. It is indeed a pleasure to introduce to you and through you to members of this Assembly a group of 40 promising young Albertans from the Lac La Biche-St. Paul constituency. Today we are honoured to have the grade 10 class from the J.A. Williams school in Lac La Biche observe the proceedings along with their teachers and parent helpers. They are seated in the members' gallery, and I would like them to rise and receive the traditional warm welcome of this Assembly.

Mr. Speaker, it is my pleasure to rise again to introduce to you and through you to all the members of this Assembly an outstanding young Albertan, Jeeshan Chowdhury. Jeeshan was instrumental in the development of the Youth Advisory Panel, a group of youth who advise government on issues that affect Alberta's youth. He has invested a great deal of time and effort in many initiatives related to children and youth. He was involved in the review of the Child Welfare Act, discussions on alcohol and drug use among youth, and the development of the advancing futures bursary program, just to name a few. Jeeshan also received a Great Kids award in 2000.

Currently he is studying medicine at the University of Alberta, where he is researching medical uses of nanotechnology. He's also this year's recipient of the Alberta Rhodes scholarship. The Rhodes scholarship is the oldest international fellowship. It provides scholarship for two years of study at the University of Oxford.

Mr. Speaker, he is accompanied by his proud parents, Mr. and Mrs. Chowdhury, who are to be commended for their lifetime of influence and support. If I could ask Jeeshan and his parents to please stand. Accompanying them is also Dione Nobrega, the senior manager of youth in transition, Children's Services. Please stand.

The Speaker: The hon. Minister of Education.

Mr. Zwozdesky: Thank you very much, Mr. Speaker. I see that the final member of our Ukraine famine project delegation has just arrived. He was unfortunately inadvertently delayed by some airplane-related matters. Nonetheless, I would ask us all to please welcome Mr. Yaroslav Szewczuk, president of the Edmonton branch of the League of Ukrainian Canadians. Would he please rise and would all the members rise once again so that we can thank you for being here.

Thank you.

The Speaker: The hon. Member for Calgary-North Hill.

Mr. Magnus: Thank you, Mr. Speaker. Once again it's my pleasure to rise to make an introduction to you and through you to members of this Assembly. I'd just like to introduce once again to the members the president of the Edmonton fire association, Ken Block, and the vice-president, Dale McLean, who are in the members' gallery. I'd ask that they stand and receive the warm traditional welcome of this House.

head: Members' Statements

The Speaker: Well, hon. members, this Sunday there's going to be a national competition. We have rules in this House about a dress code. We have rules about exhibits. But I'm going to waive all of that for the momentary two minutes to allow the hon. Member for Edmonton-Manning to give his statement. He can doff his coat; he can put on his cap. If the hon. Member for Edmonton-McClung

wants to take out his flag and wave it and if the hon. Member for Edmonton-Castle Downs wants to take out his flag and wave it, go ahead. Two minutes, and then we're going forward.

Edmonton Eskimos

Mr. Backs: Thank you very much, Mr. Speaker. Many football fans across Alberta were treated to two incredible football playoff games in the last two weeks. These games produced our western champions, and they are from Edmonton, the City of Champions. Edmonton is one of the best football cities in the world, again producing the best pro squad in Canada, and the team is our soon-to-be Grey Cup champions, the great 2005 Edmonton Eskimos.

With the one-two punch of Ricky Ray or Jason Maas as quarterback, with Troy Davis giving offensive punch along with the whole offence, the Eksks have pulled out sometimes nail-biting but exciting victories. Punter Sean Fleming and special teams have scored continually and held the team in the game. Many have called the rock-hard Edmonton defence the key to our playoff victories and know that they will be there to make the Green and Gold proud on Sunday.

In the hot seat and in only his first season as head coach for the Eskimos is Danny Maciocia. Go get 'em, Danny, and we wish you all well on Sunday.

With two former Premiers and our present Lieutenant Governor having played in the past for Grey Cup champion Edmonton Eskimo teams, I am sure that all Albertans will be cheering for the Green and Gold when they take the field at BC Place on Sunday. I sure will, and I look forward and I'm sure all Alberta looks forward to our Edmonton Eskimos bringing back the Grey Cup on Monday. What better way to cap off our Alberta centennial than with a Grey Cup parade down Jasper Avenue next week.

Thank you, Mr. Speaker.

The Speaker: Hon. members, Bryan Hall will not sleep well tonight after that presentation. The only thing missing was that hat with the two beer cans over it.

Hon. member, you should also know that there is a tradition in this House that when an hon. member shows up wearing an exhibit, it is incumbent upon that hon. member to make it available to all other hon. members in this Assembly. So it's a shirt and a hat, to be delivered promptly.

Okay. Anybody on that same theme? Any other speakers? We'll tie it all together. [Mr. Magnus rose] You're not on the list, hon. member. No, no. Sorry. You're not recognized.

The hon. Member for Peace River.

2:40

Food Bank Usage

Mr. Oberle: Thank you, Mr. Speaker. Yesterday during debates in this Assembly the leader of the third party, the hon. Member for Edmonton-Highlands-Norwood, said in his speech, "Alberta has the highest per capita food bank usage in Canada." I hold in my hand a document entitled Time for Action: HungerCount 2005, which is published by the Canadian Association of Food Banks and carries the subtitle Canada's Only Annual Survey of Food Banks & Emergency Food Programs. I will table copies of this document at the appropriate time.

Mr. Speaker, this document reports that on a per capita basis Alberta, in fact, has the lowest rate of food bank usage in Canada. Furthermore, the statistics show a decline in food bank usage in Alberta from the previous year of 16.6 per cent, which is the largest decline of any jurisdiction in Canada. I do not bring this information forward to make light of the very serious issue of poverty, nor do I

intend in any way to suggest that this fundamental problem has been solved. I bring this information forward because of my respect for this House and the important debates that occur here. I most respectfully suggest that in the interests of open and thorough debate, it would be most useful if we could all operate from a basis of fact.

Thank you, Mr. Speaker.

Centennial World Cup

Mrs. Tarchuk: Mr. Speaker, Alberta has a century of sport memories that have left a mark in our history books and in our hearts. In mid-December another chapter will be written in Canmore as our province hosts 200 of the world's best cross-country skiers at the upcoming Alberta Centennial World Cup. These races are another centennial event in a long list that has captured our imaginations and celebrated who we are as proud Albertans. For the first time in 10 years Canadian athletes including Albertans Beckie Scott and Sara Renner will have the home turf advantage as they compete in front of fans waving the maple leaf.

The races are taking place at the renewed Canmore Nordic Centre. This 1988 Olympic legacy is already the home of Canada's cross-country and biathlon national teams, but now thanks to a \$23 million make-over from this government it can once again host international events and will be a focal point for Canada's Nordic training in preparation for Canada's 2010 Winter Olympics.

Residents of the Bow Valley have thrown themselves behind this event wholeheartedly. There is a four-day winter festival accompanying the races, and the Calgary Stampede is putting on its first ever winter rodeo. The event will also generate tremendous exposure. *CBC Sports Saturday* will be hosting its December 17 show from the Canmore Nordic Centre, and internationally an estimated 50 million to 70 million people will be watching the world cup circuit on television.

Mr. Speaker, I am confident that the people organizing the races and the winter festival have created a package of events that will be one of the highlights of our centennial year. Canmore was on display for the world in 1988, and it is ready to be so again. We welcome Albertans to join us.

Thank you.

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

Problem Gambling

Mr. Tougas: Thank you, Mr. Speaker. The third week of November every year marks National Addictions Awareness Week. When we hear the word "addictions," we generally think in terms of alcohol, drugs, and tobacco, but there's a less publicized addiction that is of increasing concern in Alberta. Problem gambling is on the rise in this province, and the primary cause is an addiction to VLTs or slots. Data from the Alberta Gaming Research Institute indicates that about 80 per cent of those seeking help with their gambling addiction through AADAC list EGMs as their preferred method of gambling. Sadly, this responsibility for the increase in problem gambling lies solely with the provincial government in the fact that every one of Alberta's 6,000 VLTs and more than 7,000 slot machines are owned and operated by the province of Alberta.

Gambling machines are ingenious and insidious. They are designed to appear friendly and fun on the outside while inside they are complex pieces of equipment designed by experts in computers and psychology to drain the maximum amount of money from a player's pocket. They are so easy to use. No thought processes are needed at all. If you can put a coin in a slot and push a button, you can gamble on a slot machine. A trained chimp could win or lose as

much money at a slot machine as an adult human being.

They are extraordinarily addictive. Studies have found that EGMs are the only form of gambling where the majority of revenue derives from problem gamblers. It is for that reason that these machines are known as the crack cocaine of gambling. The provincial government has exclusive control over how many EGMs are allowed in this province and where they go. With the rampant expansion of casinos, there could quite easily be 10,000 slots in Alberta in a year or two. In a province that already has one of the highest rates of problem gambling as well as the highest per capita losses at gambling, this unchecked expansion of slot machines is the height of irresponsibility. Gambling machines have turned law-abiding citizens into addicts. Lives have been ruined because of gambling machine addiction, and the blame rests solely with the provincial government.

Thank you.

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

Youth Advisory Panel

Mr. Danyluk: Thank you very much, Mr. Speaker. I am pleased to rise today and recognize the Alberta Youth Advisory Panel. Premier Klein formed the Youth Advisory Panel in the year 2000.

The Speaker: The hon. member knows better.

Mr. Danyluk: The hon. Premier. Sorry.

It is a group of 15 youth between the ages of 15 and 22 who represent communities across the province. The group provides feedback on current initiatives and proposes improvements and new ideas to enhance the quality of services to youth. Panel members represent a diversity of ethnic groups, cultures, geographic areas, ages, genders, and socioeconomic status. They ensure that Alberta youth are heard in a meaningful and relevant way on issues that impact their lives.

Since its inception the Youth Advisory Panel has played an important role in a number of issues and policies for the Alberta government. Currently the panel is involved with several initiatives including youth justice and postsecondary education. Its key role is to provide government with a solid youth perspective.

The youth involved in this group are exceptional young people with amazing potential, such as the young man that we introduced earlier today who was there at the beginning. I cannot emphasize enough the importance of listening to our youth. They provide us with valuable insight and effective solutions to many issues that affect our youth. I encourage all youth in our province to take an active role in their communities and make their voices heard on issues important to them.

Thank you very much.

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

Postsecondary Tuition Fees

Dr. Pannu: Thank you very much, Mr. Speaker. Postsecondary students in Alberta have been asking for a tuition freeze for over a decade and have instead received a flimsy commitment to a so-called rebate. No long-term plan for reducing tuition is on the horizon. With the second-highest university price tag and the highest college price tag in the country this is simply not good enough. Seventy per cent of all jobs either now do or will require a postsecondary education very soon. Education brings better health outcomes, stronger communities, and a more dynamic and innovative economy.

The NDP opposition along with students, faculty, and even business organizations like TD Waterhouse have all told this government that tuition fees in this province are too high and that it keeps many low-income students away from the system. Postsecondary access statistics are stark. Low-income youth are two and a half times less likely to attend university than high-income youth. Half of university students graduate with an average debt of \$20,000, but that is only public debt, Mr. Speaker. Alberta's student finance system has not kept pace with the high cost of living and tuition. Many students now have two or three credit cards and a student line of credit. This is big business for the big banks, a billion dollars a year. Student loans are an excessive burden for the taxpayer as well. For every dollar borrowed by Alberta students, taxpayers shell out 50 cents in administrative costs. A complete waste of precious resources.

A province-wide system of needs-based grants is indeed the way to go. In the next budget cycle the province must commit to doing more than freezing the tuition for the PSE students. We must immediately roll it back by at least 10 per cent, and then we must work with students and other concerned Albertans for a better tuition fee policy, one that will encourage every qualified student to pursue the education of their choice, not their price range. A highly educated population will enable Alberta to weather the storm of Alberta's boom/bust cycles and build the kinds of communities we want. In order to fulfill the vision for the Alberta we want, we must ensure that quality postsecondary education is accessible and affordable for all, whether rural or urban, privileged or underprivileged.

Thank you, Mr. Speaker.

The Speaker: Hon. members, I'd like you to be aware that November 24 is the anniversary of the miraculous entry into the world of the hon. Member for Drayton Valley-Calmar.

Vignettes from Alberta's History

The Speaker: By way of an historical vignette on this day in 1997 Thelma Chalifoux began a term as a Senator from the province of Alberta. Thelma Chalifoux was born in Calgary. She became the first aboriginal woman as well as the first Métis ever appointed to the Senate of Canada. A long-time advocate of Métis culture Senator Chalifoux was the first Métis woman to receive the national aboriginal achievement award in 1995. This respected woman has served on the boards of several organizations as well as the University of Alberta senate. She retired from the Senate of Canada on February 8, 2004, at the age of 75 and now spends time with her family and is very active in the community of Morinville.

head: 2:50

Presenting Petitions

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

Mr. Eggen: Thank you, Mr. Speaker. I'd like to table a petition with 329 signatures on it. The petition was co-ordinated by the Edmonton Friends of the North Environmental Society and calls for "a moratorium on any future expansion of Confined Feeding Operations, with a view to phasing out existing operations within the next three years." This brings the total signatures to this petition for this week to 1,342.

Thank you.

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

Mr. Elsalhy: Thank you, Mr. Speaker. Contrary to what the hon.

Minister of Education indicated yesterday, I am submitting a petition signed by concerned parents from the communities of Taber, Magrath, Cardston, Calgary, Raymond, Coaldale, Lethbridge, and Fort Macleod. It reads:

We, the undersigned residents of Alberta, hereby petition the Legislative Assembly to urge the Government of Alberta to take measures that will require school boards and schools to eliminate all fees for instructional supplies and materials and general school services, including textbooks, musical instruments, physical education programs, locker rentals, lunch hour supervision and required field trips, and to ensure that schools are not deprived of the resources necessary to offer these programs and services without additional charges to parents or guardians.

Thank you.

head: **Notices of Motions**

Mr. Hancock: 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 and also to give notice that on Monday motions for returns 49 and 50 will be dealt with. There being no additional motions for returns, there are none to stand and retain their places.

The Speaker: The hon. Minister of Community Development.

Mr. Mar: Thank you, Mr. Speaker. I give notice today of a bill I intend to introduce on Monday next, being Bill 58, the Alberta Centennial Medal Amendment Act, 2005.

Thank you.

head: **Introduction of Bills**

Bill 51
Appropriation (Supplementary Supply) Act,
2005 (No. 2)

Mrs. McClellan: Mr. Speaker, I request leave to introduce Bill 51, the Appropriation (Supplementary Supply) Act, 2005 (No. 2). This being a money bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this bill, recommends the same to the Assembly.

[Motion carried; Bill 51 read a first time]

The Speaker: The hon. Minister of Advanced Education.

Bill 54
Alberta Centennial Education
Savings Plan Amendment Act, 2005

Mr. Hancock: Thank you, Mr. Speaker. I request leave to introduce Bill 54, the Alberta Centennial Education Savings Plan Amendment Act, 2005. This being a money bill, His Honour the Lieutenant Governor, having been informed of the contents of this bill, recommends the same to the Assembly.

[Motion carried; Bill 54 read a first time]

The Speaker: The hon. Minister of Advanced Education.

Bill 55
Post-secondary Learning
Amendment Act, 2005 (No. 2)

Mr. Hancock: Thank you, Mr. Speaker. I beg leave to introduce a

bill being the Post-secondary Learning Amendment Act, 2005 (No. 2), which will be Bill 55.

[Motion carried; Bill 55 read a first time]

Bill 56
Business Corporations Amendment Act, 2005 (No. 2)

Dr. Brown: Mr. Speaker, I request leave to introduce a bill being the Business Corporations Amendment Act, 2005 (No. 2).

These amendments allow minority shareholders who oppose converting a corporation to or from an unlimited liability corporation to dissent and be bought out at fair market value, and it will also clarify the limitation periods for actions against former shareholders.

[Motion carried; Bill 56 read a first time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I move that Bill 56 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

The Speaker: The hon. Minister of Advanced Education.

Bill 57
Apprenticeship and Industry Training
Amendment Act, 2005

Mr. Hancock: Thank you, Mr. Speaker. I beg leave to introduce Bill 57, a bill being the Apprenticeship and Industry Training Amendment Act, 2005.

[Motion carried; Bill 57 read a first time]

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

Bill 210
School (Property Tax Reduction)
Amendment Act, 2005

Mr. Marz: Thank you, Mr. Speaker. I request leave to introduce Bill 210, being the School (Property Tax Reduction) Amendment Act, 2005.

The purpose of Bill 210 is to eliminate the education portion of the property tax, thereby giving Albertans a tax break. This bill would eliminate education property tax over the course of five years.

Mr. Speaker, thanks to the fiscal prudence of this government, as a province Alberta is in an unparalleled fiscal position. It's important that we take this opportunity to reward Albertans by returning to them their hard-earned money. If successful, when fully implemented Bill 210 will represent a tax cut of approximately \$1.4 billion.

[Motion carried; Bill 210 read a first time]

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

Bill 211
Alberta Commission on Energy Efficiency Act

Mr. Eggen: Thank you, Mr. Speaker. I request leave to introduce Bill 211, the Alberta Commission on Energy Efficiency Act.

Mr. Speaker, this bill gives us an opportunity to reinvest in the

infrastructure of our province and realize efficiency goals which are key to energy efficiency and sustainability for our future.

[Motion carried; Bill 211 read a first time]

head: **Tabling Returns and Reports**

Mrs. McClellan: Mr. Speaker, I have three tablings. I'm pleased to table today five copies of my response to the hon. Member for Edmonton-Gold Bar pertaining to questions raised during the supplementary estimates debate on Wednesday, November 16.

Additionally, Mr. Speaker, I'm tabling a letter I received from the chairman of the Alberta Securities Commission pertaining to the chronology of events surrounding the breach of policy by the director of enforcement.

Also, Mr. Speaker, I am tabling my response to the hon. leader of the NDP opposition's question that he raised yesterday regarding corporate accountability.

The Speaker: The hon. Minister of Advanced Education.

Mr. Hancock: Thank you, Mr. Speaker. I'm pleased to rise this afternoon to table the appropriate number of copies of the Campus Alberta Quality Council's first annual report for the period 1 July 2004 to 31 March 2005. The annual report demonstrates the council's openness, transparency, and public accountability. I will be in the near future making copies available to all members of the Assembly so that they can avail themselves of the appendices which show Campus Alberta Quality Council's key operating principles, publications of the quality council, and the membership of the quality council, in addition to the information contained in the report.

3:00

The Speaker: The hon. Minister of Gaming.

Mr. Graydon: I made my tablings yesterday. Thank you, Mr. Speaker.

The Speaker: The hon. Minister of Human Resources and Employment. The hon. minister sent me a note saying that he wanted to table something. [interjection] Okay.

The hon. Member for Edmonton-Beverly-Clareview.

Mr. Martin: Thank you, Mr. Speaker. I will table something. On behalf of the leader of the NDP opposition I'd like to table a letter from Mary Roberts, who is very concerned that the Chinook health region plans to leave only one continuing care facility in the city of Lethbridge.

Thank you.

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

Dr. B. Miller: Yes, Mr. Speaker. Thank you. I'd like to table chapter 1 of the report of the Auditor General of Canada which pertains to the Royal Canadian Mounted Police, which points out some gaps in their services to rural areas in Canada.

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

Mr. Agnihotri: Thank you, Mr. Speaker. I have tablings from my constituent Mr. Holowaychuk, who is directly affected by the development of the ring road, Anthony Henday. He is concerned about the safety and loss of lawful enjoyment of his property due to

the construction design being used, and he has not received any hearings on this so-called development.

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

Mr. Tougas: Thank you, Mr. Speaker. I'm tabling the appropriate number of copies of a pamphlet handed out today by the Bigstone Cree nation during their demonstration outside the Legislature and outlining their concerns over the forestry management agreement on their traditional homelands.

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

Mr. R. Miller: Thank you, Mr. Speaker. I have a number of tablings this afternoon. The first is a letter from a constituent, Cliff Haberstock, who is writing with concern about the furnace replacement program which the Alberta government instituted earlier this year. Unfortunately, according to Mr. Haberstock, he was informed that the program was oversubscribed within a matter of weeks. He would like some action on that from the government.

I have a tabling from Kristen Warner regarding her concerns with the government's failed automobile insurance reforms.

I have a tabling from a Mr. Nicholas Janik, who is writing with his concerns about the unfunded teachers' liability. He expresses concern that "the teacher shortage in the future will be significantly impacted by the government's decisions regarding unfunded liability."

A tabling, Mr. Speaker, from Mariola Adamowska, who also is writing about the unfunded teachers' liability. She, being a new immigrant to Canada, says that she realizes today that "the 'significant' financial burden, caused by the errors of prior governments, has been delegated" to her without her consent.

A letter from a Janice Hrdlicka, who also writes about the unfunded liability. She asks, "How can this provincial government profess that it is 'debt free'? The unfunded liability is a debt. Plain and simple."

Finally, Mr. Speaker, a letter from a Mr. Ed. Harasem, also writing about the unfunded teachers' liability, and his only comment is that the unfunded liability is "totally ridiculous."

Thank you, Mr. Speaker.

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

Mr. Flaherty: Yes. I wish to table five copies of a letter to Mr. Campbell, president of the Edmonton Eskimos, thanking him for the successful season and for good luck in the Grey Cup from the Leader of the Opposition.

The Speaker: The hon. Member for Peace River.

Mr. Oberle: Thank you, Mr. Speaker. I wish to table the appropriate number of copies of a document published by the Canadian Association of Food Banks entitled Time for Action: HungerCount 2005, being Canada's only annual survey of food banks and emergency food programs.

Thank you, Mr. Speaker.

head: **Tablings to the Clerk**

The Clerk: I wish to advise the House that the following document was deposited with the office of the Clerk. On behalf of the hon. Dr. Oberg, Minister of Infrastructure and Transportation, a return to order of the Assembly MR 48, asked for by Mr. Elsalhy on behalf of Mr. Chase on November 21, 2005.

head: **Projected Government Business**

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

Mr. R. Miller: Thank you very much, Mr. Speaker. Pursuant to Standing Order 7(5) I'm wondering if the Government House Leader would kindly share the projected government business for the week of November 28 to December 1.

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. On Monday, November 28, at 9 p.m. under Government Bills and Orders we would anticipate proceeding with Government Motion 25 with respect to the appointment of the Chief Electoral Officer search committee; second reading of Bill Pr. 4, the Brooklynn Hannah George Rewega Right of Civil Action Act; Bill 51, the Appropriation (Supplementary Supply) Act, 2005 (No. 2); Bill 54, the Alberta Centennial Education Savings Plan Amendment Act, 2005; Bill 55, the Post-secondary Learning Amendment Act, 2005 (No. 2); Bill 56, Business Corporations Amendment Act, 2005 (No. 2); Bill 57, Apprenticeship and Industry Training Amendment Act, 2005; time permitting, Committee of the Whole on Bill Pr. 4 and Bill 47 and as per the Order Paper.

On Tuesday, November 29, in the afternoon under Government Bills and Orders we anticipate the introduction of Bill 52, Miscellaneous Statutes Amendment Act, 2005 (No. 2), and Bill 58, the Alberta Centennial Medal Amendment Act, which may also be available on Monday for introduction. The Committee of the Whole would proceed on Bill 51, the Appropriation (Supplementary Supply) Act, 2005 (No. 2), and thereafter all bills remaining at second reading. At 8 p.m. Committee of the Whole on Bill 51, Appropriation (Supplementary Supply) Act, 2005 (No. 2), and all bills remaining at second reading or Committee of the Whole and as per the Order Paper.

On Wednesday, November 30, in the afternoon under Government Bills and Orders for third reading Bill 51, Appropriation (Supplementary Supply) Act, 2005 (No. 2), and all bills remaining at Committee of the Whole and third reading. At 8 p.m. under Government Bills and Orders for third reading Bill 51, Appropriation (Supplementary Supply) Act, 2005 (No. 2), and all bills remaining at Committee of the Whole and third reading and as per the Order Paper.

On Thursday, December 1, in the afternoon all bills remaining in third reading and Royal Assent and as per the Order Paper.

The Speaker: Let me apologize to the hon. Minister of Human Resources and Employment. Earlier I had recognized him. That was inadvertent.

The hon. Member for Calgary-North Hill may have misunderstood my comment when I invited members to participate in statements with respect to the football game. This is Alberta. The Member for Edmonton-Manning is a supporter of Edmonton, so he was recognized. The hon. Member for Calgary-North Hill was not given an opportunity for the obvious reason.

head: **Orders of the Day**

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 50

Workers' Compensation Amendment Act, 2005 (No. 2)

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

Mr. Magnus: Thank you, Mr. Chairman. It's my pleasure to get to my feet to talk about Bill 50, the Workers' Compensation Amendment Act, 2005 (No. 2).

I'd be remiss if I didn't just take a little liberty here with the Speaker's latest chatter about the football games. I would point out that the Edmonton Eskimos did defeat our much-beloved Calgary Stampeders two weeks ago, or it would be us waving the flags and wearing the sweaters today. I would also point out that one of my two guests in the gallery is Dale McLean, the vice-president of the Edmonton firefighters, also an alumni of the Edmonton Eskimos football team.

3:10

Mr. Chairman, firefighting remains one of our most dangerous occupations. It's known as one of the most dangerous occupations in the world. While we don't have an awful lot of statistics gathered in Canada – the United States is far, far better at doing this – in 2000, the latest year that we've got these statistics for, firefighters continue to suffer job-related injuries in numbers that far exceed other occupations, with nearly 1 in 5 injured in the line of duty each year as opposed to the average profession, which has about 6 per cent, which works out to – what? – 1 in 20. Professional firefighters are more than three times as likely to be injured on the job as the average worker in private industry.

Mr. Chair, heart injury is the number one killer of firefighters on the fire scene. We all know that. Through the various bill stages and the committees prior to getting into the Assembly, we've talked about this. When an alarm goes off in a fire hall, a firefighter's heart rate goes up to about 100 per cent of what a 25 year old's in very good shape would be. At the point he rounds the corner and sees the fire, his heart rate goes up higher. He then dons 70 pounds' worth of equipment, and again the heart rate goes up.

This is exercise at its extreme and at very dangerous levels, which raises their core body temperatures to also very dangerous levels. They work under extreme heat with superheated gases and toxic gases. They have limited breathing with the stress of using an artificial air source. Their movement is often restricted, and they work in total darkness many, many times. Most of all: the stress from being in an environment where your brain is telling you very clearly, "It's time to get the heck out of here," and they have to go in and do their daily work in this kind of an environment. For that reason we've asked for the presumption for the firefighters, the same as we did in the cancer bill in 2003.

Mr. Speaker, we've had a number of questions in second reading that I'd like to address just to hopefully shorten a little bit of the debate that we have today and save some of the members some time. I'll start out with a question that was asked by the Member for Edmonton-Manning specifically about firefighters. While I admire their enthusiasm and, frankly, would like to give a great many professions this benefit, I would like to say that there are some differences here.

One of the things that we did in Bill 202, which is the firemen's cancer bill, was that we asked in the very last line of that bill that the WCB in Alberta would in fact consult with the WCB in Manitoba, who were the leaders on this type of legislation, that they would do the consultation with them and bring back very specifically why we shouldn't cover volunteer firefighters. We're still waiting for that

study. It is not due until the spring of 2006, and we're anticipating that somewhere down the road here, hopefully on time. I might add that the study to be concluded in 2006 will talk about a number of issues.

I'd like to point out some of the differences, if you like, between a volunteer firefighter and a full-time urban firefighter. Quite honestly, Mr. Chairman, the difference is the aggressiveness with which they fight fires. In a full-time urban environment a firefighter goes in and aggressively knocks down that fire. For a volunteer firefighter, because they're volunteers, obviously their conditioning is not quite as good. They take a little bit more of a defensive approach. Now, this is not a hard-and-fast rule by any stretch of the imagination, but it is certainly a difference between the two sides.

One of our other reasonings behind this. As I say, I'd love to give it to them, but again we simply don't have the studies and the science behind it to justify it. We have studies for full-time urban firefighters from all over North America and, indeed, from Europe that go back to 1918 and discuss things like the cancers and the heart issue that we're here today asking for. But there is no study, and until about 10 or 15 years ago even in this province we simply kept no records of who did what. That changed, again, 15 years ago because finally we started giving a very token payment to these same volunteers, who were out there in smaller centres and battling fires, some of them to a very, very great extent. We have a firefighter in Red Deer that fought 170 grass fires a couple of years ago in one summer. Hard to believe, but it's the truth.

We had a number of questions about: why can't we give this same benefit to police officers, probation officers, security officers? How about air traffic controllers? There is nothing anywhere in the rule book that says that any of these people that could participate with workers' compensation, if they have an injury of this sort and it is from their job, can go into workers' compensation and make application for some kind of a benefit, some kind of a payment to compensate them for their work. That is the way that most people are going. I go back to my original statement when I stood up today, which mentions that 1 in 5 firefighters every year suffers a serious injury as opposed to the general population, which I believe is 6.1 per cent on average.

With that in mind, Mr. Chairman, we've got a couple of amendments coming forward, that I'm aware of, and I'll speak a little more to this topic. As I say, I admire the member's enthusiasm for this and certainly agree with it in the context of a common-sense aspect of it.

There's no question in my mind that a police officer is having his heart rate elevated when he hears his siren going off, but again we don't get into things like the exercising at a dangerous level, raising body core temperatures, putting on the 70 pounds of equipment, and running into a building dragging a very, very heavy hose. You've heard the rest of this, members, and a number of you have been on the orientation exercise. You know exactly what I'm talking about. This is extremely physical exercise. For that reason and for all of the statistics and the science behind those statistics, I'm looking forward to the debate here in committee, and we'll get on with it.

Now, there is another portion to this bill. It has to do with the WCB. The Member for Calgary-Egmont is an expert on this particular clause, and I'd ask him to supplement at your discretion, Mr. Chairman.

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

Mr. Herard: Thank you very much, Mr. Chairman.

The Chair: I'm sorry, hon. member. It is customary that I recognize

a member of the opposition for the second speaker, so that would be the hon. Member for Edmonton-Manning.

Mr. Backs: Thank you, Mr. Chairman. I do recognize the contribution of the Member for Calgary-Egmont, and I'm sure he'll be up in a second to deal with the medical panels.

Bill 50 is an important piece of legislation, and I am pleased that it is going through. The need for expanding the ability of firefighters to have presumptive coverage within a 24-hour period for a myocardial infarction, a heart attack, Mr. Chairman, after attendance at an emergency response is, as the hon. Member for Calgary-North Hill has said, something that's been a matter of great study and is something that, although it doesn't happen very, very often, should not bring about hardship to a firefighter who is seeking coverage when, in fact, he is subject to that condition because of his work. It's an admirable amendment that recognizes the inherent dangers that are unique to the occupation of a firefighter.

Research has shown that firefighters in an emergency response situation involving fire and toxic smoke inhalation at the scene are subject to many, many different types of stresses. The Member for Calgary-North Hill has listed some of the stress factors, some of the things that bring great stress to bear on the human system, their bodies, when they are in the situation of a serious emergency, factors that when combined with an accelerated heart rate can and have caused myocardial infarctions to firefighters.

Extending the presumptive coverage here to cover the situation is completely acceptable. The medical panels I think are an important move forward. I spoke extensively on Bill 15 as to some of the problems with the Workers' Compensation Board, and I won't repeat those here today. I think we went over those quite extensively yesterday and in previous debates on Bill 15. The need for those medical panels to report to something other than the WCB and to now report to the minister I think is a very positive move. At the very least this creates more transparency and does allow for them to be better understood and better supported by those that are subject to the decisions.

3:20

I did indicate to the Member for Calgary-North Hill yesterday that I would be bringing forth amendments, and I did bring forth some of the arguments regarding extending to other occupations. What I was looking to was to really limit that not to air traffic controllers, not to those types, not to certain other fields but to emergency personnel or people who are in fact dealing quite often with emergency situations. There is an argument that presumptive coverage should be extended to include other emergency personnel who face hazards in their terms of employment that could lead to a heart attack – and I'll get this down eventually – a myocardial infarction.

Mr. Rogers: Be careful how you say that.

Mr. Backs: The Member for Leduc-Beaumont-Devon was very candid in saying that I should be careful how I should say that.

But a heart attack, you know, this type of problem does not happen very often. I think it would be important for this Assembly to consider those emergency personnel such as police officers, EMTs, or emergency medical technicians and technologists, as well as corrections officers, to be truthful, because they deal in many of the same types of difficult situations, especially in a prison riot. I've got many friends and acquaintances who actually do work in corrections, and I've been made aware of many difficult situations that they have. I've also spoken with numerous peace officers and EMTs, as have members of the Liberal opposition and our research staff.

To apply to police officers and paramedics, who not only deal with an amazing amount of stress in their occupations but also respond and are present at the same types of emergency situations that firefighters attend – that is often the case. For example, at a large building fire police and ambulance at the periphery of the scene are there from the initial response to the conclusion and are subject to high levels of toxic smoke and other damaging vapours. These emergency personnel do not always have access to proper oxygen masks, often not, that serve to shield others such as firefighters from some or all of the harmful content of the smoke. So even though these emergency personnel may not directly enter the blaze, they are still in harm's way of ingesting into their lungs smoke from a fire, and they, too, will have elevated heart rates due to the nature of the emergency.

The key point here is that for any emergency of a substantial nature, especially a fire, it is all three components of the emergency response team – fire, police, and ambulance – that respond to those incidents. Thus, the dangers borne by one prong of the emergency response team is in some form borne by others. Over time the same conditions that apply to firefighters may very well have a similar effect on police and paramedics. Due to this, the presumptive coverage specifically relating to myocardial infarctions 24 hours after attendance at an emergency response should be extended in this specific case to police and paramedics.

In addition, the dangers faced by correctional officers, specifically the dangers faced by an accelerated heart rate due to the nature of the job in emergency situations in prison as well as the stress that comes from working in a jail with prisoners on a daily basis, could also be seen as a cause of a myocardial infarction following a period after an emergency situation. This probably does not happen often, but the same presumptive coverage should apply to these officers for the same reasons.

Given these factors, Mr. Chairman, I'm introducing an amendment to section 2 of Bill 50 to the proposed section 24.1(7) by striking it out and extending the presumptive coverage that applies to firefighters to police officers; paramedics; emergency medical technicians, ambulance; and corrections officers. It is specific to a response to emergency situations causing a myocardial infarction and simply extends the provisions of it to apply to other emergency personnel.

I have provided the proper number of copies to the table, and I move that amendment. Should I read that amendment now, Mr. Chairman?

The Chair: The amendment that's being distributed we will call amendment A1.

Mr. Backs: Should I read that?

The Chair: You can proceed because it's already distributed.

Mr. Backs: Okay.

I move that Bill 50, Workers' Compensation Amendment Act, 2005 (No. 2) be amended in section 2 by striking out the proposed section 24.1(7) and substituting the following:

- (7) If a worker who is a
 - (a) firefighter,
 - (b) police officer appointed under section 36 of the Police Act,
 - (c) emergency medical technician – ambulance as defined in the Emergency Medical Technicians Regulation (AR 48/93),
 - (d) emergency medical technologist – paramedic as defined in the Emergency Medical Technicians Regulation (AR 48/93), or

- (e) corrections officer appointed under the Corrections Act suffers a myocardial infarction within 24 hours after attendance at an emergency response, the myocardial infarction shall be presumed to have arisen out of and occurred during that worker's course of employment unless the contrary is proven.

I move that amendment Mr. Chairman.

The Chair: The hon. Member for Calgary-North Hill on the amendment.

Mr. Magnus: Thank you, Mr. Chairman. As I said before, while I admire the Member for Edmonton-Manning's enthusiasm and while I believe he's as big a fan of these four departments as I am, I would respectively decline to vote for this for the very simple reason that there is no demand for it and there's no science behind it. I did yesterday, when I got wind of the amendment, phone the head of the Calgary Police Association, a gentleman I've known for some time who's very, very concerned about police issues. It's just not an issue for them, hasn't come up. Again, they still have the right, if a police officer, as an example, has a heart attack while he's on the job, to go to the WCB and say, "Benefits, please," and the decision will be based on the facts of each individual case as opposed to the presumption in this.

So I would respectfully mention to the House that I won't be voting for this.

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

Mr. Elsalhy: Thank you, Mr. Chairman. I, too, would support the amendment as suggested and introduced by my hon. colleague from Edmonton-Manning. The question I ask myself is: why cover only firefighters when, in fact, other emergency personnel or people who react or respond to emergencies face dangers and threats which are just as pronounced? People like our police officers or correctional officers or paramedics for example. The pressures that they face and the stresses that they are under are every bit as real, and the risk to their hearts is comparable.

Some members across from the government caucus are trying to reject this. They claim that the suggestion pits firefighters against those other emergency response personnel. In their opinion, it dilutes the intent of the bill and implies that we don't want the firefighters to get this benefit. I have to totally disagree. This is entirely incorrect. What we're doing is trying to extend this presumptive coverage to people who are affected by it and that are at comparable risk. They all deserve our support and protection.

Also, using the same argument as was put forth by the hon. Member for Calgary-North Hill, who says that there is no science and there is no demand for it, I would just say that if so, then there is no risk to include it in this amendment. If there is no demand for it, or if in fact they have one case a year or one case every second year, it's not going to be a big burden for the Workers' Compensation Board or the medical review board. If it's only one case a year or every second year, it's not a big deal. So I would use this argument to say that, yes, in fact we should include these people in this coverage.

Thank you.

3:30

The Chair: The hon. Member for Calgary-Egmont on the amendment.

Mr. Herard: Thank you very much, Mr. Chairman. With respect to the amendment, while I certainly respect the intent – it's well intended – as the hon. Member for Calgary-North Hill has said, there

is no research that indicates that there are similar occurrences with respect to heart attacks in these other occupations, and I certainly respect all of those occupations as well.

I just want to maybe share with the hon. member something about how policy is done, in government caucus at least. If there is to be a change in policy, it has to go through our process: standing policy, cabinet, and caucus. Even if this was the most reasonable of amendments, it would have to have come to us in enough time for us to consider a change in policy. On this side we can't just make policy willy-nilly. We have to do the research, and we have to get approval from members of caucus.

Thank you.

The Chair: The hon. Member for Edmonton-Ellerslie on the amendment.

Mr. Agnihotri: Thank you, Mr. Chairman. I support the amendment by the hon. Member for Edmonton-Manning. This is a good amendment as it shifts the burden of proof to the WCB and allows the claimant full benefits immediately.

However, I would like to have all emergency personnel included in the provisions of this amendment. Police officers, EMTs, paramedics, and correctional officers should specifically be included to have the same type of presumptive coverage. As well, there should be an additional provision to allow either the minister by regulation or the Lieutenant Governor in Council to expand the definition of an emergency worker as it arises. In other words, leave the door open for other workers in the emergency sphere, such as volunteer firefighters in rural areas, part-time firefighters, special constables, or emergency medical responders who work on ambulances in the rural areas.

While the existing provision for firefighters is a good step, this act can go further and include all emergency personnel who as a term of their employment put themselves at risk for an MI due to attendance at emergency or critical situations. In other words, a police officer involved in a fatal shooting or a violent arrest or a paramedic in a hazardous situation where they put themselves in harm's way to save a life or a correctional officer forced to quell a riot should also have the same presumptive coverage.

Thank you very much.

The Chair: Edmonton-Highlands-Norwood, you indicated that you wished to speak. Was that on the amendment?

Mr. Mason: Not to the amendment, no, Mr. Chairman.

The Chair: Edmonton-Meadowlark.

Mr. Tougas: Thank you, Mr. Chairman. First, I'd just like to say that we're in complete agreement with Bill 50. This is an excellent piece of legislation, and I'm sure that we will all support it once it gets through.

I would also like to speak in favour, though, of the amendment. A lot of us went through the pretend to be a fireman for a day routine sponsored by the Edmonton Police Service. I see the Member for Calgary-North Hill is nodding his head. As I recall, he loved doing this. I saw that he had a huge smile on his face during the whole thing. It just about killed me. So I have a pretty good idea of what it's all about to be a fireman now.

Mr. Magnus: And I'm older.

Mr. Tougas: Well, we'll see.

I also found out, you know, that when I grow up, I don't want to be a fireman. It's just too hard. It's very difficult work. These guys deserve all the respect and protection that we can give them. At the same time, being a policeman is a very difficult job, very stressful. They can run into a lot of the same things that a fireman runs into. I don't think it's a particularly big stretch to add other emergency personnel to this bill. It's not a willy-nilly piece of legislation or some sort of change. I think it's a gesture of fairness to the other members of, I guess, the civil service who protect us on a daily basis. I don't think it's a huge stretch. I think it's simply a fair thing to do.

I would fully support this amendment, and I hope that the members across the floor do so as well. Thank you.

The Chair: The hon. Member for Calgary-North Hill.

Mr. Magnus: Thank you, Mr. Chairman. Again, I appreciate the comments from the hon. member opposite. Very simply, I'd love to give other professions, including air traffic controllers, of which I was one for 21 years – I understand stress very, very well. But you've got to have some science there. If the hon. members have a profession that they have some science for, I will make a commitment at this point in time that somewhere along the line in the very near future I will bring in another bill for it, but I need the science. So with that in mind, I'd ask the House to defeat this amendment.

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

Mr. Backs: Thank you, Mr. Chairman. I'm somewhat dismayed by the fact that the Member for Calgary-North Hill says that there's no demand because that is not what I heard from quite a number of people from these professions after they became aware of this bill. Although we don't want to get bogged down in years and years of consultation and want to get this thing done quickly and improve what we have in Bill 15, this is an outgrowth of some of the improvements, I guess, that we were looking at for Bill 15 and some of the problems that we had with that particular act. There is demand from what I've seen, and I expect demand will increase, to be truthful, once this is known because there will be simple fairness factors that will come to bear.

As the Member for Calgary-Egmont said, there sometimes is the need for studies, and the Member for Calgary-North Hill convinced me that we shouldn't have volunteer firefighters on this particular amendment because of some clearer studies that will be coming out in the near future on volunteer firefighters. I'm not convinced that volunteer firefighters should not in fact get this in the future. I expect that some of this information will be very valuable in trying to bring that forward.

The understanding that we have of presumptive coverage is, clearly, that if the WCB thinks that somebody is not due the coverage, they can move to find out and work against that coverage. The idea of presumptive coverage is that the guy gets it automatically. Firefighters should get it, and I believe that other emergency personnel will very clearly have the same arguments. That we don't have a particular study that we can point to or dig up or find at the moment does not mean that there will not be some need for this and, I think, that it will not be necessarily fair to bring forward. I would hope that the government would attempt to initiate some sort of study if this amendment, in fact, is not passed to try and bring forward this coverage, which undoubtedly does not affect a great number of individuals in any given year or even over a number of years but does provide some, I guess, peace of mind to those professionals that protect us in many ways from day to day.

I again urge this Assembly to pass this amendment because I think this is important, if only for fairness, to cover these professions and give this rather limited extra coverage to those who protect our hearth and home. Thank you.

[Motion on amendment A1 lost]

3:40

The Chair: On the debate on the bill, the hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you very much, Mr. Chairman. In the interest of moving this through, I'm going to be very brief and indicate only that the NDP caucus is strongly in support of the bill. We think that it is, in fact, necessary. The whole approach that has been pioneered I think by the Manitoba government is an excellent one, the idea that you have these presumptive clauses where people are presumed to have had certain diseases caused by the workplace if they work in certain occupations where the science is there to support it. So we think it's an excellent approach.

If you look at the history of the Workers' Compensation Board and the dealings that many of our constituents have had with it, you'll find that time and time again they go through all kinds of hoops trying to associate some illness that they've got with their occupation. They get bogged down in all kinds of difficult processes and expenses – and it's frustrating – instead of getting on with their lives. This approach is a very, very positive one.

I want to commend the NDP government of Manitoba for pioneering this approach. I also want to commend the hon. Member for Calgary-North Hill for his persistent work with respect to these kinds of diseases and adding them to the list of diseases that are presumed to be occupational. He's been very good on this issue. I think, you know, he belongs to a party that's otherwise a little bit wacky sometimes, Mr. Chairman, but in this particular case I think the hon. Member for Calgary-North Hill has done a good service, and I'd like to extend my congratulations to him for that. The firefighters do a lot to protect people's lives, and they put their own lives at risk in order to do that. I think that this is the very least that we can do in return.

I would urge all members of the House to support speedy passage of this legislation. Thank you.

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

Mr. Herard: Thank you, Mr. Chairman. I certainly don't want to delay any speedy passage of the bill. I just want to make a couple comments. I was reading through *Hansard* and the comments made by the hon. Member for Edmonton-Strathcona. I have a great deal of respect for that individual, and I think that he was giving us the best of his knowledge on how he thought the system was working. I wanted to perhaps share the best of my knowledge with respect to the fact that maybe he was referring to the system that used to be, not the system that is today.

One of the things that I want to make sure is clear is that if, in fact, an injury is aggravated, part of his concern was, you know, the word "final," if the medical panel's decision is final. I think he knows and he should know that any time there's new medical evidence, it becomes a new case. The injured worker is not precluded from seeking further support and benefits if there's new medical evidence that develops. So if an injury becomes worse over time, just because they had to go to a medical panel to make the first determination doesn't mean that he can't submit the new evidence, and it becomes a new case. I just wanted to clarify that because that's really the practice today.

The second thing was the statement made in *Hansard* at page 1814, which says that "the panel is created by allowing the employer, the board, and the worker to each name one doctor" and "the panelists are named from a list of doctors deemed eligible by the board itself." My understanding of the process now is that the College of Physicians and Surgeons and the AMA provide the medical panel commissioner with lists of doctors and their qualifications. The commissioner chooses doctors based on who is most qualified to deal with the injury that is currently going to be reviewed. So this business of, you know, selecting this doctor or that doctor because this one represents workers or that one represents the board is no longer the practice. My understanding is that the WCB no longer has a list of doctors that they present to the commissioner. He operates from the College of Physicians and Surgeons and the AMA. I just wanted to share that with you because I know that you weren't trying to mislead anybody. You know, most of what you said is the way it was, but it's no longer that way.

Thank you.

The Chair: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Martin: Thank you, Mr. Chairman. This is a very important piece of legislation that time is somewhat of the essence on because we never know how long this session is going to be. So we want to move it along. I'm a little disappointed. It's an excellent, excellent bill, and I give credit for a lot of hard work to the Member for Calgary-North Hill. He does know how to lobby; whether you want to talk to him or not, he's going to be there. So I give him credit for that.

Clearly, firefighters are in those special circumstances, as the member pointed out very correctly: stress situations with heavy equipment, smoke, all the things that can lead to a heart attack. I think that as the NDP government in Manitoba has done, we're bringing this bill forward. As my leader said, we're happy to support this particular bill.

I wish, though, that we had not stuck in the medical panels as part of this bill. I have an amendment I want to bring in. I know that the Member for Calgary-Egmont told me that you have to do it through the government caucus. Well, we didn't have that bill that long to get amendments to contemplate, but in that spirit – in that spirit – I'm presenting an amendment. I think we need some more thought on these medical panels. I expect that I won't get it here, but perhaps by bringing it up, we will review it.

I agree that there has been a move in the medical panels, that the changes have been in the right direction, Mr. Chairman. This idea that there's no more appeal, that it has to go to the medical panel: probably 99 per cent of the time that makes sense. Doctors should be making medical decisions, not lawyers. I think we can all agree with that. But there are cases where, I think, people should probably have an appeal to the court if there is a difference of opinion. We're under oath, and I think that changes that situation to some degree. I don't think that we need to bring this into this particular act. If the medical panels are working fine, people still should have that right to go to court if they don't agree with it. To say that this is the final arbitrator, that you can't go to court, I think is a bit of overkill.

Now, as I said, as a result of that, I bring this amendment forward – and I don't expect necessarily that people will want to debate it; they can – perhaps in the spirit that they may at least go back to the government caucus to think about this. I think there are some questions about degenerative medical conditions. I think that there is a difference when an appeal goes to court and you're under oath. There are lots of advantages to having that final step to go to court.

So I'm asking that if they can't support this amendment here, they

at least go back to the government caucus and think about it. I'm asking, Mr. Chairman, to move that Bill 50, Workers' Compensation Amendment Act, 2005 (No. 2), be amended in section 3 by striking out clause (b). I think I've provided copies to go around.

Thank you, Mr. Chairman.

3:50

The Chair: We'll refer to this amendment that's being circulated as A2.

Do you wish to proceed?

Mr. Magnus: We don't have the amendment.

The Chair: Okay.

Would the hon. Member for Edmonton-Beverly-Clareview wish to speak on the amendment?

Mr. Martin: Well, I think I've made the case, Mr. Chairman. I'm just suggesting that that needs further thought, and this amendment would allow that to happen.

The Chair: The Member for Calgary-Egmont.

Mr. Herard: Thank you, Mr. Chairman. As I understand it, a dispute in the medical findings typically would likely result when new information becomes available. I mean, it's the case with MRIs or CAT scans and things like that. In all of those cases, the file is reopened. In other words, if the condition for which the decision was made changes – that decision is final and binding, but if it changes or if new information comes to light, it becomes a new case. So I don't think there's a need for doing this, for changing this at all.

Besides, in any administrative law tribunal if the concern is that there's no accountability, I think that we still see, with respect to even the Appeals Commission, cases that do go to the courts, and they go to the courts on grounds of law and regulation and things like that. So I think that the protection is still there.

You know, I can't see how any particular case could be concluded if, in fact, the findings of the medical panel were not final. It's just like the decision of the Appeals Commission is final. If you've got one that's final, you need the other to be final as well, with the proviso that if new information is brought forward, it can always be reopened.

Thank you.

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

Dr. Pannu: Thank you, Mr. Chairman. I will be very brief. I'm speaking in support, of course, of the amendment. This provides me with an opportunity to address some of the remarks made by the Member for Calgary-Egmont with respect to what I've said on this bill in its second reading. The intent of my comments was precisely what this amendment focuses on. The amendment takes away from the injured worker the right to appeal, the opportunity to appeal. So the question of natural justice here is at issue.

The fact that there would be three members on the medical panel, one selected by each party to the issue, suggests that panels and medical experts can have differing opinions, and sometimes medical experts err in their opinions. So the point is that the very fact that we are constituting a panel of three experts, not one, allows for the possibility to think that the panel could make a decision that's not right, that's not based on satisfactory evidence. Otherwise, why not have just one member of the panel? If the expert opinion is so irrevocable and it can be always right, then have just one person.

The very fact that we are asking for three, and one of them is to be appointed by the injured worker, allows for making the assumption that panels could go wrong, could make erroneous judgments. It's only in that case that the right to appeal, I think, needs to be provided for in the amended legislation.

That was the whole point of my comments, not to cast any doubts on the importance and the expertise of medical professionals as such.

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

Mr. Herard: Thank you very much, Mr. Chairman. I have absolutely no doubts that that is exactly what the intent of the hon. member is. I'm not sure if he was here when I was explaining that the process today involves total and complete agreement on medical facts. In other words, I can understand what you're saying, and I can understand that sometimes you can get involved in medical opinion where one doctor thinks this and another doctor thinks that and then two out of the three could possibly make a difference. But the process that we now have is that if you can't agree, if all three members can't agree, then don't come back with a decision until you do. So that's a whole lot different than what it used to be.

I would still make the same recommendation I made yesterday, and that is that I would really encourage all opposition caucuses to have Dr. Ohlhauser come in and give them a presentation on the extent to which he has gone to make this a fair process. Then I think you would have the same amount of confidence in the process that I do.

Thank you.

[Motion on amendment A2 lost]

[The clauses of Bill 50 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? Carried.

Mr. Hancock: Mr. Chairman, I'd move that the committee rise and report Bill 50.

[Motion carried]

[The Deputy Speaker in the chair]

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

Mr. Danyluk: Thank you very much, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports the following bill with some amendments: Bill 50. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

Thank you.

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

Hon. Members: Concur.

The Deputy Speaker: Opposed? So ordered.

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

Bill 50
Workers' Compensation Amendment Act, 2005 (No. 2)

The Deputy Speaker: The hon. Member for Calgary-North Hill.

Mr. Magnus: Thank you, Mr. Speaker. It is certainly a pleasure for me to move third reading of Bill 50, the Workers' Compensation Amendment Act, 2005 (No. 2).

Mr. Speaker, I'd just like to say thank you to the Member for Calgary-Egmont, who's done yeoman service on the second part of this bill to do with the medical appeal panel. I'd also just mention that all sides of this House are somewhat guilty every once in a while of maligning, if you like, the WCB. I'd just like to point out that there are 1,600 working people in the WCB: 120 of them are from my fair city of Calgary, and the other 1,500 are from Edmonton, so there are approximately 80 WCB workers in each of the Edmonton ridings.

4:00

Normally speaking, in my experience dealing with the WCB – and I've had quite a few dealings with them, going back to the cancer bill in 2002 – these folks do yeoman service and do great work. When we've been going through these various bills, they've helped me to the nth degree on every single one of them, and I would have to say a very large thank you to a fellow named Jordan Cleland, who's their communications director, and a fellow named Guy Kerr, who is the CEO of the WCB, because they've gone to extraordinary lengths to make these bills happen and to provide a sense of fairness within the bills and within their rulings on these bills. They've made my life quite a bit easier, and I'd just like to say thank you to all of them and ask all members to approve this in third reading.

Thank you.

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

Mr. Backs: Thank you, Mr. Speaker. I'm very pleased to rise to speak in support of this bill. I've made clear, I think, in the debates on Bill 15, of which Bill 50 is almost an outgrowth, some of the challenges ahead for the WCB, and I will not be an apologist for them.

This bill is a very important bill. We've made our arguments, I think, in second reading and in committee. I would like to see further research come forward on volunteer firefighters. I would like to see further moves in the future brought out for other emergency personnel that were covered and defeated by the government side. The bill is in essence a good bill. I support it, and I ask the Assembly to support it as well.

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

Mr. Martin: Yes, Mr. Speaker. Very briefly. We've made it clear that this is an important bill. We certainly support it. I would just say to the hon. member that criticism of the WCB has to do more with the culture, not the people that work there. I think we have to keep that in consideration. When you criticize an organization, it's not the individuals that work there; it's the culture or the policy disagreements that you may have with them. I think that's an important distinction.

Mr. Speaker, I'd like to move this bill along. It's a good bill. Good work by the Member for Calgary-North Hill. I think we can move on.

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

Mr. Elsalhy: Thank you, Mr. Speaker. I, too, rise in support of this bill, the Workers' Compensation Amendment Act, 2005 (No. 2), on third reading. One of the things I learned in my first year as an MLA is that it doesn't matter what the size of the amendment is or what the size of the document is to be important or to be deemed necessary. We've had bills or amendments that are tens of pages thick and have no value, and then this one here is only four pages thick and has tremendous value. So this is a lesson that I learned, and I wanted to put it on the record.

My understanding, in reading all the sayings by the various hon. members and doing my own little research, is that presumptive coverage is not new in this province and certainly came into play in 2003, when seven different cancers were added to the definition for firefighters and then, I think shortly after, two more followed for a total of nine.

Firefighters are honourable and respectable people, and looking after them is only the right thing to do. We're talking about a heart attack. We're talking about the risks that are inherent in a certain job or the stresses that a firefighter is facing. In doing so, I don't think that we should have limited ourselves to the 24-hour interval as stipulated in this amendment. However, I'm still in agreement with the essence and the idea of the bill. The hon. Member for Edmonton-Manning wanted to extend it to maybe 48 or 72 hours, and he mentioned that in his debate.

I wanted to mention something to the hon. members that maybe they didn't include in their research, something that is called transient ischemic attacks, or TIAs. TIAs are every bit as dangerous, and they can sometimes lead to a full-blown incident of a cardiovascular event later on, maybe not within the first 24 hours after they respond to an emergency call. It could take longer. Transient ischemic attacks are usually harder to detect, and they're usually very insidious. The damage they exert, however, is every bit as real.

Maybe that's why the hon. Member for Edmonton-Manning was hoping to extend that interval of presumptive coverage to something that is more reasonable, along the lines of 72 hours or possibly even a week. I can go as far as advocating for a week of presumptive coverage. Cardiac events are serious, and the detrimental effects that follow are in most cases irreparable. Firefighters are facing a real threat.

I, too, Mr. Speaker, participated in the firefighters' drill at the Poundmaker facility in the west end and experienced first-hand the speed at which they have to react to situations, the heavy load that they carry on their arms and their backs. I even took part in the live burn exercise, and I found that to be an eye-opener. I also clearly remember a wonderful visit that I had with the local firefighters in Edmonton-McClung during my campaign when I visited the local fire station and asked them what was on their minds, and here we are today talking about one of those issues.

I am really glad to have participated in accepting and supporting this important amendment. Firefighters are wonderful people, as I mentioned. They are professional, they're disciplined, and they're caring, and they deserve our support fully. [interjection] Thank you.

I also know that because this is third reading, we shouldn't really pick the nitty-gritty of the line by line in that bill. However, I just have to say that although I agree with the direction of 46.1, taking the reporting duties from the Workers' Compensation Board and giving them to the minister, I have similar concerns to what the hon. members from our caucus and the ND caucus have voiced with regard to the medical panel. Again, they mentioned the culture and the protocols in place. So maybe this should be an area of improve-

ment in the future, perhaps, from the government caucus or maybe an amendment from our side.

However, I also have to put on record my strong opposition to the proposed section 46.1(6), making the medical panel findings final. I think this goes against fairness, and it goes against democracy, even, because you have to have an appeal mechanism. So, again, maybe this is something in the future, in keeping with the spirit, the government side can look at restoring: some sort of appeal procedure or appeal provision so people can have some recourse if they disagree with the findings of that medical panel.

In general, again, I will re-emphasize my support and the support of my colleagues. This is a good day. Thank you, sir.

The Deputy Speaker: The hon. Member for Calgary-North Hill to close debate.

Mr. Magnus: Thank you, Mr. Speaker. To close debate I'd just like to thank all the members of the House for their support on this very important bill and just remind them that, I guess in my opinion, this is the right thing to do.

Thank you.

[Motion carried; Bill 50 read a third time]

4:10

Bill 48

Justice of the Peace Amendment Act, 2005

The Deputy Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. On behalf of the Minister of Justice and Attorney General I'm pleased to move Bill 48, Justice of the Peace Amendment Act, 2005, for third reading.

I won't go into detail with respect to the provisions of the act; it was outlined both in second and in committee. If anyone has any need to refer themselves to the rationale for the act, they can look at page 1822, where the Attorney General outlined it very succinctly on November 22, I believe, Tuesday evening. So a quick reference back to that will put the rationale for the act on the table. I don't think that it bears repeating it into the record, and I would move third reading.

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

Dr. B. Miller: Thank you, Mr. Speaker. We don't have any problems with the Justice of the Peace Amendment Act, 2005, Bill 48. I think it gives more power to the minister to raise the standards for justices of the peace and to have more control over their appointments. It's a very important function, and the act that has the authority over justices of the peace outlines all the different ways in which justices of the peace serve the province. I think this act expedites and speeds up the process, and I have no objections to this at all.

Thank you, Mr. Speaker.

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

Dr. Pannu: Thank you, Mr. Speaker. I rise to speak in support of Bill 48, Justice of the Peace Amendment Act, 2005. I think the bill does provide the clarifications that were needed. It standardizes the whole issue of qualifications and the appointment process. Certainly, justices of the peace increasingly serve important functions, so it is critical that we have in place clear qualification requirements, appointment procedures, and a requirement that people should

expect to be appointed on the basis of merit and not just because they have qualifications. Lots of people have qualifications, but certainly in the selection process the merit criteria must kick in. That's what the bill does in addition to clarifying some of the other issues. So on behalf of the NDP opposition caucus I'm happy to extend our support to this bill in its third reading.

Thank you.

The Deputy Speaker: Does the hon. Government House Leader on behalf of the hon. Minister of Justice wish to close?

[Motion carried; Bill 48 read a third time]

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

[Mr. Marz in the chair]

The Chair: I call the committee to order.

Bill 49

Police Amendment Act, 2005 (No. 2)

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

Mr. Johnston: Thank you, Mr. Chairman. I am pleased to rise this evening on behalf of the hon. Solicitor General and Minister of Public Security to address a couple of concerns raised by the hon. members across the floor during second reading of Bill 49, the Police Amendment Act, 2005 (No. 2).

The hon. Member for Edmonton-Glenora raised concerns with the amendments that allowed the Law Enforcement Review Board to dismiss complaints that are frivolous and vexatious. The LERB, Law Enforcement Review Board, deals with disciplinary issues and is not a court of law. Allowing the board discretion on whether or not to hear a complaint will ensure that the process moves along smoothly and in a timely, consistent matter. It is important to point out that the Law Enforcement Review Board has a stellar record for allowing great latitude to complaints in the appeal process. However, the Law Enforcement Review Board should be allowed to use their discretion when they feel the system is being used inappropriately.

The amendments would also allow the board to order costs against those who file frivolous complaints. This will alleviate the backlog of appeals before the board and reduce the potential for a backlog occurring in the future. Specifically, in section 20 of the act we are striking out "that a party" and substituting "that a party or counsel to a party" could be awarded costs. This amendment ensures that legal counsel for all parties are doing their due diligence in representing their clients and are not taking advantage of the hearing process. We want to ensure that the process is fair and that the rights of both members of the public and the rights of police officers remain intact.

A second concern was raised by the hon. Member for Edmonton-Calder regarding amendments to section 5. This section speaks to the creation of panels and the chair's role in appointing members to deal with procedural matters. Allowing the board to establish panels is another way to ensure that complaints are heard more quickly. This will allow cases to be heard in different parts of the province at the same time, thereby speeding up the process. Allowing the chair to appoint members to deal with procedural matters such as setting dates and times for gathering simplifies the process even more.

Mr. Chairman, these amendments will streamline and enhance the

LERB, the Law Enforcement Review Board's effectiveness in the police disciplinary process. This is a positive step for all parties. I would like to thank all hon. members for their support and questions related to this bill. I believe I have responded to all the questions raised.

I would again urge all members of the Assembly to give Bill 49 their support.

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

Dr. B. Miller: Thank you, Mr. Chairman. Just a few comments about this bill. I respect the hon. member's mentioning the point about vexatious and frivolous matters that are brought before the Law Enforcement Review Board and the change to make sure that lawyers who impede the process are not being vexatious and so on in order to get at the backlog of work that the Law Enforcement Review Board has to deal with. I hope that that's on the right track because it gives a lot of power to the board to make that decision. I know that a lot of lawyers have concerns about various matters especially in relation to citizens and the police. There are a lot of issues that come before the Law Enforcement Review Board. I hope that this is going to be a good process with this change. I'm not going to amend it to bring about any further changes.

Now, an issue around the rules of evidence. I guess I do support this because, as I mentioned in second reading, other boards have specific references to the fact that they don't follow the rules of evidence; they follow the rules of natural justice, and I suppose that that would speed up the process. But I think that sometimes these rules of evidence are there to safeguard people who are involved in bringing complaints before these boards, and I would hope that these safeguards are not removed. I guess that a person could still appeal if the person did not think that they were being heard properly by this board. They could still appeal on the basis of natural justice.

To my understanding natural justice just means that a person has a right to be heard, and that's what these boards are all about. They are there to hear complaints from citizens or from police officers and the response. The right to be heard is an important rule of natural justice, so I assume that that's what's being upheld here.

The second rule of natural justice is that the tribunal that is making a judgment is to be not biased but to be impartial. So I presume that a complainant, somebody who brought a complaint and didn't feel satisfied, could appeal on the basis that perhaps the board was biased and could make that argument. So I guess natural justice would prevail here without having to have some sort of statement about the rules of justice. So I'm not going to bring any amendment to change that. I think that's acceptable.

4:20

In general, this Police Amendment Act I think strengthens the role of the Solicitor General. I appreciate that in the sense that it talks about standards for police services, then it adds police commissions and policing committees. I think that's important. I was quite impressed by the Auditor General of Canada's report on the RCMP. In respect to standards the Auditor General of Canada thinks that the RCMP actually is responsible for determining a minimum standard of policing in detachments throughout Canada but fails to do that. So it's important when the Solicitor General enters into contracts with the RCMP to make sure that minimum standards are set by our police services. It's in the interest of law and order. It's in the interest of safety and security of peace officers and safety and security of people in the community.

I find it deplorable that one of our major police services in Canada does not set minimum standards, so I'm happy that it's clear in the

act that it's the Solicitor General's responsibility to establish standards for police services in this province, which includes all municipal police services and, of course, the RCMP and police commissions. That's the addition here, which I thoroughly support because, as we've been following the sad saga of the Edmonton City Police Commission with all the problems around the appointment of a police chief and other issues concerning the Overtime scandal and so on, it's really important that the members of police commissions get the proper training and can really represent the people between the powers of the municipal council, city council, and the police.

So, Mr. Chairman, I have nothing else to say about this. I'm not bringing any amendments. This can go forward out of committee.

Thank you very much.

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

Mr. Johnston: Thank you, Mr. Chair. Just my clarification: when I say across the floor, I don't mean across the floor to here.

Dr. B. Miller: We're on the same side.

Mr. Johnston: Yes. Members to my left, the opposition. Thank you.

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

Mr. Agnihotri: Thank you, Mr. Chairman. It's my great honour to rise and speak in support of Bill 49, the Police Amendment Act, 2005 (No. 2). Bill 49 is a complement to Bill 36 from the spring session, the Police Amendment Act, 2005, and introduces additional changes to the Police Act. The amendments will clarify the role and powers of the Law Enforcement Review Board in assessing costs, paying expenses, and clarifying the LERB authority and responsibilities. It will clarify the minister's responsibility for policing standards and clarify that policing includes the police commissions and committees, not just police services.

The purpose of this bill is to provide some additional amendments to the Police Act which were not included in Bill 36, the Police Amendment Act, 2005. These amendments include changes to the functionality of the Law Enforcement Review Board, LERB, as well as instituting provincial standards for policing to extend to police commissions and committees. I wonder why we didn't make amendments in the last spring session, but this amendment, it seems to me, is worthwhile to add.

The Law Enforcement Review Board is an independent judicial body established under the Police Act. The main purpose of this board is to hear complaints from citizens who have already lodged a complaint about the conduct of a police officer and are not satisfied with the result of that complaint. As well, the police officers who have been the subject of discipline rising out of a complaint and who feel that the decision was unfair with the decision of the chief of police may also appeal to the LERB. The LERB provides a forum for both citizens and police officers, including special constables, separate and removed from the police service involved. The main objective of this process is an independent and impartial review.

Membership in this board is comprised of a minimum of three members from the public. Current membership is two lawyers, a former MLA, a former member of the police commission, a former councillor, and a former president of the AUMA.

Mr. Chairman, I support this bill because the amendments as proposed in this bill are all generally acceptable and, in fact, are crucial to updating the current Police Act, that has not been updated

for 17 years. The recent problems seen with the Edmonton City Police Commission serve as an example of why there is a need for boards such as this to have the proper training so that they can carry out their duties effectively and without controversy.

This is a good amendment. The police commission has a very important role in ensuring that police services are free from undue political influence. The police commission provides the balance against undue political influence from the elected officials. It is of utmost importance that commissions be independent from direct influence from the municipal councils but at the same time maintain an open and transparent relationship with the council.

To ensure that committee members are aware of their roles and responsibilities, it is crucial that they receive the training necessary to understand their role fully and completely before committing to their duties. Establishing standards that must be followed is a very effective way to do this.

Given the importance of independence from undue political influence, it is critical that the province be responsible for standards but that their involvement in the municipal commissions ends there. There must be no move towards placing a provincial representative onto police commissions and committees. This would be the definition of political influence. Municipal police commissions and committees must be bound by a clear understanding of their roles and responsibilities, but they must not be subject to provincial meddling in the internal affairs of their police services. This would clearly undermine municipal autonomy. The role of the province and the minister must be only in establishing provincial standards for commissions and committees.

Mr. Chairman, these amendments to the Police Act, Bill 49, are timely and needed for the Police Act, that did not receive any changes for 17 years. These amendments by the Solicitor General are much better than the amendments made in the spring through Bill 36, which utterly failed to provide the open and transparent public oversight of police services that the public was demanding.

However, these amendments are a step in the right direction, especially the establishment of provincial standards for police commissions and committees. It is imperative that the establishment of provincial standards for policing includes an examination of police policies relating to police pursuits, to the use of force, and to cultural diversity training for all police officers to better serve the public. These standards must be made in consultation with the municipal police services and with the RCMP to ensure that police services can better serve the public and to enable them to fight and win the war on crime in Alberta.

Thank you very much.

4:30

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

Dr. Pannu: Thank you, Mr. Chairman. I'm pleased to rise and make some observations on Bill 49, Police Amendment Act, 2005 (No. 2) in my capacity as critic for the Solicitor General and Minister of Public Security for my caucus.

Before I make some specific comments on the bill, let me iterate very clearly, Mr. Chairman, how important I think the services are that the men and women who serve in the police forces provide to our communities to make them safe, to make them free of threat to other persons or property. I want to be on record as expressing my appreciation for the value of the hard work that the women and men who serve in our police forces provide us. They certainly risk their lives to protect our lives. Anything that I say about the bill should not be construed as casting any negative sort of observations on the members of the police service as such.

The bill is certainly a step, I think, in the right direction. It does address some of the concerns that were expressed in this House in the spring when we engaged in debate on Bill 36. I'm pleased to say that some of the criticisms that were made then were I think received well by the government side. Some of those concerns are being embodied in these amendments.

My colleague from Edmonton-Calder, I think, in his intervention during second reading drew attention to some of our general concerns about the specifics of the bill, so I won't repeat those concerns. I have some questions. For example, I'm looking at an amendment in section 20 which repeals clause (f) in the existing legislation and substitutes the following: "the Board may accept any evidence that the Board considers to be relevant to the determination of the issues and is not bound by the rules of law respecting evidence applicable to judicial proceedings." It's a change which on the surface, I think, looks good. It gives the board the additional power to accept information that is relevant to the determination of issues at stake.

On the other hand, the rules of law respecting evidence applicable to judicial proceedings include rules which require evidence to be adduced, I guess, under oath and the cross-examination that can follow from evidence that's adduced under oath. I wonder: those particular procedures or practices which are relevant to and applicable in judicial proceedings, what is the status of those kinds of rules when it comes to the ability of the board to accept information or evidence? I thought they were good rules. They allow for getting at the root of the issues and the evidence that's required. I wonder if the change that's being made here from the existing law is in the best interests of all parties involved.

The Law Enforcement Review Board does of course deal with highly contentious matters. It is of the utmost importance that the trust of the public in our police forces is maintained, is in fact strengthened. That's the only way that police services can provide the kind of service that communities require and work in co-operation with local communities in providing that service. That mutual trust and respect for the conduct of police officers is of the utmost importance. That helps the police to do their work. It certainly helps the communities to feel safe and also concur with the police when police take certain actions which may be questioned by some.

Any changes that we make should be made not only to streamline the Law Enforcement Review Board activities but also to ensure that they result in strengthening our trust in the police forces, ensuring that the conduct of the police is transparent, that if it comes under question, thorough investigations are done and the complainants receive full satisfaction for the complaints that they make. That's the only way that we can make the work of the police forces more effective and more valuable to our communities.

I'm raising these as questions. In my view, the goal of these amendments should be and perhaps is to improve the ability of the Law Enforcement Review Board not only to provide judgments and decisions in a timely and efficient fashion but also to do it in a way which strengthens and contributes to our trust in our police forces and the valuable work that they do. So that's one question that came to my mind as I was looking at the provisions of the bill before us, Bill 49.

4:40

One other question that arose was whether or not Bill 49 and the amendments that it makes to the Police Act do in fact provide a comprehensive enough review of the existing legislation. During the debate on Bill 36 in the spring I think lots of issues were raised about what needs to be done in order to change the existing legisla-

tion to improve the work that police forces do and make that work more transparent and above board. Police misconduct activities have come to the attention of Albertans over the last several years, particularly last year, and there was a concern, I think, around this House and outside whether or not we can trust the activities that sometimes some members of the police forces engage in. They are questionable. One of those incidents is certainly still out there under investigation, and perhaps judgment will be made sooner or later.

The broader concern that I have about this is that the amendments being proposed here are good insofar as they move us forward, but they may be limited in scope in addressing all the issues and the concerns that I have expressed with respect to the efficacy of the existing statutory piece of legislation dealing with the Police Amendment Act.

I don't have any amendments to propose. I just wanted to put some of these general concerns on record and otherwise indicate the support of our caucus for the amendments, limited though they may be in scope as they stand as part of this bill.

Thank you, Mr. Chairman.

[The clauses of Bill 49 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? Carried.

Bill 46 Criminal Notoriety Act

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

Dr. B. Miller: Thank you, Mr. Chairman. Bill 46, the Criminal Notoriety Act, has sort of had an evolution across the country. Ontario has developed a version of this bill and then Manitoba. Interestingly, Manitoba added a section on criminal memorabilia, which is in this bill, and that's really important to add. I'm sure that other provinces will follow suit and have a similar bill.

I'm not going to look at it specifically in terms of the various clauses because it's a bill that's very similar to others adopted throughout Canada. I guess that's why it's as long as it is: it's covering all kinds of eventualities. It's basically the same as the Manitoba legislation, drawn up for Alberta.

In general, the problem I have with it is that it deals with not very many specifics. I don't think many specific cases will ever come up about this. I mean, how many books will be written by criminals who have committed serious crimes? How many books and television programs will they produce or develop in Alberta? Have we ever had any cases like this? It's interesting that one of the most notorious cases, namely Clifford Olson, happened in B.C. and B.C. doesn't have this kind of legislation.

My preference would be that Alberta Justice would bring bills having to do with the prevention of crime rather than dealing with this kind of example of trying to make it impossible for a criminal to take advantage of his crime by producing a book or a television program or whatever. I mean, we need to be in the business of preventing crime, not simply adding more and more sanctions to the punishment of criminals, which I think is what this does. It just adds

another sanction on top of the sentence that has already been meted out to a criminal.

Certainly, it's difficult to actually oppose something like this because I think there's zero tolerance in the public for the idea that a criminal should profit from his or her crime. So this is something that I don't think I would oppose in principle, and I already said that in second reading. I think that there still could be a Charter challenge along the way.

Now, I personally reviewed some of the history of the son of Sam law in the States, which I think was developed in 1977 in New York state, but almost all states in the U.S. have similar legislation to prevent criminals from profiting from their crime. The son of Sam legislation was challenged constitutionally on the basis of the First Amendment. I mentioned this in second reading, and I think that still could be possible. If somebody who actually finishes their sentence, has completed what they owe in terms of debt to society by serving their term, gets out and decides to write a book about their experience, both the crime and their experience in prison, that person I think could challenge the prohibition of being able to write such a book on the basis of the Charter, the freedom of speech and the freedom of expression. It would be interesting to see if such a challenge took place.

Of course, if it was something that was educationally important for society, that person could apply under this act for a contract to recount the crime, and there are many stipulations about that, so it still may be possible for a former convict to write a book about his experience if it has some sort of educational benefit for society. Under this act section 2(3) does allow for contracts that recount crimes if they support various crime prevention programs or victims' programs by a law enforcement agency, et cetera, an agency like the John Howard Society and so on, where it's really important to have people who have served time get out into communities and warn youth about the disadvantages and the terrible experiences that they go through as a result of a life of crime.

I also like in this bill the fact that if people are fined for being in contravention of this bill, the fines would be for the benefit of the victims and their families. I think that's really good.

Well, I think that's all I have to say about this bill. Thank you, Mr. Chairman.

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

4:50

Mr. Agnihotri: Thank you, Mr. Chairman. It's my great honour to rise again and speak in support of Bill 46, the Criminal Notoriety Act. The purpose of this bill is to prevent criminals from benefiting financially from their crimes. In this sense that's the reason I'm supporting this bill.

Caution is suggested primarily because of potential Charter issues. Specifically, will this bill violate the following sections of the Canadian Charter of Rights and Freedoms?

2(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication . . .

15(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Another area of concern is the potential implication of this bill. Will this bill have an effect on novelists or writers who want to write a true crime story or a biographical account of a criminal's life? This is an area that requires clarification.

Another point of concern. What is the rationale for this bill? Why does this government feel that it is necessary? This government may

be pushing this bill in order to appear tough on crime. Although this is a positive step in protecting victims of crime, it does not act as a deterrent to committing crimes. If the government truly wants to be tougher on crime, it should focus its attention on more urgent and practical measures: increasing the number of police officers, better funding for law enforcement, social programs, targeting young offenders, et cetera. These measures would have a stronger, more immediate impact.

I support the underlying principle of this bill, and I believe that it is a positive measure. We believe that the government should focus its attention more on combating crime on the front line. I believe that it's a positive measure. The details of the bill need to be clarified to ensure that it achieves its purpose without having a negative impact on other individuals such as novelists. We do have some concerns regarding its relation to and potential violation of the Canadian Charter of Rights and Freedoms, as I mentioned, in section 2(b) and section 15(1).

Alberta would be the third province in Canada to implement legislation of this type. Both Manitoba and Ontario currently have similar legislation in place. When the legislation was passed in Manitoba, questions regarding its infringement on individual rights and freedoms were raised.

Those are a few questionable concerns, but still at this moment I would commend the sponsor of this bill for the good work. Thank you very much.

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

Mr. Elsalhy: Thank you, Mr. Chairman. I, too, am very pleased to rise and participate in the debate on Bill 46, the Criminal Notoriety Act. I agree that the intent of the bill is to tell the whole world, tell all the people that crime doesn't pay.

An Hon. Member: It does sometimes.

Mr. Elsalhy: It does sometimes, but we're trying to tell people that they shouldn't accept that. Nobody should elicit any profit or any benefit from a criminal act.

One of the questions that I had to struggle with is basically balancing the rights of the victim with those of the criminal. I know that my statement can get me in all sorts of trouble by saying that the rights of the victim should really outweigh those of the perpetrator, or the criminal. The criminal has already given away some of his rights by committing a criminal act or an atrocity.

Now, some of the questions that I have are really about thinking of the difference in our use that this bill might apply to, all the different parameters and factors and things that maybe we cannot forecast ahead of time. So one of the people that I would like to think about is a person who committed a crime but then repented or was totally and fully rehabilitated. Another example would be a person who walks or is acquitted based on technical reasons during a trial, and the name O.J. Simpson comes to mind here.

Number three is a question about novelists or writers who want to write a true crime story or a biography about the life of a criminal. Would this piece of legislation apply to them as well?

My fourth example would be about the victim himself or herself. Can we stop the victim from recounting the crime that they had to live through? Will these restrictions extend to them as well?

An Hon. Member: If they're still alive.

Mr. Elsalhy: If they're still alive, absolutely.

Also, what about book, movie, or television series deals that are

entered into in other jurisdictions, whether in Canada or outside? Would this law apply to those agreements or those contracts that might have originated outside this province?

Also, I know that this concern was voiced by my hon. colleague from Edmonton-Glenora and my hon. colleague from Edmonton-Ellerslie, but really why does this government feel that it's necessary? Do we have cases waiting to be pursued, or do we have examples that maybe we're not aware of? Why are they pushing this bill? It's a question on my mind. I don't know if they're really trying to appear tough on crime, as was mentioned before.

It is a positive step in protecting the rights of the victims of crime, but it doesn't really deter or stop crime. It is not an obstacle. People who are having thoughts about committing crime or who are contemplating committing a crime or people who have ill intentions for other people or for society at large will not be stopped because we're telling them that you can't write a book after or you can't be given money for a movie that talks about your crime. I don't think people commit crimes based on a further-down-the-road plan that they would market the story or recount in press or cinematic production or however. I don't think people plan their crimes according to a marketing scheme that they're thinking about after.

As discussed by my hon. colleague from Edmonton-Glenora, this act is likely not going to survive legal and constitutional challenges. Maybe it's just a statement we're giving. Maybe it's an overarching argument that crime doesn't pay, and we want to put it on paper. Whether, in fact, it survives a constitutional or legal challenge in a court of law remains to be seen.

Finally – and I know that everybody is trying to be brief here – will there be a provision to include an appeals mechanism to minimize the need for the people whom this act covers to take their appeals to court? So can we have an appeals mechanism? You know, not every piece of legislation, not every law applies to all the subjects that are covered under this law equally and with the same effect and the same force. So maybe we should have an appeals mechanism for people who think that they are entitled to write a story. Maybe they want to write a story to educate the citizens about not falling prey to a criminal, or maybe they want to write a story to make us aware of a certain scheme that's happening. It could be identity theft, or it could be fraud or credit card scams. A person might have repented and want to educate other citizens about how they did it and how to avoid it, how not to fall prey. So maybe there should be an appeals mechanism to allow these people to say: "Look, I'm trying to do something good here. I'm not trying to exploit a situation. Let me write a book. Let me put it on TV or on radio so other people can learn from other people's mistakes and move forward."

I think this is a fair recommendation, and I hope that the government side will take it under consideration. Thank you, Mr. Chairman.

5:00

The Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. There have been a number of issues raised, and I thought it appropriate to address some of them. There's some speculation about who this might apply to. The act is very clear that it applies to convicted criminals who have been convicted of what's defined as a serious crime. There's a definition in here for that purpose. So it's clearly a defined group of people.

It's clearly intended to take away the proceeds – in other words, profiting – from a crime. It doesn't limit the person's freedom of speech. They can write an educational piece of work if they wish.

They can't profit from it. It doesn't suggest that you can't talk about your crime or why you committed it or that you repented from it or that you want to help educate other people to not go into a life of crime. It clearly allows us to take away the ability for somebody to profit from a crime. That's the nature of it.

There's been some speculation that this might be something which offends the Charter. We should I think be very clear about the Charter and how we approach the Charter and those sorts of things. There obviously are some things which are clearly offensive to the Charter, and as legislators we ought not to enact things which are clearly offensive to the Charter.

The Supreme Court of Canada has indicated in rulings that the art of legislating is an iterative process. It's a discussion between the courts and the legislators. This, I think, would lead us to correctly suggest that we ought not to shy away from making good law in areas where we believe it to be appropriate because somebody says that it might offend a particular area. I mean, clearly this is not an area where we're talking about an egregious breach of a person's rights. We're talking about something where some people may raise an argument that may bring the Charter into the discussion. That's clearly something that needs to be defined by the courts. So we shouldn't shy away from that. If we think it's the right thing to do, we ought to do it. If somebody wants to challenge it and if they're successful, then we can learn from that. If we learn from that, we can come back and say: well, is there a way of doing it right, or is it something that has been very clearly indicated to be wrong?

So the question about whether we shouldn't bring in this particular piece of legislation because there may be a possibility that somebody might raise a Charter argument and even perhaps be successful I think is not a good reason not to act. We have mechanisms in place to deal with the fringes, with where the boundaries are, and we ought to know and understand that that's a perfectly appropriate process to bring into place.

What we have before the House is a bill which has some clear intent. It's not taking away from any of the other good activities that the Department of Justice or the Department of the Solicitor General might be doing with respect to crime fighting. It doesn't detract from the resources being applied in those areas. It doesn't take away any of the energy. But it's a clear statement of public policy that people who commit serious and egregious crimes ought not to profit from them.

So we have a mechanism in place where if they attempt to profit from them, we can take that profit away. We can make it an offence to profit from the serious crime as defined in the bill. A narrow area, an important statement of public policy. Let's not be scared of the Charter. Let's not be scared of what might be. Let's welcome the courts' interpretation of it, if they want to in the future, because we're making a very important statement: that there are some nefarious crimes that go on, that books come out about them. If it's a book being written by the person who perpetrated the crime, that's a bad thing from a public policy perspective, ought not to be allowed, and that's what we're trying to stop.

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

Mr. Tougas: Thank you, Mr. Chairman. I appreciate the hon. minister's articulate defence of his bill. It doesn't change my opinion, though, that essentially this is a waste of public time, to be honest with you.

You know, I read a lot of books, and I have yet to encounter a book written about an Alberta criminal by an Alberta criminal. I thought that maybe I might have just missed something, so I thought: okay, I'll check the Edmonton public library database.

They have exactly one book about true crimes of Alberta, not written by the criminal.

To be honest, this appears to me to be a law that's a cure for which there is no known disease. We've taken a step here to prevent something that has never happened and is not going to happen. You've got to think about that one. It's a play on words: a cure for which there is no known disease. You're shaking your head. It's a tough one. You've got to think about it.

I'm just baffled why this government in this ridiculously short fall session has chosen to eat up valuable time with a bill that will in all likelihood never be applied in the province of Alberta and have no impact whatsoever. [interjection] I'm speaking out because you guys put a bill here, so I figure I might as well talk about it for a little bit.

Mr. Dunford: Well, then, don't complain about the time.

Mr. Tougas: Well, I'll tell you that we could be talking about fixed election dates. We could be talking about lobbyist registry. We could be talking about any number of laws that would be beneficial to all of Alberta, but instead we're talking about this showboat piece of legislation. Then, of course, we have the association of former MLAs to deal with too. Boy, that's a hefty agenda we've got going here. I'll tell you: this government has apparently completely run out of ideas, Mr. Chairman. I won't waste any more time talking about it, but if you're going to bring us in here, at least give us something to chew on, a little bit of meat.

Thank you very much.

Dr. Pannu: We have some minutes left, Mr. Chairman, so I may as well take advantage of the clock.

A very interesting discussion. As the member of my caucus who's responsible for dealing with this bill, I listened with a great deal of attention to the arguments made here. You know, to say that a person responsible for a serious crime should not benefit from it is a no-brainer. I mean, there's no disagreement on it. There's absolutely no disagreement on it.

The Member for Edmonton-Meadowlark, of course, raised an interesting question: what is the problem? I mean, we obviously deal with issues and create legislation and make laws that deal with problems. We solve them. Does it have a preventive effect? Will it reduce crime? I suppose not. It doesn't have an intention. It's not intended to prevent crime. It's only intended to prevent people from profiting from crime once they've committed it.

So the question does arise: how big is the problem they're dealing with? You know, there are horrible crimes committed in this country by the likes of Clifford Olson and the couple in Ontario. We know that. They're disgusting in the extreme. They're terrible crimes, and surely no one would want to see any of those characters writing a long story after they're out of jail and making millions on it. Agreed. But these are so few exceptions. We have to ask ourselves: what is the problem they're trying to address here? Something that might happen in the future, or what?

I share that concern. I ask that question: what is it that we are trying to address? What is the problem that we are trying to address? Albertans have a right to ask us: "What are you doing here in the Legislature? What problems are you trying to solve?" What problems are you trying to address? Or are you simply trying to just play some sort of games or promote some fears which may or may not be justified? So it does raise a question on the appropriate use of our time here given the nature of the problem, if there's a problem.

5:10

The other question that I have. I was looking through this and found what kind of offences might be covered that this bill is written about. I wonder if any property crimes or any crimes of business fraud and others are also covered under it or not. These are crimes against other persons: murders, rapes, you name it. Surely, the abhorrence of those crimes is there for all of us to acknowledge. But I wonder: what crimes? Property crimes or crimes that are related to business activity? For we all know, because we have become familiar with large-scale criminal acts committed by responsible persons – you know, on boards of directors or CEOs and others – that in recent years they've come to light. What happens to those people once they have served time and come out and want to write? They may have in fact accumulated a huge amount of capital, not all of which may be lost in the process of the trial and conviction and sentencing. They have already profited from it. Does this bill address those issues too? What's the scope of the kind of crimes that this covers? That's yet another question that I have here.

Now, I don't know whether the Criminal Code of Canada covers fraud committed by the likes of Lay and others who are serving time now across the border. There may be people that we know in this country who may be in that situation pretty soon. I'm not sure whether those crimes are covered by the Criminal Code of Canada because that's, I think, the sort of umbrella under which we are considering the crimes committed for which the convicts or ex-convicts should not profit by writing books.

So I have some of these questions. Maybe the Minister of Advanced Education or someone else in this House would like to enlighten me on what crimes are not included here which may be very serious and from which people may benefit both when they have been sentenced and after they come out and write about it.

Thank you, Mr. Chairman.

Mr. Agnihotri: Can I add something? Suppose somebody says that he cheated the Alberta government for all his life and wanted to write a book on that?

Mr. Dunford: Boy, we'd nail him, I'll tell you.

[The clauses of Bill 46 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? Carried.

Bill 47

Alberta Association of Former MLAs Act

The Chair: The hon. Member for Wetaskiwin-Camrose.

Mr. Johnson: Thank you, Mr. Chairman. It's a pleasure to rise today to begin debate on Bill 47 in committee. In second reading we had a very interesting debate, and some good points were raised. Again, I want to thank the Speaker for his encouragement and support of moving this bill forward so that the work of all former members of the Legislature will be recognized at the 100th anniversary of the first sitting of the Legislature in March of 2006. Passing a bill to create a former members' association is one way of including all former members in our centennial celebration.

Mr. Chairman, to begin, I would like to state that the wording of this act has been based on the acts used in other jurisdictions including British Columbia, Ontario, the act which governs the Canadian Association of Former Parliamentarians, and to a limited extent Quebec. These pieces of legislation were chosen as road maps because their associations have been successful in achieving the objects of their associations. I believe it is important to see to the core of what this association will be doing and what it is intended to do. It's difficult to see or predict what projects and activities that an organization like this might undertake in time.

The very first object of the association is laid out in section 3(1)(a) which states that the object of the association is "to put the knowledge and experience of its members at the service of parliamentary democracy in Alberta and elsewhere." This organization is about serving the interests of parliamentary democracy, not about partisan politics, not about lobbying government, and not about being a second Chamber, as was mentioned previously. It is about utilizing the knowledge which MLAs have gained during their time in this Chamber to support our style of democracy.

The second objective of the proposed association is "to serve the public interest by providing non-partisan support for the parliamentary system of government." Mr. Chairman, in no way is this organization designed to support government or opposition or third party members. It is designed to serve the public by supporting parliamentary democracy. As was mentioned by previous speakers, this may take many forms, but the one that is most visible is speaking with students and providing for scholarships, as is the case with the federal association and with the Ontario association.

This bill sets up a nonpartisan association and has no role to play relative to the work of sitting MLAs. Members of this association have no authority to speak on behalf of the government or of this Legislature.

Mr. Chairman, earlier in the debate surrounding Bill 47 it was cited that the United States Association of Former Members of Congress had spoken to 150,000 students on 207 campuses across the United States of America. This is a great accomplishment, and while the Alberta association may never reach that level, it may make an impact on our learning centres.

Mr. Chairman, the final point which I would like to raise concerns itself in section 3(2), which states that "the Association must not pursue its objects for any partisan political purpose."

In conclusion, I would like to just mention four points. First of all, this bill, encouraged and supported by the Speaker, leading to a former members' association, is an appropriate initiative marking the 100th anniversary of the first sitting of the Legislature. Secondly, it is an initiative to take advantage of the knowledge and experience of former members to promote and make strong our parliamentary system of democracy. Third, it provides expression by this Legislature that former MLAs over the past 100 years are a valuable resource in promoting our system of government. Finally, the bill provides a mechanism by which former MLAs in Alberta will have communication and an opportunity to liaise with other provincial former members' associations and the former members of the federal Parliament.

Thank you, Mr. Chairman. I look forward to any comments.

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

Mr. Elsalhy: Thank you, Mr. Chairman. In the interests of time and because I have two amendments and the hon. Member for Calgary-Mountain View has two amendments and the hon. Member for Lethbridge-East has one, I would move that we adjourn debate so we can have more time next week.

[Motion to adjourn debate lost]

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

Mr. Elsalhy: Thank you, Mr. Chairman. What the hon. members across don't understand is that, basically, we would still go ahead with the amendments, but we just wanted to save the circulation until next week.

This amendment is sponsored by myself, and it moves that "all former MLAs are eligible to become members of the Association in accordance with any bylaws of the Association not less than one year after they cease to be MLAs." So I would bring it to your attention.

5:20

The Chair: We'll refer to this amendment as amendment A1.
The hon. Government House Leader.

Mr. Hancock: Mr. Chairman, we'd hoped to use fully the time of the House in the interest of getting debates going forward and appreciate the hon. member having tabled his motion, but in order to report progress today, we do need to rise and report before 5:30. So I would move that the committee now rise and report bills 49 and 46.

[Motion carried]

[The Deputy Speaker in the chair]

Dr. Brown: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following bills: Bill 49, Bill 46. The committee reports progress on the following bill: Bill 47. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

Hon. Members: Concur.

The Deputy Speaker: Opposed? So ordered.
The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. In light of the hour I'd move that we adjourn until 1:30 p.m. on Monday, November 28.

[Motion carried; at 5:24 p.m. the Assembly adjourned to Monday at 1:30 p.m.]