

Legislative Assembly of Alberta

Title: Monday, April 10, 2006

8:00 p.m.

Date: 06/04/10

[Mr. Shariff in the chair]

The Acting Speaker: Please be seated.

head: **Motions Other than Government Motions**

Use of Highway 41

506. Mr. Mitzel moved:

Be it resolved that the Legislative Assembly urge the government to promote the use of highway 41 up to and including highway 63 from Wild Horse to Fort McMurray as an alternate north-south transportation corridor from the United States.

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

Mr. Mitzel: Thank you, Mr. Speaker. It's my great honour to stand tonight and present to you Motion 506. What I'm proposing here tonight will be beneficial to our transportation system and to the economy of our province as a whole. In 2005 Alberta's exports of manufactured goods hit a new high of \$79.2 billion. This was up 18 and a half per cent from the year before, with more than half of these exports going to the United States. Alberta does a great deal of business with the United States, both exporting and importing. We must have the necessary transportation corridors in order to ensure that our roads and highways can support our growth as a province. This is what my motion proposes.

By promoting highway 41 as an alternate north-south corridor with the United States, Alberta would be better able to move products and machinery more easily and efficiently to northern Alberta and Fort McMurray. Also, by promoting this highway as an alternate supply chain, we'll be able to stimulate economic opportunities for these communities located on the eastern side of the province.

As I previously mentioned, Mr. Speaker, Alberta does a lot of trade with the United States. Just to give you a better sense of how much trade we actually do, between 2000 and 2004 we exported approximately \$255 billion worth of products from all industries to the United States and imported about \$48 billion worth of products from the United States.

The oil and gas industry in this province spends a great deal of money on machinery and equipment. Something like \$4 billion is spent on machinery and equipment, with the greatest portion of this being used in Alberta's oil sands. In 2004 we imported about \$3.3 million worth of oil and gas field-related products from the Midwest United States alone. In urging the government to promote highway 41 as an alternate north-south transportation corridor, I'm asking that we have a transportation corridor to better serve these trucks hauling heavy machinery and equipment to our northern energy projects from the United States.

There are a great deal of north-south truck trips that happen daily in our province, and according to a recent report developed by the Van Horne Institute, 25 per cent of this country's heavy trucks are located in Alberta. This same report noted that our traffic volume as a total is going up 3 and a half per cent every year. It also notes that over the next 10 years we'll see an increase of 40 per cent of Alberta's total traffic volume. The need for good transportation corridors and alternate routes for traffic is therefore quite evident.

Mr. Speaker, when we discuss traffic volumes, it's quite evident

that our main north-south corridor with the United States, highway 2, the Canamex, is heavily used. If we promote highway 41 as a supply chain, we can possibly reduce some of this heavy volume. Highway 41 has relatively low traffic volumes and can therefore support an increase in traffic by these heavy, wide, and slow-moving vehicles. Highway 2 and highway 36 will not be able to accommodate these increases in traffic in the future. What I'm talking about is the increase of 40 per cent in the next 10 years. Highway 41 will help to mitigate some of these pressures.

Mr. Speaker, by promoting the use of this transportation corridor, we can also ensure that these big trucks bypass Alberta's more highly populated areas. Highway 2 travels directly through Calgary and Edmonton, our two largest urban centres. By using highway 41, we can relieve some of the pressures due to traffic volumes on these highly populated centres. By doing so, we can also ensure that regions on the eastern side of our province see an increase in economic opportunities. With more truck travel we should see an increase in commercial businesses such as restaurants and mechanical shops amongst others.

Mr. Speaker, I understand that it's not too uncommon for trucks coming from the United States to clear customs in other provinces, at other border crossings, before continuing into Alberta. This translates into a loss of business for existing Alberta companies who would benefit from having these carriers travel through Alberta en route to northern Alberta. If they cross in British Columbia or in Saskatchewan and travel up through either of those provinces before coming across to Alberta, this means a loss of business for Alberta companies. It may also mean that some companies may choose to locate in other provinces rather than Alberta in order to take advantage of this business.

By promoting highway 41 as an alternate north-south transportation corridor and, in conjunction with this, asking the federal government to give Alberta a second 24-hour crossing at the current Wild Horse border crossing, we could encourage these trucks to come directly into Alberta from the United States. This would increase our potential for economic development. Mr. Speaker, for the amount of trade we do with the United States, we need a second 24-hour border crossing in order to accommodate this business. In contemplating my motion, I hope that the government will also consider urging the federal government for a second 24-hour border crossing. By opening a second 24-hour border crossing at Wild Horse, we could encourage some of these trucks to cross the border into Alberta from the United States and travel up the eastern side of the province by way of highway 41 and up to highway 63 to reach Fort McMurray and our Alberta oil sands.

Mr. Speaker, in asking the members of this Legislature to support my motion, I'm not suggesting that any other corridor be ignored or not considered as a transportation corridor as a result. We need to promote highway 41 as an alternate route to northern Alberta to ensure that trucks coming from the Midwest cross into Alberta and travel through our province to reach the oil sands rather than doing so by travelling the majority of the distance through another province. We should promote highway 41 in order to stimulate business in this area of the province, and we need to be sure that the heavy equipment and machinery used by our northern energy projects can reach their destination easily.

The use of highway 41 as an alternate supply chain could be one part of our provincial grid of highways. Eventually we may see the entire province covered with economic opportunity, infilling every area within this grid. Highway 41 can be viewed as a skeleton with the possibility for subsequent ribs to be added to the frame.

Mr. Speaker, promoting highway 41 as an alternate north-south transportation corridor with the United States will increase Alberta's

transportation system. It will increase economic opportunities with the eastern side of the province and will likely help alleviate some of the strains due to the traffic volume that currently exists along highway 2. This would be a good step toward improving our overall provincial transportation strategy. It's an opportunity to be proactive rather than reactive.

I look forward to the comments from my colleagues and all members of the Legislature regarding Motion 506. Thank you, Mr. Speaker.

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

Mr. Chase: Thank you very much, Mr. Speaker. I very much appreciate the Member for Cypress-Medicine Hat's Motion 506. I'm in complete support of the motion. The southern part of our province economically has been basically ignored for the last number of years. It seems that the Calgary-Edmonton corridor is the area where the province spends and receives quite a bit of its money from. That leaves the southern portion, such as Medicine Hat and Lethbridge, out of the loop. Highway 41, promoting its use and not only its use but the maintenance of it, which I would think would be part of the motion, is extremely important because without that ongoing maintenance the accomplishments that the member is suggesting will not occur.

I mentioned in earlier discussion that I'd like to see another highway to Medicine Hat improved upon so that we're not just dealing with the north-south corridor. Although the greatest part of our trade is with the States, we do have to consider east-west transportation, and that's where I would like to see the twinning of highway 3 come into place. In expanding our trade globally, internationally, as well as strictly with our main trading partner, the States, this government has recognized the importance of investing in the Prince Rupert container shipment port. While this particular highway 41 would not contribute directly to moving goods up and through to Prince Rupert, I believe that the southern highway 3 would accomplish that end.

8:10

Also, as the member pointed out – and I don't want to go repeating everything he's put forward – the importance of taking some of the load off highway 63 makes absolute sense. Highway 63, highway 881, and Fort McMurray infrastructure in general have been ignored by this government, yet private companies are still willing to invest billions of dollars into further oil sands extraction. Of course, in order to facilitate and speed up this process, we have to get the heavy machinery up there. That machinery cannot go by rail. It's too heavy. The rail allowances are not wide enough to accommodate the type of heavy equipment that needs to go up, so using highway 41 as an alternate access route takes a lot of that heat off highway 63. It's not an either/or; it's a multihighway approach.

Unfortunately, the province has seen fit to see almost 60 per cent of our highways be in poor to fair condition. So I would hope that if this motion passes, which I would encourage all members to support, there will be a built-in ongoing maintenance plan for the highway so that we have some assurance that it won't be allowed to deteriorate to the point that highway 63 has.

Speaking of deterioration, this weekend I had the opportunity to travel down to the Finance minister's territory, and I made the mistake of taking highway 9. So while I'm talking about 41, I also want to put in some honourable mention for highway 9. It's a sad circumstance that in order to get to Drumheller from Calgary, one of your options would be to take highway 9.

Speaking also of the importance of east-west highway corridors,

to try and get away from highway 9, I took the Trans-Canada back to Calgary. I tried a different route when I was enjoying the East Coulee festival. I thought: my fifth wheel can't take it anymore; I'll try a different route. So I went onto our main east-west thoroughfare of the Trans-Canada. I would hope that the Infrastructure and Transportation ministry will have a good chat with the federal minister of highways because the Trans-Canada is in terrible shape. We must promote not only the north-south corridors; we have to promote the east-west connections as well.

The opening of an additional customs agency makes tremendous sense as well. Particularly during the period of the BSE and the ranchers' beef disputes we received a lot of difficulties from our Montana border. It may not have been deliberate, but it certainly had the perception of a great deal of extra inspection of vehicles, a very slow process getting across the border. Of course, for Alberta's economy, whether it be on the hoof or boxed meat processed here in Alberta, that north-south corridor is extremely important. Having a second station at which to cross as well as improved security relations with our southern neighbour would do us great facilitation for improving our truck traffic.

I'm not sure if the member had considered the possibility of a parallel rail system at one point, but we certainly need a variety of transportation routes to open up our north. Possibly considering a rail connection would definitely be helpful.

Once highway 41 does connect with highway 63, hopefully there will be a promotion and maybe even a speedier result for the twinning of highway 63. As we all know, that highway needs to be not only upgraded, but the grading of the highway itself needs to be changed. So any improvements that can see our highways returning to the standard that they were prior to 1992 I would very much support.

For that reason I very much support, as I first indicated, the Member for Cypress-Medicine Hat's Motion 506. Well done.

The Acting Speaker: The hon. Member for Battle River-Wainwright.

Mr. Griffiths: Thank you, Mr. Speaker. It is always an honour to stand before you and this Assembly. I truly appreciate the opportunity to join in the discussion of Motion 506 here tonight. I'd also like to take a moment to commend the Member for Cypress-Medicine Hat for introducing this proposal.

As Albertans today we are certainly envied by our neighbouring provinces as well as most of the United States. The cities of Calgary and Edmonton are rightly being recognized world-wide as economic, political, and cultural powerhouses. This success is not the product of luck or random good fortune, Mr. Speaker. The Alberta spirit is the reason for our success. I see the hard-working, persevering, entrepreneurial nature of citizens first-hand every time I deal with my Battle River-Wainwright constituents, and I know that other members of this Assembly see it in their ridings as well. As the representatives of these citizens it is only fitting that we reflect the same outlook while we govern this province.

Motion 506 is a fine example of how we continue to show Albertans that we are dedicated to providing for their needs. It is also an example of our vision for all regions of our province, not just our major centres. To a large extent the current economic growth that our province is enjoying is focused in the cities of Edmonton and Calgary and the communities that exist along the highway 2 corridor between them. By creating an alternate north-south transportation corridor, we will be benefiting many regions, Mr. Speaker. Pressure will be taken off the other often overcrowded routes. This can ease the maintenance costs of these highways and,

most importantly, improve the safety for all travellers using them. If the Alberta government would also request that the federal government open a second 24-hour border crossing at Wild Horse, the import/export capabilities of this province would be enhanced. This aspect of Motion 506 has obvious benefits to the entire economic structure of this province.

Today it is becoming more and more apparent, Mr. Speaker, that alternate routes are needed not only to deal with growth but to create economic growth. Just recently numbers were released showing that Alberta's population grew by 25,100 people simply from October to December. This rate of expansion equates to .76 per cent population increase over that time period, dwarfing the national average of 0.14 per cent. This news made the headlines in many local and national papers, and it certainly deserves the attention of this Assembly. We as the leaders of this province must step forward to address the growth and prepare for the years to come. One of the best ways in which we can do this is by expanding our infrastructure through timely and appropriate projects. These projects need to be expertly planned and done in ways that not only deal with this issue but deal with the issue in the best possible way.

In the case of our highway system the utilization of different routes such as the highway 41 route from Wild Horse to Fort McMurray or even potentially the highway 36 route, now called the Veterans memorial highway, will address the demand for increased north-south transportation. It will also revitalize rural areas. Once the concept behind Motion 506 is expanded to create a so-called transportation grid, all rural Albertans will be strengthened in many ways, Mr. Speaker.

The need for transportation is a key factor in Alberta's rural development strategy. As chair of the steering committee on rural development I was lucky enough to ask rural Albertans what they felt the problems were in their communities. Many rural residents feel that the roads and other transportation services that serve their communities could be enhanced to inspire economic development. This is seen as a significant challenge, but one that can be overcome through efforts such as Motion 506.

8:20

By moving in this direction, we will be acting directly toward at least two of the pillars, Mr. Speaker, outlined in the rural development strategy: number one, "providing opportunities for rural communities to develop strong economies and benefit fully from the Alberta Advantage," and number two, "ensuring that rural communities have the capacity, the quality of life, and the infrastructure necessary to remain vibrant and attractive places to live, work and visit." Establishing a more expansive transportation network will sustain rural communities, providing security to their economic base and community capacity, both of which are essential to their survival. The use of highway 41 and highway 63 or highway 36 as an alternate north-south corridor will provide that lifeline to rural areas that it covers.

Motion 506 fits well into the rural development strategy, Mr. Speaker. It's a proposal that wields enormous potential for numerous regions in this province. It also creates a beginning point from which a complete transportation grid can be expanded to touch the entire province. It is a vision for trade and transportation within this province. Our duty as legislators of this province is not to ensure that one or two cities or regions or jurisdictions are represented; it is to ensure that all of Alberta is served.

An Hon. Member: Including Wainwright?

Mr. Griffiths: Including Wainwright.

Motion 506 is a fine example of how we can continue to achieve this mandate. It's a step in the right direction, Mr. Speaker. In one way or another all the constituencies in Alberta could be beneficiaries of a transportation network. That is why all the members in this Assembly should join with me in supporting the principle of Motion 506.

Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Lacombe-Ponoka.

Mr. Agnihotri: Thank you, Mr. Speaker. I am pleased to rise and speak to Motion 506, that urges the government to promote the use of highway 41 up to and including highway 63 from Wild Horse to Fort McMurray as an alternative north-south transportation corridor from the United States.

This motion, Mr. Speaker, highlights two things. First, the motion attempts to promote discussion about opening the east side of the province for economic development and trade and, number two, the motion makes no commitment to infrastructure upgrades. The motion is not controversial. I'm sure that it will help rural Alberta. Of course, an alternative route from the U.S.A. to Fort McMurray would reduce strain on central Alberta. This motion makes no commitment to infrastructure upgrades. The motion is primarily for economic discussion.

I have a few questions for the sponsor of this motion. Will the trade corridor actually be used by industry? Does the Member for Cypress-Medicine Hat, the sponsor of this bill, actually have a plan for developing highway 41? Has the member looked at traffic safety? Has the member lobbied the Minister of Infrastructure and Transportation to implement the McDermid report on traffic safety? Could the Member for Cypress-Medicine Hat provide us with an update on the condition of highway 232, which is the American highway leading up to highway 41, ending at Wild Horse? Is the hon. member aware of the most popular commercial route for traffic travelling west on highway 16 from Saskatchewan en route to Fort McMurray? Presently is most traffic turning north on highway 41, or do they continue west before turning north? What is the fastest route for commercial traffic to Fort McMurray from highway 16 at the Alberta/Saskatchewan border? What is the safest route for commercial traffic to Fort McMurray from highway 16 at the Alberta/Saskatchewan border? I mean, the main thing is the plan. Building a castle in the air is something else. How much approximately will this project cost, and where will the money come from? Are we going to use the money from the government side or plan for a P3 or what?

Those are the few questions I would like to ask the sponsor of this motion. Otherwise, you know, this is a good motion. I support this 100 per cent.

Thank you.

The Acting Speaker: The hon. Member for Lacombe-Ponoka, followed by Edmonton-Calder.

Mr. Prins: Thank you, Mr. Speaker. I, also, consider it a great pleasure to join in the discussion on Motion 506, Alberta's alternate north-south transportation corridor. I appreciate the comments that have been made here so far tonight. I would also like to extend a thank you to the Member for Cypress-Medicine Hat for introducing this proposal.

I'm a very strong supporter of this motion and its suggestion to create an alternate north-south transportation corridor through the promotion of highways 41 and 63. I'm also a proponent of a

transportation grid, that has been mentioned by other fellow members. This motion obviously talks about transportation issues, but what it really is, Mr. Speaker, is an important part of a much larger rural and economic development strategy for a significant part of this province.

On that note, I would like to take a moment to share a project with you that has great potential to be an integral part of this future grid. After all, it seems logical to me that after we have reinforced the north-south connections both to and through this province, we would shift our focus to the east-west projects. The Howse Pass is one such route which I feel deserves attention in this regard. You know, we can talk about highway 1, the Trans-Canada highway, and the Yellowhead Pass, but the Howse Pass doesn't have a road. I believe this concept, which involves the expansion of highway 11 through the Howse Pass, has been looked upon with favour for more than 60 years.

With the tremendous growth that is occurring across this province, the time is certainly right to look forward. Much of the demand that this latest boom has created has been in central Alberta, and the businesses of this area need a substantial east-west corridor now more than ever before. I'm not saying that we should start clearing the right-of-ways tomorrow or any time soon, but we should certainly look more closely at the realities of expanding highway 11 through the Howse Pass. I know that the Red Deer Chamber of Commerce in addition to all the central Alberta municipalities find the latest findings in the prefeasibility study on the Howse Pass and this route to be positive and worth further investigation and investment and exploration, and I fully agree with them on this new initiative.

The merit for the Howse Pass expansion lies in the economic infilling that results when a transportation network is set up. The same would be true for future enhancements of the east-west routes through Kicking Horse and Grande Prairie. However, the need for the Howse Pass is more imminent. In the spirit of Motion 506 I would like to have this government consider a prompt and transparent assessment of the Howse Pass expansion. This study should be used in part to raise the level of awareness of the project with municipal officials, all provincial representatives, and the general public.

I know that there are probably some people who feel that projects such as the highway 41 expansion and Howse Pass extension will have a negative environmental impact. While the impacts of roads are very real, as in all situations there are often many sides of the issue that we can look at. Considering that this route would save the total travel distance for numerous highway users, I would like to see an emissions-savings calculation done as part of a comprehensive Howse Pass study as well as the studies for the highways 41 and 63 possibility. The actual number of vehicle miles travelled would be greatly reduced for both north-south and east-west routes. Perhaps this would be a balancing factor for the concerns for environmental impacts and other cumulative impacts that highways would bring.

Another thing that I would like to talk about is the development of water systems. Now, this is totally different from highways, but I think it's an illustration to show what happens when you develop other infrastructure in the province. I want to talk about water systems for municipalities and for farms in east central Alberta. I can speak from experience on the development of adequate and good quality water in communities. If you look at the building of the north Red Deer River water system from Red Deer to Blackfalds to Lacombe and Ponoka, you will see that even before the water is flowing, there is a building boom going on in anticipation of the increased and secure supply of water. This means jobs and security for workers and their families. It means economic activity that has

huge spinoffs that will benefit a much larger area if not the whole province.

8:30

Another possibility for this area, east-central Alberta, is the further development of gas resources throughout this area in this part of the province, gas resources and gas lines with the possibility of straddle plants and the further development of petrochemical plants and related industries. This is what happened in my constituency of Lacombe-Ponoka in the Joffre and Prentiss areas. The industry that is established there is only there because of transportation to water and the availability of feedstocks like ethane, propane, and butane. This has created thousands of jobs, a huge tax base, and security for families in the area.

If we continue to move forward, first with Motion 506 and then with other pressing projects, we'll be well on our way to creating a transportation and employment legacy for the entire province, from east to west, north to south, urban to rural. I'm sure there are critics out there who say that such a plan is excessive, that a transportation grid of this nature is only a pipe dream that is unpractical and unnecessary. To these people I just say: look at the past. The former leaders of our country saw the necessity of the railways to bring in goods, services, and citizens to the western prairies. They had their detractors as well, but they moved forward because they had a grasp of the present and a vision for the future. If it were not for their guidance, the province of Alberta may have never been born.

With this in mind, we the leaders of today need to support the creation of a co-ordinated transportation network across this province, and Motion 506 is a great place to start. I ask the members of this Assembly to recognize the opportunity that is here before us today to expand our north-south transportation potential. By moving forward with this motion and investigating east-west routes to complement these actions, we will have undertaken the beginnings of a comprehensive transportation grid to serve this province well into the future. When we discuss these kinds of issues, we are often accused of overstating the benefits, but if we look at the lessons we can learn from history, we will see that most often we vastly underestimate the end results of these ambitious projects. So this is part of my vision, Mr. Speaker, for the future of this province. I certainly hope that you my fellow colleagues will join me in making it a reality.

Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Edmonton-Calder, followed by the hon. Member for Calgary-Bow.

Mr. Eggen: Thank you, Mr. Speaker. I rise with some interest to speak on Motion 506 this evening, and I would like to thank the hon. Member for Cypress-Medicine Hat for bringing forth this proposal. I think it's incumbent upon this Assembly to think creatively about transportation and development in this province. I know, certainly, that the eastern side of our province, while enjoying some development in the past, is probably looking forward to some development along this roadway, highway 41, and the economic benefits that it would receive as a result.

Where roads go, economic development is likely to follow, Mr. Speaker, and certainly we've seen in the past where good industrial roads and well-built roads usually end up with economic development along the corridors. Highway 41 has tremendous potential just because of its capacity to move, perhaps, around some more congested areas that we have had spring up over the past 30 years or so and move goods and services up to Fort McMurray, not just Fort

McMurray but also the heavy oil centres up around Cold Lake and Lloyd and Vermilion. Past Lac La Biche there's a whole myriad of possibilities that I could see by focusing on this route.

I think that most members here would agree with me that the necessity of having an alternate route to move large, heavy equipment is painfully obvious. If you travel, say, along highway 36 or even 21, it's very common to encounter a number of oversized loads, which are certainly a sign of economic activity, which is good, but are also a traffic hazard when multiplied across the road. I saw the other day several, perhaps four, of these very large oil installations moving along, and when they sort of meet on a two-lane road, it's a somewhat disconcerting thing. So just to think of that highway 41 as sort of meeting that function I think would assist us considerably.

Highway 2 is such a busy corridor, both for the movement of people and of goods, that it makes sense to move transport trucks off the main highway, especially if they're travelling north to Cold Lake and to Fort McMurray. It's unrealistic to consider that regular citizens would be using this road so far out of the way, so the corridor I think we must focus as a heavy transportation for trucks and oversized loads specifically.

By moving heavy oil sands related traffic off of highways 2 and 36 and 21 as well, we reduce the need for a great many travel advisory warnings in regard to heavy and dangerous goods, which limits our access to these roads for individual vehicular traffic. I think, however, we cannot move this traffic onto a less developed highway system as highways that typically service these trucks have been specially designed. I would suggest that this motion gives us an opportunity to think forward on this, but there are many practical considerations that would involve a tremendous expenditure in infrastructure. These heavy trucks require extra load-bearing capacity on the road. Accesses and slopes have to be re-evaluated. So there would be a number of considerations in that regard, but it's certainly not insurmountable.

One issue that I would just like to point out, though, is that at Wild Horse it's not a 24-hour border control right now, and then south of there secondary road 232 from the States is not a well-travelled or developed route at all, so there would have to be some integrations with the state of Montana to co-operate with such an endeavour because certainly 232 is very undeveloped, even less so than highway 41. We certainly do support the opening up of alternative routes that may prove more efficient for north-south transportation, but I think that there is a problem in regard to lobbying the Americans in this regard. You know, they would have to be in full co-operation with that, and we must take that into consideration.

The proposed north-south corridor travelling up highway 41 to join 63 has very few industrial centres on it, although there are a number of towns. This might seem ideal for the transportation of oversized and dangerous goods. It does complicate emergency service access in some of the areas and limits the servicing of these roads to some degree as well. Because of the lower population along this proposed route it raises the question of basic services, I guess, as well for trucks moving through the area, but as I said before, where the roads do go, the traffic and economy is soon to follow, so one sort of breeds the other.

Long combination vehicles, or LCVs, make up about 1 per cent of our traffic on Alberta roads, but if we move industrial traffic over to this proposed corridor, we must be prepared for LCVs to make up a much greater percentage of vehicular travel on this route, so the road conditions must be made safe and fortified for this. Currently the conditions on these roads are not met at this point in terms of tracking weather and issues like that too. So those are just some considerations that we have to consider.

The government announced that it plans to have highway 63

twinned, which is fantastic, but it will take a number of years before that project is complete. I suppose that we are looking at this as a motion right now for highway 41, but considering the tremendous pressures on our capacity to build these days with so many projects going on, we'll just have to look down the road for 41.

Another issue that I just wanted to bring up is the Canamex trade corridor, which is to facilitate north-south trade specifically. The standards for the roads making up that corridor are aligned somewhat loosely, but still there is an international standard for the Canamex road, and the services being offered along that route are quite extensive. You know, we do have a lot of new economic activity in this province, but I do not want to take away from the focus on the Canamex trade corridor, which is very important to the future of this province's economy.

8:40

So, in closing, Mr. Speaker, I would like to express my appreciation and my support of this endeavour, and I hope that the people in east Alberta have an opportunity to have their road upgraded to a standard that might approach other highways in this province. Thank you very much.

The Acting Speaker: The hon. Member for Calgary-Bow, followed by the hon. Member for Cardston-Taber-Warner.

Ms DeLong: Thank you very much, Mr. Speaker. I'm pleased to stand today and join the debate on Motion 506, sponsored by the hon. Member for Cypress-Medicine Hat. Our province is growing at an almost unbelievable rate. Our population is booming. In the fourth quarter of 2005 alone our population grew at five times the national rate, which translates to about 25,100 new Albertans. More than 17,000 of those new arrivals came from other provinces. Our province has not seen growth of this magnitude since the petroleum-fuelled boom times of 1979-1980.

People are flocking to our province to share in the Alberta advantage. Low taxes, strong social programs, no provincial sales tax, and a robust economy are attractive incentives. The unemployment rate in Alberta is about 3.9 per cent – let me repeat that, 3.9 per cent – the lowest rate in Canada. Albertans also have the highest median family incomes in Canada. Half of Alberta families earn \$61,800 or more after taxes.

Mr. Speaker, our economy is flourishing. Flourishing may even be understating the situation. Our economy is red-hot. Over the past decade Alberta has consistently had the highest rate of economic growth in the country. In 2005, for example, Alberta's economy grew by about 4.9 per cent.

Now, the city of Calgary offers a wonderful illustration of this staggering economic success and growth. Calgary is our nation's number one economic performer. In fact, Calgary is North America's fastest growing economic region. Over the past five years the Calgary region has had an average annual population growth higher than any city in Canada. Calgary also has the youngest and most highly educated population among the six major markets in the country.

Alberta has also consistently had the highest investment per capita among Canada's provinces. In 2005 \$60.3 billion was invested. This is about triple the 1995 level. This figure works out to about \$18,250 per capita, more than double the national average. Alberta's exports of goods and services have more than tripled over the past decade, to about \$86 billion. Much of our trade is conducted with the United States. In fact, the U.S. is by far our largest trading partner, buying over 89 per cent of provincial exports. In addition, the U.S. provides two-thirds of foreign investment in Alberta.

Alberta's energy sector has been a huge component of trade with the United States. For example, in 2003 the combined value of energy, mining, and petrochemical exports to the U.S. was more than \$42 billion, or 83 per cent of Alberta's total export to the U.S. I like numbers.

Mr. Speaker, the oil sands development near Fort McMurray represents the largest oil sands reserve in the world with over 174.5 billion barrels proved reserves. Development of oil sands and production growth require significant resources and logistical planning, and billions of dollars are spent each year on machinery and equipment to this end. Not surprisingly, much of this equipment and machinery is imported from the United States.

Mr. Speaker, Motion 506, which calls for the government to promote the use of highway 41 from Wild Horse to Fort McMurray as an alternative north-south transportation corridor, is an excellent idea. Increased use of this corridor would provide one more option and positively contribute toward our province's continued development and maintaining our incredible economic momentum. We should consider innovative ideas such as this to reduce the stress on our existing infrastructure and facilitate economic development in our province. This proposal would provide a more direct route for trucks destined for Fort McMurray travelling north from the mid-western United States, from where an estimated \$3.3 million in oil and gas field-related products were imported in 2004 alone.

This proposal would also be beneficial to the city of Calgary. By promoting the use of this alternative north-south corridor, existing pressure on infrastructure in the Calgary region would be reduced. Thank goodness. Also, it's important to note that when Fort McMurray benefits, Calgary also benefits as Calgary is Canada's energy capital and is a central hub to our province's thriving oil and gas industry.

Motion 506 could facilitate further trade with the United States and encourage additional economic expansion in our province. We should consider new ways to open up our province to continued growth and foster our economic potential and prosperity. Mr. Speaker, I support Motion 506 and urge the other members of this Assembly to consider the merits of this proposal.

Thank you very much.

The Acting Speaker: The hon. Member for Cardston-Taber-Warner, followed by the hon. Member for Vermilion-Lloydminster.

Mr. Hinman: Thank you, Mr. Speaker. I do appreciate the time to stand up and join the discussion on Motion 506, and I appreciate the Member for Cypress-Medicine Hat for bringing this forward. There's no question that the highways are becoming the backbone of our province as they've torn out most all of our railroads. But I have a few questions, I guess, first for the hon. member. That is: on the U.S. side of the border, if he's familiar, are they're planning on upgrading highway 87 north from Billings to go and hook up with Wild Horse? I appreciate his comments and his desire to be there, but I wonder if we're building something that has no connection from the south, and that worries me a great deal, that they want to have the best possible route, the most convenient for those that are transporting the goods and looking at that area. I guess we need to take one step at a time.

Looking at the map and the north-south connections, we see interstate 15 coming up to the Sweetgrass-Coutts border crossing and the opportunity there as soon as we cross into Alberta to look at highway 36. It just seems like that's a much more popular route, and if we were to build on that hub, we'd have greater success.

It's also very true that in transporting, we want to go the most direct route possible, and highway 36 lines up that way very well.

If, in fact, we need to cross over, though, I wonder if it wouldn't be more prudent to develop highway 36 to Taber and then a four-lane highway on highway 3 going to Medicine Hat and continue developing our east-west highways and use 36 as the main route going north-south as a secondary route to the Queen Elizabeth II and the Canamex highway. The great advantage of highway 36 is that it is a direct route, and it gives people the opportunity to cross, whether it's on 9 or 16 or 13 or highway 3, to go east and west. I very much would like to see highway 36 also brought into the discussion and to see which one is the most economical and the best to serve the entire province for the benefit of the transportation of goods. It very much does appear, though, that our east-west highways are lacking, and because of that, perhaps, we seem to think that we need to have a highway further over to the east because there aren't the good crossroads. Hopefully, we could upgrade that.

The other point that I would like to bring out is that there's been lots of talk about power line transmissions. We need to develop a new corridor that is serving the whole province, and it just seems like 36, going north-south, would serve the province very well. It would handle the large equipment that needs to go up north to Fort McMurray, whereas I question – and perhaps the good member could tell me – if at Wild Horse on the U.S. side the roads are sufficient. Like I say, when they come to Billings off 90 or 94, is there a route where that big equipment would possibly be able to go north? That is a concern for me. I would very much hope that he could address that, seeing how it's his bill and the passion that he has for that highway 41.

8:50

With that, Mr. Speaker, I'd like to just thank the Member for Cypress-Medicine Hat for the opportunity to talk about the development of highways here in Alberta because it is very much a factor that we are a bottleneck when moving goods north and south, east and west. We do very much need to find another secondary route that we can develop to benefit all the travellers of Alberta and to make it safer here. Because of the congestion moving this heavy equipment is causing a problem.

Thank you.

The Acting Speaker: The hon. Member for Vermilion-Lloydminster, followed by the hon. Member for West Yellowhead.

Mr. Snelgrove: Thank you, Mr. Speaker. It's indeed a privilege and opportunity to address the motion brought forward by the Member for Cypress-Medicine Hat. I think that for so much of the time here in Alberta in the last couple of years we've been focused on Fort McMurray and all of the growth up in Fort McMurray. Quite frankly, the Cold Lake Esso development and other heavy oil development around Cold Lake and Lloydminster are certainly there for the long term for this province, too, and just on the Saskatchewan side there's huge potential for mine development and also heavy oil. So the route of highway 41 – it makes a lot of natural sense that we would guide the traffic through from Minneapolis, Minot, and over to Havre instead of going up through Portal. So there is an opportunity for us to become and maintain the gateway to the north being Alberta, not just Edmonton.

I think, Mr. Speaker, if you just look at the map that we have now with the great conglomeration down highway 2, it looks too much right now like a one-legged stool. I think that by moving over to highway 41 and developing a specialized, specific truck route, we would be able to develop a border crossing with this in mind: it can have the latest concerns of the American homeland security bills looked after; freight can travel both ways at the speed that industry wants it to now.

We know that we have a tremendous backlog at times at Coutts. We know that the tourism industry is more inclined to go to the mountains, to go through that area. Well, let them go. As a trucker for 20-some years I know that they probably didn't like following a big load, and I didn't like following a Winnebago being pulled by a Volkswagen with 12 kids and a dog at 52 miles an hour up a big hill either.

So I think that the hon. member is onto an idea that we need to look at as a government as developing – now, I don't want to use the term that he used, “skeleton,” because I don't think that's really a proper term. I think that a foundation for a grid for highways, the east-west development the hon. member talked about, is very important. The basis is there, but let's lay out the strategy for the long-term foundation and stability to the transportation industry. I think that in developing these main highway corridors, we need to keep in mind that much of our exports go out in pipelines, and we need to be able to have access to these pipelines. The whole deal. We need to look at the land that we need for what we need to transport, and we need to build it with that in mind.

So, Mr. Speaker, I would hope that everyone would support this motion with the intent the hon. member has. As someone who's lived in that area and has seen the huge development all up and down the east side of Alberta, I think it gives Alberta just another opportunity to diversify, to add stability to the long-term goals, and to give the people on the east side of the province a part of the tremendous Alberta opportunity that we're faced with in the next generation.

With that, Mr. Speaker, I'll take my chair. Thank you.

The Acting Speaker: The hon. Member for West Yellowhead, followed by the hon. Member for Calgary-Nose Hill.

Mr. Strang: Thank you very much, Mr. Speaker. I'm pleased to rise to join the discussion on Motion 506, the Alberta alternative north-south transportation corridor. Transportation is an issue that many Albertans are concerned about as our population and economy grow, and therefore I'm happy to have the opportunity to discuss possibilities of solutions for improving Alberta's transportation corridor.

Mr. Speaker, I do believe that Alberta needs to promote another transportation corridor for vehicles, especially commercial vehicles, heading from the United States to northern parts of our province. Promoting highway 41 as an alternate north-south corridor is definitely one possibility and a great one. As I'm sure we are all aware, Fort McMurray and our Alberta oil sands and other northern energy projects are the destination for many heavy tractor-trailers coming up from the United States. Therefore, I think that it's important that we are discussing different points for their travel in order to reach northern Alberta.

Mr. Speaker, northern Alberta is full of potential when it comes to our economic development through tourism, transportation, and what have you. If we can enhance our transportation corridors, we can hopefully increase our economic growth. This is true for all Alberta, not just northern Alberta. If our corridors serve their purpose well, new commercial opportunities will no doubt be encouraged.

Alberta highways essentially form a grid of highways travelling from east to west and north to south. The more able these routes are to handle commercial vehicles and the transportation of goods, the more economic activities will be possible for our province. I'm always pleased to be looking for new ways to bring new, enhanced, current economic opportunities to Alberta. We have a strong province with boundless opportunities for new business enterprises.

Again, by improving our transportation system within the province, we can advance development on the eastern side of the province and in the north as well as develop within the entire province.

Mr. Speaker, \$3.6 billion was allocated to improve our roads and highways in this year's budget. This includes the twinning of highway 63 and highway 43 as well as expansion of both Calgary and Edmonton ring roads. Our roads and highways are a priority for Alberta's government. I believe that the recognition of highway 41 as an alternate north-south transportation corridor fits in well with the government's effort to improve our roadways and promote better transportation systems for our province. With the development of the oil sands the entire northern area of Alberta needs to be supported through development of transportation corridors to enhance Alberta's economic development as a whole.

Mr. Speaker, this is an interesting topic and one that I'm happy to have had the chance to discuss. I'd like to thank the hon. Member for Cypress-Medicine Hat for bringing forward this motion. I hope other members of this Legislature will offer support for Motion 506, as I am doing tonight. I look forward to hearing what comments the rest of the members of the Legislature have regarding Motion 506.

Thanks, Mr. Speaker.

The Acting Speaker: The hon. Member for Calgary-Nose Hill.

Dr. Brown: Thank you, Mr. Speaker. I commend the hon. Member for Cypress-Medicine Hat for his motion. I think it's a commendable goal to promote the use of highway 41 as a north-south trade corridor. I would like to point out, however, that highway 2, or the Canamex trade corridor, which is Alberta's main north-south corridor, has by far the greater volume of north-south traffic, and it still needs resources as well. There are still stretches of undivided highway south of Calgary, between Calgary and Fort Macleod, and there are areas of congestion, particularly in the city of Calgary on the Deerfoot Trail.

There are many priorities for highway infrastructure, including highway 43, highway 36, highway 63, and, yes, highway 41, so I would hope that by supporting Motion 506, it does not imply that some sort of priority should be given to developing that corridor at the expense of other important priorities.

With that qualification, I would support the motion.

The Acting Speaker: Any others? The hon. Minister of Infrastructure and Transportation.

Mr. Lund: Thank you, Mr. Speaker. I want to commend the hon. member for bringing this one forward. As has been pointed out, we have in the past concentrated on the Canamex highway, and of course to get through the cities of Edmonton and Calgary, very expensive. As was just recently pointed out, there needs to be more money spent on that particular road as well.

When you look at a map and look at what's out in the eastern part of the province, it is a good idea to upgrade highway 41, but I do also want to point out that it's extremely important that we be sure to take a good look at the east-west roads as well. When you go down to highway 3 and its connector link highway 1 and then, as the hon. Member for Lacombe-Ponoka talked about, highway 11 through the Howse Pass, from the economic studies that have been done there, it's a very, very viable pass. As a matter of fact, if you look at the history of the railways, that's where the railways should have gone, not through Calgary.

9:00

The Acting Speaker: I hate to interrupt the hon. Minister for

Infrastructure and Transportation, but under Standing Order 8(4), which provides for up to five minutes for the sponsor of a motion other than a government motion to close debate, I would invite the hon. Member for Cypress-Medicine Hat to close debate on Motion 506.

Mr. Mitzel: Thank you, Mr. Speaker. I'd like to thank all the members of this Legislature for their comments towards Motion 506. I'd also like to recognize my researcher, Elizabeth Jeffray, who is up in the stands listening to this very carefully. She worked very hard on this for me. I believe we've had a very productive debate here tonight, and I'm pleased to have the opportunity to address some of your comments and concerns.

I'd like to begin by discussing some of the comments from the hon. Member for Calgary-Varsity and also the Member for Edmonton-Ellerslie regarding promoting maintenance. The first thing to consider is that the highway is already there. It's not a scenario of "build it, and they will come," but realistically it's "recognize it and promote it, and they will use it." I guess the other points on the east-west ribs: these will go a long way to infill the province and improve our total transportation infrastructure.

I'd also like to thank the Member for Battle River-Wainwright for his positive rural comments. The question I answered about building it and they will come also answers the question from the hon. Member for Edmonton-Ellerslie about what it will cost.

He asked a question also about the safety of the highway. If I may read this, "the majority of Highway 41 is classified as a major two lane highway" at the moment. It

meets, or exceeds, the Typical Minimum Acceptable (trigger) Values for Pavement Quality Index except for approximately four sections . . . all less than a kilometer long . . . For Surface Distress Index, there are two cases (ranging from . . . 18 kilometers to 16 . . .) where Highway 41 does not meet the Minimum Values. [However, it] exceeds the Minimum Values for all other sections of the Highway . . . exceeds the Typical Minimum Acceptable . . . Values in the Structural Adequacy Index.

So I think that answers that question for the member.

I'd like to thank the Member for Lacombe-Ponoka for his comments regarding the east-west continuum on the grid.

I'd like to thank all the other members. One question was asked about the Montana side of the border. Montana is looking at its future needs regarding their highway stretches. They are supportive of the improvements and have invited us as their northern neighbours to participate in talks regarding their transportation future at the moment. The other question was regarding the highway from Billings. Well, this highway down here would connect up with Havre and highway 2, that goes east. We're talking about traffic and transportation supplies that would be coming from the Midwestern states, not from the south, and therefore would be using the Minneapolis-Minot area and hopefully be using Havre as opposed to the north portal port in Saskatchewan.

I think we've heard a great deal tonight about Alberta's population and economic growth and pressures on the growth points on our transportation system. We've discussed the enormity of our trade with the United States and the need for highways to support this trade. We've discussed how a second 24-hour border with United States would help to improve trade with the United States and facilitate greater economic opportunities with this province.

We've also heard how the recognition of highway 41 as another transportation corridor within the province would ease the traffic volumes on highway 2 and create greater economic growth for the eastern side of the province and for Alberta as a whole. Mr. Speaker, I'd like to reiterate that this is but one step in the creation of a provincial highway grid. If we can promote highway 41 as one

of those grid lines, we will always be able to add more ribs to the system, thereby creating a greater opportunity for economic infilling in every region of the province.

I'd like to thank all the members once again for their support and their contributions to the discussion. I hope my colleagues and all members of this Legislature will support Motion 506 tonight as the promotion of highway 41 has the potential to create many economic opportunities in the province and the potential to help deal with the increase in traffic volumes along our major routes and in our major cities.

Thank you, Mr. Speaker.

[Motion Other than Government Motion 506 carried]

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

Bill 27

Vegetable Sales (Alberta) Act Repeal Act

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

Mr. Horner: Well, Mr. Speaker, thank you very much. It's my pleasure tonight to move second reading of the Vegetable Sales (Alberta) Act Repeal Act.

I understand, Mr. Speaker, that there were some demonstrators out front of the Legislature this afternoon. I'm not sure if that was this bill that they were demonstrating on. If it is, I would just like to put some of them at ease. Although this is what some might consider to be controversial, we are in fact repealing an act that really hasn't been used in some 20 years. In fact, all of the processors and packers and many of the folks we've had contact with very recently have said to us that this is not an act that they use. For that reason, we've decided to remove it from our legislation as federal regulations and, really, the marketplace are dictating what is happening as far as grading of these types of products.

Just to note again, Mr. Speaker, I did mention when I brought this act in that some kids may believe that this means that vegetables won't be on their plates. That's not true. They will still have to eat their vegetables, and certainly my kids will as well.

With that – and I know that there are many, many members of the House who would like to speak to this bill, but we do have other things that we need to do – I would move that we adjourn the debate on this bill.

[Motion to adjourn debate carried]

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

[Mr. Shariff in the chair]

The Deputy Chair: Hon. members, we'll call the committee to order.

Bill 16

Peace Officer Act

The Deputy 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. Chair. I'm pleased to respond to the points and questions that have been raised about this bill. There

appears to be confusion on what this act is intended to do. We are not changing direction as some members of the opposition have suggested. The intent of this legislation is to clarify the roles of peace officers to develop a more co-ordinated law enforcement system to support the work of police services across Alberta.

There are currently 275 employers and 2,800 peace officer appointments in the province. The process to hire peace officers is a two-pronged approach. The province is the largest single employer. All levels of government, health authorities, and postsecondary institutions apply to the Department of the Solicitor General and Public Security for authorization to employ peace officers. Once approved, the employer may in turn apply for individuals to hold a peace officer appointment. The peace officer then reports to the authorized employer. This is clearly outlined in section 10 of the bill, that states: "The authorized employer of a peace officer is liable for the actions and omissions of the peace officer while the peace officer is acting within the scope of the peace officer's authority, responsibility and duties." This remains unchanged from the current legislation governing this program.

9:10

The role peace officers will fulfill in a municipality is based on the needs of that particular community or organization. The jobs could include traffic duty, court and prisoner security, commercial vehicle inspections, animal bylaw control, and fish and wildlife management among others. The proposed amendments will not expand these roles or increase the number of peace officers. They are intended to clarify the existing roles, strengthen accountability within the program, improve the quality of services, and increase co-ordination with police services.

During debate there have been comments that this draft legislation includes security guards and the use of private security. I want to be very clear to opposition members that security guards and private investigators fall under a separate piece of legislation, and that legislation is the Private Investigators and Security Guards Act. That act is currently being reviewed by the hon. Member for Calgary-Foothills.

This legislation, Bill 16, is a result of extensive consultations with police services, police commissions, the RCMP, the Alberta Association of Chiefs of Police, municipalities and counties, community associations, police associations, educational facilities, and health regions. We have talked to anyone and everyone that is or would be an employer of peace officers, peace officers themselves, and police representatives.

During the review of the special constable program we sent out discussion guides to all police services, including the RCMP, police commissions, and police associations across the province. We received nine submissions from these organizations, which were thoroughly reviewed and considered when changes were being contemplated. We also met with these groups almost two dozen times to get their feedback throughout the process to ensure that we were on the right track. Overall they support the directions outlined in this legislation. We have every intention of continuing to work with them as we develop the regulations and policies.

Criminal Code authority. The hon. Member for Edmonton-Glenora raised several scenarios that need to be clarified. In terms of criminal matters police officers are always in charge. This won't change. The current policy is very clear concerning all Criminal Code occurrences such as arriving at a murder scene or discovering drugs in a vehicle. To ensure their safety, peace officers will continue to be thoroughly trained to know the circumstances under which they must contact the police and request assistance.

Training is another key that has been mentioned several times. I

want to make this point very clear: peace officers are not police officers, so they won't be trained to the same level. They do not investigate the types of serious crimes police officers do. Having said that, the training they will receive will accurately reflect their responsibilities. We will work with stakeholders to develop the training and recertification for all peace officers and their employers. Creating these provincial standards is vital to the quality of the program, the safety of the officers, and the safety and security of the public. Consistency in how training is delivered will ensure the highest possible standards across the province.

Increased accountability reassures the public that peace officers are doing their job and maintaining the highest regard for professionalism and the rights of the citizens they serve. We're strengthening the standards of accountability to ensure that both employers and employees adhere to the requirements across the province. Authorized employers will be required to investigate complaints and report them to the director of law enforcement within the Solicitor General and Public Security, who has increased authority to investigate a situation if it is not resolved in a satisfactory manner. The employer is also required to report specific incidents such as use of force to the director. The complainant also has the ability to request a review of their concern by the director if they are not satisfied with the employer's decision.

In addition, the director is also required to investigate certain situations and may request a police service or other persons to conduct an investigation into an incident or take over an investigation if it's in the public interest to do so. This process ensures that concerns or noncompliance issues are dealt with in a responsive manner. This will result in increased accountability and transparency across the board. The complainant will be updated every five days on the status of their case. Pending the outcome of the investigation the director of law enforcement has the ability to vary, suspend, or cancel an employer's authorization as well as a peace officer's designation. This direction is also supported by our stakeholders. We strongly believe that these lines of accountability will meet the needs of communities and organizations who hire peace officers.

The hon. member has also suggested that peace officers should report to the local police commission. I can't state this enough, Mr. Chairman. Peace officers do not perform the same function as police officers, nor do they have the same level of responsibilities, so we don't feel that they should report to the police commission. The legislation will ensure an effective process of accountability.

Complaints and discipline. The hon. Member for Edmonton-Glenora raised concerns about the terms "frivolous" and "vexatious" regarding complaints. These would be complaints that have no merit or are deemed to be contrived or trivial. Similar wording is used in the Police Act. An authorized employer could dismiss the complaint, but it would still be reported to the director of law enforcement, who could still order an investigation.

The hon. member also suggested the necessity of independent investigation by a public body. The use of a public body would add unnecessary layers and drag out the entire process without adding value to the outcome of an investigation. Being responsive to the issues is paramount to resolve these situations in a timely manner. The process established in the legislation will ensure that the complaints are managed in an appropriate, timely, and fair manner. The outcomes will produce results that will satisfy the public's confidence that the system works the way it was intended to. To this end, we feel that there is no need to establish another level of bureaucracy.

School resource officers. The hon. Member for Edmonton-Mill

Woods raised a concern that peace officers may take over the role of school resource officers. We are not aware of any peace officers formally being tasked as school resource officers. There are a number of municipalities that have their peace officers involved with school programs to help deliver safety awareness programs such as bicycle safety, crosswalk safety, and some antibullying programs. The issue of school resource officers is a matter for the school board and police service to discuss and determine how best to meet the community needs.

Equal pay. During second reading debate the hon. Member for Edmonton-Centre questioned the pay that peace officers receive. She suggests the government is trying to find a cheaper way of delivering services. Mr. Chair, that's simply not true. As I have stated several times before, peace officers are providing a complementary service to police officers. The peace officer's rate of pay is determined by the individual employer and varies across the province. It's reflective of the individual's role and responsibilities. Again, let me be very clear: peace officers are not filling the same role as police officers. Their responsibilities are very limited, and they do not have the same level of authority as a police officer. With separate and distinct responsibilities it's obvious that they would be paid differently.

Equipment. The hon. Member for Calgary-Varsity made comments about equipping peace officers with protective vests and puncture-proof gloves. The decision on whether a peace officer would receive this equipment would be made by their employer. That decision would be based on the peace officer's role. For example, a fraud investigator may not require a vest or gloves.

Vehicle markings and uniforms. Several questions have been raised regarding uniforms and vehicle markings. We're currently developing new uniform insignia and vehicle markings based on feedback from stakeholders during the special constable program review. Once we have finalized a mock-up, it will be sent to stakeholders for further review and feedback.

Transferring levels. The hon. Member for Calgary-Varsity also raised questions about a peace officer's ability to move from one level to another. Bill 16 creates the foundation that will clarify the role of each level of peace officer, and the policy that flows from the legislation will make the distinctions crystal clear. The policy that will support the legislation will clarify four levels of peace officers. There will be two levels of authority for Alberta peace officers and two levels of authority for community peace officers. Alberta peace officers would work for the provincial government. Community peace officers would work for municipalities, health authorities, postsecondary institutions, or police services. A peace officer's level will be determined by their employer and level of responsibility. Conceivably, a peace officer could move into another level or area provided that they have the necessary level of skill, training, and expertise.

In conclusion, Mr. Chair, peace officers provide a service that is critical to the safety and security of our communities. Their service is designed to complement, not replace, police officers. The proposed Peace Officer Act will ensure a more effective delivery of law enforcement services that will help make Alberta the best place to live, work, and visit.

Thank you, Mr. Chair.

Mr. Elsalhy: Mr. Chairman, I'm pleased to rise tonight and participate in the debate on Bill 16, Peace Officer Act. I probably have to start by saying that I'm not a legal expert, and my prior involvement with or exposure to matters surrounding law enforcement does not really exceed that of a spectator or observer.

9:20

An Hon. Member: Ticket receiver.

[Ms Haley in the chair]

Mr. Elsalhy: I have only received one ticket in my entire life. Thank you very much.

However, today as an elected representative I have to wade into this discussion and express my point of view, especially as the questions that I have are shared by many ordinary Albertans out there.

I know that my hon. colleague from Edmonton-Glenora, who is the critic for both the Ministry of Justice and the Solicitor General and Department of Public Security, has spoken before me at this committee stage. I know that he went into some detail on some of the clauses and provisions of this bill. I was also disappointed that the common-sense amendment that he suggested last week was rejected by the government members. However, tonight I want to try to cover some more territory and raise the following points.

One, with regard to part 1 of the bill dealing with employers' authorizations and peace officers' appointments, what is going to be the definition of an authorized employer? Who would qualify, or which entities are going to be captured under this definition? We've said time and time again in this House that we have concerns when things are left to be placed in regulations or discussed behind closed doors or left to the sole discretion of the minister and his staff, his inner circle, things that are done in regulation and are not put within the act or debated on the floor of the Assembly. So I have certain examples of situations, and I need clarification.

Take, for example, private companies which offer home or business alarm monitoring and security services. When the alarm sounds or a burglary is detected, sometimes an emergency response vehicle is dispatched. Sometimes this crew is comprised of one guy only. Sometimes it's two people. Sometimes it's a guy and his dog, for example. Will these people then be called and expected to behave like peace officers?

Do you remember the idea a short while back when it was brought up that some rural government MLAs don't feel secure in their homes and would like the Legislative Assembly Office to pay for their home alarm monitoring? I thought that was exaggerating a bit, and from an expense standpoint I believe that it would be a minimal monthly cost on their part to ask the taxpayers to cover it. I was reminded, however, that some of those rural settings see homes or ranches few and far between and that if someone is unhappy about a certain direction or decision taken by that particular MLA or his caucus colleagues, that person or group may decide to pay a visit to that MLA's home, and we know how scary or uncomfortable this can get. The point is: will home alarm response personnel be captured under this act?

Another example. Is this act going to cover companies which offer bodyguards or personal protection services?

A third example can be bouncers at bars, lounges, raves, and concerts. [interjection] Okay. We can call them crowd controllers, but will they be considered peace officers too? You see where I'm going with this, Madam Chairman.

Take this as an example as well. Will our employer, the people of this province but in the more technical sense the Legislative Assembly Office, or LAO, qualify to apply as an employer under this act now so that all 83 of us MLAs would become peace officers as well? We're responsible, smart, and dedicated. I would certainly agree to receiving the necessary training required and potentially participating in this new capacity. I know that some of the hon. colleagues would say that they don't like this idea, probably because

of the risks and inherent dangers that are involved. Why would we want something for or wish something on somebody that we do not want for ourselves?

Seriously, though, I can count numerous occasions when I personally wished that I had policing authority or some sort of a mandate maybe not to intervene in a situation but at least to report it with some force. Take for example traffic violations – speeding, tailgating, zigzagging, or careless driving, things like that – as simple as they may be till there is some loss of life or damage to property.

I once witnessed a large truck tailgating a little old lady in a small sedan. It was sort of road bullying if I can refer to it as such. On the back of his truck was an identifying letter code and a phone number for people to report him if he was driving badly. Well, I did just that, and the lady on the other end of that line first tried to dismiss my complaint, then she started questioning whether, in fact, I saw their truck on the road and if I could describe the truck. She wanted me to read her the licence plate number and so on, and that's all going on while I'm driving. Then she implied that maybe the little sedan was driving too slowly and that perhaps the driver of the truck was frustrated and some nonsense like that. Boy, that day did I wish to have been not only able to complain to his company, which may or may not take any action, but I also wished that I had the power to perhaps assign him demerit points or maybe place a note on his driving record or something like that.

Another incident happened right in my constituency of Edmonton-McClung one Sunday afternoon when I was driving with my wife and children down 178th Street. Right at the bus stop next to the YMCA there was a teenage girl exposing herself and signalling at cars driving by. Not only was I upset about what I saw, I was concerned about that young lady perhaps being on some drug or substance or even alcohol and the risk that she ran if someone sick-minded pulled over and offered her a ride and the risk, in fact, that she could have caused a traffic accident as people were slowing down to look at her and to check what she was doing.

That afternoon, Madam Chairman, I phoned 911 and reported her. They were nice and professional on the phone, but they asked what triggered me to report it and why did it matter to me. When I explained that I was a parent and a concerned citizen and that I was also the MLA for that area and that I found this behaviour objectionable in my neighbourhood, the officer did not hide his surprise that I had chosen to take action, and he thanked me for bringing it to his attention. What could I have done differently? I don't know, but calling 911 was the only thing that I could do, and that was the only thing that came to my mind.

The question is really this. If we are serious about stepping up our crime-fighting efforts, why not fully recruit, train, and retain top-notch, qualified, full-fledged police officers rather than relying on those peace officers? I don't want to delegate more responsibilities to a new class of officers who don't receive the full training and resources necessary like their full-fledged counterparts.

You know, Madam Chairman, you can draw some sort of a parallel here with some of the changes that were done to our health care system, for example, over the years. You remember back in 1992-93 when the axe fell and many of our hard-working registered nurses were fired or let go, and then we've seen over the years that LPNs – and no disrespect to LPNs and the hard work that they do – were given more to do. They were assigned more responsibility, but they themselves sometimes admit that they need more training and more professional development. After LPNs were sort of elevated, then you got nursing attendants or orderlies that are now doing what the LPNs were assigned initially and so on. So we're deregulating services, and that might actually affect the quality of the service offered.

Now, you notice that I mentioned training. What conditioning, physical and mental, are we going to offer these guys? How extensive and comprehensive would their scenario training and situation practice be? Will they receive ongoing training and professional development opportunities?

I also know that my hon. colleague from Edmonton-Decore has some specific areas that he wants to cover, so I promise to brief, and I will focus on just a few.

Section 5 in part 1 of this bill is talking about an employer's authorizations. It sets out the process that an employer has to meet in order to be authorized to engage the services of a person as a police – as a peace officer. You know, I get this tongue twisting between police officer and peace officer, and I think it might be intentional to some extent. Specific requirements are providing the information required to apply for and receive authorization from the minister. Also, the employer must comply with any conditions provided for in the regulations, and we've mentioned regulations and how uncomfortable we are with this direction that the government seems to be willing to take all the time. But on to my next point.

What is obvious here is that most of the substance governing an employer's authorization is left to the discretion of the minister. What are the standards of conduct that apply to peace officers? What are the policies that authorized employers must abide by? All of these important details are left to the minister to decide, and the minister can change those from time to time, again without it ever being debated here in the Assembly. Can the minister give us a sense of what policies, practices, procedures, and standards of conduct will apply to peace officers?

9:30

This section also gives the minister, as I mentioned, the ability to alter the terms of reference at any time he or she pleases: very strong control for the minister; too much concentration of power within one department or one level of that department. Again, I find this questionable.

It also appears that this particular section is worded to allow the minister flexibility in determining what authority peace officers can and cannot have. So if we're confused or hesitant at the beginning, you can probably appreciate why we might be hesitant or reluctant, you know, two years from now, four years from now. As ministers change and as cabinets change, to leave this to the will or the whim of the day is probably not acceptable. How will things like this be determined? Will policing services and employers be consulted before changes are made? For example, if the minister wants to expand the authority of peace officers for traffic enforcement, will the RCMP be consulted in this process, or will the minister's department just make the decision and tell everyone that this is the policy from now on and expect everyone to adhere to it and abide by it?

On to my next point, talking about the use of titles, which is section 11 under that part. I know that, you know, most of these suggestions might appear to be common-sense ones: the use of titles in accordance with the regulations, which level of peace officer gets which designation, and all that stuff. The only negative aspect of this is that the public may find this confusing, to say the least: different designations, different levels of authority, different job descriptions if you will. You know, as an elected person I find it difficult to understand who is a level 1 APO versus a level 1 CPO, for example. Everyone knows what a police officer is and what a peace officer does, but it is probably going to be hard on just the average person to determine whether this person who's pulling him over or this person who's searching his house or this person who's pushing him aside has the right to do so and has the mandate and training to do so.

Does the Solicitor General have a plan to deal with this confusion?

Will there be a public awareness campaign to educate the public as well on which peace officers do what and where and when? How much is such a campaign going to cost, and is that cost justified? If not, why has this department not considered the public's perception of the peace officers and the inevitable confusion? Again, that's going back to my point that perhaps we should have spent our energy and our resources and our money training more full-fledged, regular peace officers than we are going for that sort of level b.

Section 12 talks about restrictions with regard to uniforms and weapons and stuff like that. Again, this is not really a major issue, you know, talking about what colour uniform or what badge they might wear or all that stuff, but when you're talking weapons, this is a bigger sphere that we have to investigate more thoroughly. The minister must ensure that the difference is clear so that the public knows the difference between the two levels of law enforcement.

Subsection (2) states that the peace officers can only have in their possession the weapons and equipment that they are authorized for in their appointment. So this is a good clause, but a lot of clarity has to be factored in here because different situations have different pressures, and we don't want to have instances where a person is making rash decisions to discharge a weapon, for example, when other avenues could have been investigated. So that's, again, part of the training, you know, in terms of empathy training, language training. Sometimes there might be language barriers. We've heard over and over again that miscommunication might lead to dire consequences.

Also, section 13 is talking about peace officers providing emergency services. We need a lot of clarification here. Are these guys going to be the first-response people at a certain scene? If there is, you know, injury or a situation after, let's say, a crime has been committed or there's an accident scene and these guys are the first people there, will they be trained to perform CPR, for example, or some sort of resuscitation? Will they have access to communication devices that might summon better trained emergency response personnel to that scene?

This section allows the minister in the event of an emergency and with the consent of the authorized employer and the peace officers themselves to

by order declare the peace officers

- (a) to have jurisdiction in all or any part of Alberta, and
- (b) to have the [additional] authority, responsibility and duties specified by the Minister.

Subsection (2) states that an order under this section expires after 90 days unless it is renewed for a period of time as specified by the minister.

As noted previously, special constables were utilized effectively in London, for example, after the subway bombings. So we're not necessarily against them as people and as, you know, people who are trying to do a service to Albertans, but we want to empower them and to give them the tools necessary for them to do a good job and to not necessarily be inferior to or less than regular, full-fledged police officers.

I know that my hon. colleague from Edmonton-Glenora talked at some length about part 2, which is dealing with complaints and discipline, so I'm not going to go there per se. I know that I promised you that the hon. Member for Edmonton-Decore has more to say. He's advising me that he wants you to stay tuned and continue to be alert and attentive.

With that, I will take my seat, Madam Chairman. I appreciate this opportunity, and I thank you for your indulgence.

The Acting Chair: Thank you.
Edmonton-Calder.

Mr. Eggen: Thank you, Madam Chairperson. It's very nice to see someone from the female persuasion in the chair. It's very nice. [interjection] No. We're certainly advocates for equality in all ways.

I rise with a great deal of interest to speak on this bill in committee this evening. I've been studying this issue and debating it, rolling it over in my mind over these past couple of weeks because I certainly do recognize the value and the fine work that special constables undertake on our behalf for the public. Much of it is dangerous work, as several members have spoken to already. But, you know, there's a real difference between training of police officers and peace officers. Given that police officers receive 35 weeks of training compared to peace officers' only two weeks of training plus four days weapons training, I must pause to wonder not only whether or not we're properly qualifying these people but whether or not they are sufficiently trained to cover the scope of the job that we are asking them to do with the expanded roles that seem to be in line with this bill and the shortage of police officers that we have in this province.

According to Statistics Canada Alberta has one of the very lowest per capita police services in the country: one officer for every 600 Albertans. My understanding is that that is the lowest in the west, west of Ontario or even, I think, west of Quebec actually. So I'm wondering if we are trying to perhaps fill that gap with an expanded role of peace officers. I guess we have to take a sober and logical look at whether that's the best way to provide policing for Alberta.

9:40

I have a number of specific questions to ask in regard to this bill on separate sections and then just general, so let me just make the general comments first and carry on. First of all, with this bill are we not in fact heading towards more lower paid positions on which to off-load police responsibilities? This is a real concern that I think is shared not by just myself but others. As my hon. colleague from Edmonton-McClung mentioned, there is a comparison that we can perhaps make in the nursing profession, and I am concerned that this might be happening in our policing service as well. I mean, certainly you can realize efficiencies, Madam Chairperson, by looking at different ways to deliver services, but if, in fact, we are just basing it on cost efficiencies as opposed to policing efficiencies, I think that's where I would like to place some logical inquiry or questioning.

Second of all, my question is: are we endangering the peace officers by asking them to pick up more and more police services? Subsequently, should their pay perhaps not reflect this danger, and then if we're going to pay them more, why don't we just hire more police? This is a circle that, again, we saw in the nursing profession. LPNs, I believe, just received an 18 per cent raise. An LPN with full experience and working, let's say, a differentiated shift is making the same as a nurse anyway, so in terms of savings, I don't necessarily see that.

The question is arming different forms of peace officers and the danger that we could be putting them in with arming them. I think that's something else we have to look at.

What oversights, as well, are we putting in place to ensure that this peace as opposed to police officer, of course, will be held accountable to the public and accountable in a way that we can in fact count on? We've run into a number of difficulties with accountability with our police service, so I think it's important for us to put in some firm guidelines before trouble might develop. Again, with less training I can see a potential for problems.

Accountability to an employer is insufficient when you're dealing with complaints given that we know nothing about training or

employment requirements. We need to be assured that all complaints will be dealt with seriously and by an appropriate body that's well versed on the issues that are being raised. Relying on your employer is not enough as the employer might not have the legal wherewithal to properly assess the situation, so this lack of public oversight must be addressed. It's a very large and profitable, expanding industry, the private security industry, and I think we owe it to the citizens of Alberta to set up an independent regulatory board and board of inquiry to deal with these things.

We might hear the argument that this act pertains to peace officers rather than police officers, but when we see more and more police duties being handed off to peace officers, this argument becomes moot, particularly given that this bill attempts to address the increasing demands placed on peace officers, and the redesignation from special constables I think is an indication of the desire to tie them into police work, so we cannot argue that they are not a police force, just simply doing a lot of police work. I find that to be a rather spurious argument at best, that we heard previously on this issue.

The argument was also raised that there's nothing new in this legislation, that there is no hidden agenda, and that we're not inventing any new roles for people. If you follow that argument a bit further, Madam Chairperson, perhaps then all that's intended is cementing in regulations the rights and responsibilities pertaining to this already existing relationship, but I would say that if there's nothing broken, then why fix it? If it wasn't broken or bending, let's perhaps firm up this relationship before we have some further trouble. I don't see that we are in fact addressing what the full nature of this bill is head-on by suggesting that it's not bringing up new ideas.

Just because the relationship between police officers and municipalities has been useful in the past doesn't mean that we can't improve on it. Asking for public oversight of peace officers is a democratic and reasonable request, and I think that that is the general way by which we can provide a service to this province here in the Legislature: to provide accountability and a democratic means by which to oversee these institutions. So it's incumbent upon us to in fact put those things into place.

Those are some of my general comments.

Specifically, I think that there are at least four or five places in the actual legislation that have some problems. I guess the first place that I would like to look at is on page 4, section 5(3). It says that the minister may require an employer to "implement or comply with policies, standards of conduct, practices, procedures, protocols or rules provided for in the regulations." It says "may," and I think that perhaps "must" would be more emphatic in that situation because, of course, as I said before, that is what we're meant to be doing here in the Legislature, not just suggesting that there should be standardizations but, in fact, putting those into practice.

On page 13, section 23(2), it says, "An inspection under subsection (1) must be conducted at a reasonable time." What does that mean exactly in terms of an inspection? I would perhaps seek further clarification there.

On pages 17 and 18, section 29, the ministerial regulations listed allow for control over many recommendations found in the special constable review. Again my problem is with this "may" issue as opposed to strengthening that perhaps with "will," and might we be imposing regulation as opposed to just suggesting it?

So these are my concerns, Madam Chairperson. Certainly, we do recognize the value of peace officers in their various forms as helping to provide and keep the peace in our province. I just want to tighten up this legislation to some degree and clarify the intention of the bill as well so as not to be somehow suggesting that we don't

require more actual police officers throughout the province of Alberta.

Thanks a lot.

The Acting Chair: Thank you.

Edmonton-Decore.

Some Hon. Members: Question.

Mr. Bonko: Oh, I may raise some, though. Thank you.

Thank you, Madam Chair, for my being able to speak to this specific one. When my colleagues were up in Fort McMurray just a couple of weeks ago, we did talk to some residents door to door, and there was some appreciation for what the special constables have done thus far as far as curbing some of the traffic concerns and the flows as they go up and down the highway.

The biggest concern was the safety not only of those on the highway but of the special constables. Need I remind this House that there have been a number of deaths of police officers with what appears to be perhaps a simple pull-over. A park that looks over the river valley in Edmonton was dedicated to one such officer, Officer Ezio Faraone, who pulled over two low-lives and was shot and thus, you know, passed away, and that park was named after him. This was a fully trained officer, not someone who went through basic training – I will highlight that part: basic training – however much that is according to this specific act.

A camera could and should be installed now with these special constables. This would in fact be something that I think could benefit all involved. It's not something that's new. It's something that's already being used. This technology could serve two purposes. One, it could review cases where there's a dispute between the driver and the so-called peace officer or the special constable. Who knows what could happen with the camera? They could be used for a testimony, or it could be used to ensure ongoing improvement on this pilot project for the special constables. After all, they're in ongoing performance, and we'd review that ongoing performance.

[Mr. Shariff in the chair]

There would be far less training, as we said, with this situation compared to the RCMP or the city police officers. Last spring we talked about the public oversight committee and who would oversee or intervene on behalf of the public when such a question arose. [interjection] Exactly.

With the questioning of city or RCMP officers, who comes under the review under section 2? Who are the investigators, impartial or independent, for the special constables, who now carry side arms?

9:50

Other sectors – and it was mentioned this evening by the Member for Edmonton-McClung – of the public who do maybe constitute special security also carry side arms, such as Loomis guards or Brinks guards. Could these people become special constables? They already have FACs and engage with the public. I don't know, but it does beg the question because there is such loose information. Similar to the third way it lacks in detail.

The main point is that there is a lot that's left in the regulations, and due to this, we can't be sure as to what the final effect of this act is because the act in itself serves as a framework without much being in the details. We don't know about the training of the peace officers. Will they receive different levels? What qualifications are necessary? Are those requirements going to be stringent like with

the police officers, or are they going to be accommodating for the private security officers? Details like this I think are important, and they're left in the murky recess of the regulations.

Perhaps this is because the details haven't yet been decided, or the minister wants to push ahead without the careful process or the details being released. This is not in the public's best interest. These are going to be officers delivering at the level of law enforcement that is beyond the former restrictions of that of the special constable, areas that the police officers work within. We need to know and the public has the right to know that the people doing this job are trained and mentally fit to react in all the situations. However, again, we do not know about these very important details because they're all left within the regulations.

If we talk about section 21, conduct of appeal – and that appears on page 12 – this states that part 2 of the Police Act applies to an appeal made under section 20. Part 2 of the Police Act deals with the process of the Law Enforcement Review Board, also known as LERB. There are certain sections of part 2 of the Police Act that are exempt from applying under this section, but it's because it deals specifically with a chief of police or police officers that it does not specifically apply to the peace officers.

Subsection (2) allows for the LERB to require the person making the appeal to produce all copies that are relevant to the information to the LERB, and that's fine. We have no problem with that.

Subsection (3). This is an exemption to the clause that applies to a peace officer giving testimony in the LERB appeal hearing. Where a peace officer is compelled to give information to the appeal, if that evidence tends to incriminate him or her or subject that person to punishment or establishes his or her liability, it shall not be used against them or that officer in any of the civil proceedings. This exemption is in effect if the officer is being charged with perjury or the giving of contradictory evidence. Similar clauses apply to police officers under the Police Act, so it's inconsistent that the same rules apply to the police officers. So there is a question of concern with regard to that subsection there.

Subsections (4) and (5). Basically, these two subsections state that the Law Enforcement Review Board must give its recommendations to confirm, reverse, or deny the appeal. The key work here is "recommend." In other words, the decision of the LERB is not binding and/or final. It's left to the minister, which is later explained in section 22, to determine if the recommendation of the LERB is to be "confirmed, reversed or varied." The question here is: why does the minister need that final authority on the decision-making ability of the Law Enforcement Review Board? Does the minister think that he has more informed opinion than the members of that board?

This section is problematic because it allows the minister to vary or overturn decisions of that law board without stating why. There's nothing here that states that the minister must inform the complainant in writing as to why the decision was varied or reversed. There's no appeal from the decision of the minister. The decision is final. This authority of the minister takes away the ability of the LERB to make the binding decisions based on their expertise. The question is: why must there even be the ability to appeal to the law board when the minister has the ultimate authority? The authority of the minister to overturn decisions of the LERB or alter them makes a mockery of the fairness of the appeal process. This is no different than the Minister of Justice having the ability to overturn decisions of the Court of Appeal without an explanation. Can the minister explain to us why he wants to have the authority to reverse or vary the decisions of that law board?

This is one of the most controversial parts of the bill, and I cannot support it as it gives the minister far too much power over an appeal body. It is not in the interest of justice to have a government

minister have that much ability to reverse decisions of a quasi-judicial appeal board without any explanation.

Those would be some of my specific concerns with this particular piece, Mr. Chairman. Thank you.

The Deputy Chair: The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you, Mr. Chairman. [interjection] Careful. The last guy that did that lost his seat.

An Hon. Member: I think I'm good for a few more months.

Mr. Mason: Move to Edmonton.

Mr. Chairman, I'm pleased to rise and speak in committee to Bill 16, the Peace Officer Act. I want to just raise a number of questions that I have. One deals with the level of training for peace officers as opposed to police officers. As my colleague from Edmonton-Calder has pointed out, the bill deals with training. Police officers receive 35 weeks of training, and peace officers receive two weeks of training and four days of weapons training. That is a concern, I think, with respect to the degree of employment of people as peace officers as opposed to police officers. If the bill has as one of its unwritten intentions the extension of peace officers into a number of areas with a much greater use of peace officers to supplement police officers, then it gives rise to the possibility that they may actually be asked to serve in positions for which the training is completely insufficient.

Mr. Chairman, I know from personal experience that the training period for a bus driver, a transit operator in Edmonton is six weeks of training, including a week learning on the trolleys. Two weeks of training and four days of weapons training for people who are responsible for enforcing laws and, in fact, are armed to do so and may indeed be called upon to use their weapons really is insufficient if these people are going to be placed in positions where they may need to use force or the threat of armed force in order to do their job.

So the real question that I have, then, is: given the bill and its attempt to sort of unify definitions for all peace officers and regulate those things, what really is the result going to be? Is the result going to be more and more and more use of peace officers and falling into beginning to provide services that police officers no longer do? Then they may place themselves and potentially members of the public in jeopardy if they're put into positions for which they are not adequately trained. I can certainly foresee and anticipate that there may well be positions or situations for which two weeks' training is insufficient.

The question that I would like the government to respond to is: just exactly what limits do they propose on the operation of these peace officers, formerly known in many cases as special constables, and will the special constables in fact be putting themselves or anyone else in harm's way through a lack of training?

10:00

A related question to this, Mr. Chairman, has to do with the potential for peace officers being used increasingly by private employers. The question is: what private employers does the government anticipate peace officers working for? What is the government's intention with respect to private employers who may wish to employ special constables? Is there, in fact, going to be a much greater utilization of special constables by private employers, and is this merely something that will allow the government to unfund or reduce funding or fail to provide new funding for full-fledged police officers?

Mr. Chairman, I know that in the election the NDP opposition put forward a proposal that we hire 500 additional police officers in this province. Interestingly, Alberta has one of the lowest numbers of police officers per capita in the country. Our proposal would have increased the number of police officers in Alberta to or above the average in the country. The government has yet to take action to bring it up to that level. They have seen, I think, the writing on the wall – and we'll take some credit there – and have decided to hire some additional police officers and provide more resources so that that can be done. Most recently they did that with the RCMP.

Mr. Chairman, tonight I attended a meeting dealing with community issues, including drugs and prostitution, that was put on by the city of Edmonton as part of their Safedmonton project. It was attended by a number of city councillors and by a number of MLAs from the Legislature. The new chief of the Edmonton Police Service, Mike Boyd, was there, and he gave an excellent presentation, also Kate Quinn from the organization PAAFE. It's an organization dealing with trying to reduce prostitution in the city and get street-involved women off the street.

There were lots of community people there, and it was interesting, Mr. Chairman, the great lengths to which people in the community were prepared to go as volunteers to take on tasks to assist the police and take on tasks that brought their neighbourhood back under their control. But it was also disturbing, the extent of disruption to community life by the activities of drug traffickers and pimps and so on. The extent of the problem and the task facing the police and the community are very great.

I'm not certain how this bill will affect that fight, Mr. Chairman. I believe that just setting out new rules around peace officers and unifying the definition of peace officers in and of itself is not really the solution. Clearly, the Edmonton Police Service and I think the Calgary Police Service and urban police forces in general didn't get a fair share of the increase that was recently announced. Certainly, the government needs to go farther in supporting community policing in this province.

It's been my experience – and I have some, dealing with some of these issues as a municipal councillor – that community policing and fully-trained police officers who practise community policing are one of the best assets a community can have. Repeatedly I've seen community police working with people in the community – with agencies, with community leagues, with interested citizens, with local businesses, with local politicians, with landlords, with all sorts of organizations, even service clubs – and getting them involved in the community, developing a strategy, bringing together the resources that are latent in the community, and mobilizing those resources towards solving the problems that exist.

I'm not convinced that simply extending the number of peace officers is going to resolve those issues. I think, Mr. Chairman, we have to be tackling crime at its root source. We need to be working with the community to develop strategies that actually make the problem go away rather than continually just responding to it over and over and over again. When the police get a call for service, they keep going back to the same place over and over again instead of considering what needs to be done specifically to get rid of the source of the calls by solving the problem that is engaging the police and disrupting the community and hurting people in society. Those things are important.

Another thing that's very important, Mr. Chairman, is, in fact, that there's a consistent failure on the part of the government to adequately fund the services that are necessary in some of these communities to prevent crime or to allow people that do get off the street or have gone through some corrections to actually get back on their feet and be a strong, contributing member of the community. That's a difficulty.

I remember the bill, a private member's bill, put forward by the hon. Member for Red Deer-North dealing with young people who may be addicted to drugs and allowing their parents to put them into mandatory treatment. While we supported that bill at the time, Mr. Chairman, we reminded the House and the hon. member that, in fact, the number of places that were available to treat youth at that time were oversubscribed based only on the young people who were voluntarily willing to enter treatment. We warned that unless those rehabilitation spaces and drug treatment spaces were expanded, the bill would be of no effect because you'll just simply be trying to push more people into a fixed number of spaces, and if it's already oversubscribed, it won't make any difference.

Of course, the government has not adequately funded those things, and there is still a significant shortfall in the number of places. So if the government is not willing to put our money where its mouth is, then we can see that, in fact, we're not going to bring about change in our society and in this province on some of those kinds of things.

Supporting the police, Mr. Chairman, in my view means not just changing the definition and not just putting more what used to be called special constables, more peace officers with a lower level of training in to fill the gap. We need to provide, number one, an adequate number of properly trained, highly qualified police officers in sufficient number. Number two, we need to ensure that the most up-to-date and progressive techniques of policing are used in the province, and in my view that is community policing. It's unfortunate that in recent years in Alberta police forces the commitment to community policing has eroded. Based on what I heard from Chief Boyd, I hope that at least in Edmonton it's going to be making a strong comeback. That's the kind of policing that actually resolves problems, that prevents crime and doesn't just simply lock up people who have already committed the crime. In my view the real key is to prevent the crimes in the first place, to solve the sources of the crime as they emerge.

10:10

Finally, the last important piece is that there needs to be supportive social programs and community-based programs to enable people that do want to get off the street, that do want to get away from crime or have been released from jail and want to make something of their lives and go straight. There needs to be those kinds of supports in the community available to them so that they can do that. You know, we won't tackle drug crime, we won't tackle the effects of drugs unless the government invests much more significantly in treatment, drug prevention programs, addiction support, and all manner of those types of programs.

Mr. Chairman, we could go down the American path. I know it's very popular among some Conservative circles to follow the model that people who are involved in crime should have higher penalties, stronger penalties. That's very popular among Conservatives right across the country. In fact, I just heard Stephen Harper, the Prime Minister, talk about his government's commitment to stronger penalties for criminals. You know, that has a certain resonance. We could follow the American model. That's exactly what the Americans do: they have stronger penalties, and they incarcerate more people per capita than any other country in the world.

If you do crimes in the United States, you do get locked up for a long time. Many states have three-strikes-and-you're-out kinds of laws, which put people away for the rest of their lives in some cases. Of course, the United States has some of the highest crime rates in the world, particularly in the western world, so obviously that approach does not work.

What you're doing by locking up many people is simply providing

them with on-the-job training to become career and professional criminals when they eventually do leave. The vast majority of people who are committed to prison, regardless of whether or not we have stronger penalties or moderate penalties or whatever kind of penalties, do come out and do come back into the community. When they come from prison, if they're not rehabilitated, they are at least trained in a vocation, and that vocation is often gang activity and becoming a professional criminal. It doesn't solve the problem. It's very, very expensive, and it's a tremendous waste of our fiscal resources and a tremendous waste of the resources of the people that are involved there. It should be avoided if possible. We should find alternate measures that will help people integrate into the community and act in a responsible fashion and not in a criminal or a marginal fashion.

If we look at the United States, Mr. Chairman, we can clearly see the fallacy of the argument that stronger penalties and more police to arrest people is in some way a deterrent to crime because the opposite is proved by the case in the United States. They have more crime and more serious crime, more violent crime than we do in Canada as a result of their punitive approach to corrections.

We need a more nuanced and balanced approach, Mr. Chairman. As I indicated, it includes having sufficient resources of highly qualified police. It involves involving the community in a community policing approach. It involves making sure that programs are there for people who need them. I'm not sure that this bill gets us any closer to those goals. It certainly has some value, I suppose, in making things a little bit more simple and systematic, but the real risks that I haven't heard addressed yet are that we are going to simply be increasing the levels of less qualified police, cheaper police in different forms, including peace officers employed by private employers, instead of a comprehensive crime strategy based on community policing and based on adequate funding of the various aspects of policing, supports for communities, and the kinds of social programs that are necessary.

With those comments, Mr. Chairman, I'd be pleased to take my seat and listen with interest to the many comments from the other side on this bill as we do our due diligence as we work through this bill with the kind of scrutiny that it clearly deserves.

Thank you very much, Mr. Chairman.

The Deputy Chair: Are you ready for the vote?

Hon. Members: Question.

[The clauses of Bill 16 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.

Chair's Ruling Decorum

The Deputy Chair: Hon. members, before we proceed with the next item before us, I just need to draw to the attention of all members – and this is an issue of courtesy – that when any member is speaking, other members should not really be standing with their backs facing the person who has the floor at the time. This is just a courtesy. I'm just drawing this to everyone's attention; I'm not singling out any one person.

Bill 20 Freedom of Information and Protection of Privacy Amendment Act, 2006

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

Mrs. Jablonski: Thank you, Mr. Chairman. I'd like to speak in Committee of the Whole in two stages, the first stage to review the eight amendments that this bill presents and then to answer the questions from members when we had the second reading.

In reviewing the eight amendments of the FOIP Act, the first amendment, the published works in a library of a public body, clarifies that the FOIP Act does not apply to these published works. The issue central to this amendment is not one of access but of privacy. An individual can make a FOIP request for a library book, but the library can refuse to process the request and direct the applicant to obtain it in a more suitable way by borrowing the book or purchasing it. The amendment addresses the technological developments that allow an individual to self-publish works which may contain personal information. This amendment will require libraries to give some thought to privacy before they place a privately printed memoir containing personal information about others onto their shelves. The privacy protections in the act will not apply as long as the library has collected books in accordance with an acquisition of materials policy. Most libraries have such policies in place to guide their acquisitions.

The second amendment limits access to ministerial briefing material for five years. Specifically, it provides an exception to the right of access for government records created for briefing a minister who is assuming a new responsibility for a ministry or briefing a minister for a sitting of the Legislative Assembly. For briefings for a sitting of the Legislature the five-year period was chosen to coincide with the life of a Legislature, which is five years at most. The same period applies for briefings developed for a minister assuming a new responsibility.

Amendment 3 limits access to records relating to an audit of the chief internal auditor of Alberta for 15 years. This amendment adds a mandatory exception to disclosure for records held by a public body that relate to an internal audit and applies to the records of all audits conducted by the chief internal auditor when those records are in the custody of the auditor or a public body. An individual can still make an access request for records about a program or service of a ministry but not for records about the audit.

Amendment 4 is to further enhance the security of Albertans' personal information. Currently the act allows a public body to disclose personal information to comply with a subpoena, warrant, order of a court, or a rule of court; however, it is not clear which court these provisions refer to. The proposed amendment clarifies that a public body or its service provider may disclose personal information only if ordered to do so by a court with jurisdiction in Alberta or in accordance with a rule of court binding in Alberta. This will make Albertans' personal information less vulnerable to collection by foreign agencies.

The fifth amendment suspends the processing of an access request while the Information and Privacy Commissioner consults with an applicant on whether to allow a public body to disregard a FOIP request. Before a public body can disregard a FOIP request, it must seek permission from the commissioner. These requests are rare. In 2004-05 there were only six such requests, and there were only 10 in all of the previous three years.

10:20

As the decision to take away an individual's right to make a request is a serious one, the commissioner consults with the FOIP applicant. Since the commissioner's consultation takes time, typically a decision comes after the legislated 30-day response time has expired. The problem is that complying with one provision of the act causes the public body to breach another provision. The amendment is purely administrative.

This amendment would allow the 30-day processing timeline for a FOIP request to stop while the commissioner makes his decision. Concerns were expressed in second reading that public bodies could make more requests to the commissioner to disregard requests in order to delay the processing of requests. Should this occur, the commissioner has the ability to immediately order the public body to resume processing the request. The commissioner has the power to immediately deal with any public body that is out of line.

Amendment 6 sets higher penalties for disclosing personal information to a foreign court. Should an individual or a corporation disclose personal information pursuant to a subpoena, warrant, or court order when that court does not have jurisdiction in Alberta or pursuant to a court order not binding in Alberta, that person would be guilty of an offence and would be subject to a fine. The proposed fine for corporations could be up to \$500,000 to deter such disclosures, and prosecution would have to commence within two years of the offence.

The Lieutenant Governor in Council may delete a public body from the list of government agencies, boards, and commissions in the FOIP regulation in specified circumstances. Before a deletion can occur, the commissioner must be satisfied that the deletion is "not contrary to the public interest." Deleting a body from the list does not necessarily mean that it is no longer under the FOIP Act. If the body operates as a part of a ministry or as part of a local public body, the FOIP Act still applies.

A body can only be deleted from the list if all of the following apply – the government of Alberta does not appoint the majority of members of the body, the government of Alberta does not provide most of the funding, and the government of Alberta is not the controlling shareholder – or if one of these conditions exists: the body has been discontinued; the body has amalgamated; the body is a local, public body, not a government public body; there is a more appropriate act, the Personal Information Protection Act or Personal Information Protection and Electronic Documents Act, that should apply to the body. Also, the minister will be able to delete public bodies from the list under the same conditions in between updates of the Lieutenant Governor in Council regulation.

The eighth amendment is about the ministerial authority to bring a public body under FOIP. Finally, this last amendment allows a newly created government agency, board, commission, or committee to be made subject to the FOIP Act more quickly. This new regulation-making authority gives the minister the ability to bring a newly formed government body under the FOIP Act without waiting for the next amendment of the schedule of public bodies in the FOIP regulations. Without this temporary designation the new body would be subject to the Personal Information Protection Act until the next regular update of the regulations.

The second part of my Committee of the Whole presentation will be to answer the questions that were raised in the second reading. The Member for Edmonton-McClung asked why five years had to pass before members' personal briefing notes could be viewed. The amendment act will only limit the right of access to briefings provided to the minister when he or she assumes a portfolio and when he or she is preparing for a session of the Legislative Assem-

bly: those two instances. The FOIP Act was never intended to cover records relating to the workings of the Legislature. Nevertheless, after five years these records become fully subject to the act. The five-year time period was chosen because it restricts records prepared for the legislative session only for the life of the Legislature.

The Member for Edmonton-Calder asked for clarification regarding the proposed inclusion of public works available online or in public libraries. The FOIP Act was never intended to apply to published works. The act already allows a public body to advise an applicant to obtain materials that are readily available on a website, from a library, or for purchase as it is unnecessary to use the FOIP process for such materials.

This new provision is being added to address privacy concerns. Technically, the FOIP Act applies when a library buys or lends an autobiography or other book that contains personal information. This was not the intent. Technology has made it very easy for individuals to publish works themselves, perhaps only producing a single edition. This provision ensures that libraries give some thought to privacy before they put a privately printed memoir containing personal information about the author's family members and perhaps members of the local community on their shelves.

The Member for Edmonton-Centre was concerned that the documents from the chief internal auditor would be exempt from FOIP requests for 15 years. The position of the chief internal auditor is relatively new in government, and this limited exclusion for the chief internal auditor's working papers and reports is comparable to the exclusion of the Auditor General. The aim is to continue to protect the provision of advice within government to ministers and their senior officials from their professional advisors to ensure the quality of ministry programs and services. The FOIP Act will continue to provide access to other departmental records about a program or service of a ministry. In addition, the Auditor General will still be able to review the records of the chief internal auditor and publish any findings that he believes to be of interest to the public.

To answer the member's second concern, changes to the FOIP Act will not affect operations of the Public Accounts Committee or other processes of the Legislative Assembly.

The Member for Edmonton-Centre was also concerned about health information. Health information is subject to the Health Information Act, so I would refer this question to Minister Evans.

I answered the question from the Member for Edmonton-Ellerslie, but I will repeat my answer to the question of why five years. The five-year time period was chosen because it restricts records prepared for a legislative session only for the life of that Legislature.

To his second question, of exempting the chief internal auditor for 15 years and how the government is then made accountable, I would say that the Auditor General has full access to the records of the chief internal auditor and can publish any findings he believes of interest to the public.

The Member for Edmonton-Ellerslie also asked a third question, regarding FOIP fees being restrictive. FOIP fees generate a small percentage of the cost of underwriting the FOIP program. Those fees have recently been reviewed, and many fees were reduced as of February 8 of this year.

The last question from the same member was about the priorities of this government. The FOIP Act attempts to balance the right of access and the right to privacy. This government has taken a strong stand on protecting the personal information of Albertans that has been entrusted to its care. Privacy has been a defining issue of this new century, and we want to be in the forefront when it comes to

ensuring that privacy is an important value in the delivery of programs and services to our citizens.

Mr. Chairman, I would call for adjournment at this time.

[Motion to adjourn debate carried]

The Deputy Chair: The hon. Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Chairman. We've had the usual pleasure of excellent progress tonight, so I would move that the committee now rise and report Bill 16, the Peace Officer Act, and progress on Bill 20, Freedom of Information and Protection of Privacy Amendment Act, 2006.

[Motion carried]

10:30

[Mr. Shariff in the chair]

The Acting Speaker: The hon. Member for Airdrie-Chestermere.

Ms Haley: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 16. The committee also reports progress on the following bill: Bill 20.

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

Hon. Members: Concur.

The Acting Speaker: Opposed? So ordered.

The hon. Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. In view of the hour I would move that the Assembly now stand adjourned until 1:30 p.m. tomorrow.

[Motion carried; at 10:31 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]