

## Legislative Assembly of Alberta

**Title: Thursday, November 15, 2007** **1:00 p.m.**  
 Date: 07/11/15  
 [The Speaker in the chair]

head: **Prayers**

**The Speaker:** Good afternoon.

Let us pray. Author of all wisdom, knowledge, and understanding, we ask for guidance in order that truth and justice may prevail in all of our judgments. Amen.

Please be seated.

head: **Introduction of Guests**

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

**Mr. Griffiths:** Thank you, Mr. Speaker. It's my pleasure today to rise to introduce to you and through you to members of the House 25 guests from Hughenden, comprised of students, teachers, and parents. I had the pleasure a couple of weeks ago of being in that school and talking to the students about the role of an MLA. We do a little mock Legislature, and I was proud to say that those students were some of the brightest students I have ever experienced talking to. They are a brilliant young group that knows more about this Legislature than most Albertans do in general. They are accompanied today by their incredible teacher, who teaches them a lot about government, especially in Alberta, Mrs. Cathy Samson, by Mrs. Kym Poelzer, Mrs. Carol Anholt, Mrs. Brenda Buchanan-Charlton, Mr. Eric Poelzer, Ms Yvonne Waring, and Mr. Matt Samson. I'd ask that they all rise and receive the traditional warm welcome of this Assembly.

**The Speaker:** The hon. the Premier.

**Mr. Stelmach:** Well, thank you, Mr. Speaker. It is my pleasure to rise and introduce to you and through you to all members of the Assembly a strong member of the community for the Strathcona riding, Mr. Dave Quest. Dave is the nominated candidate for the Progressive Conservative Association and brings with him a wealth of knowledge and experience. He served in various positions with the party, as executive of the Better Business Bureau of Alberta, and is a very dedicated member of his community on many levels, including coaching soccer. I'm certainly proud to have Dave as a member of my team as we build Alberta's future. Dave is joined by his wife, Fiona, and I would ask that they both rise and receive the traditional warm welcome of the Assembly.

Mr. Speaker, once again it's my pleasure to rise and introduce to you and through you to all Members of the Legislative Assembly the nominated candidate for the Progressive Conservative Association of Alberta for the riding of Edmonton-Manning, Mr. Peter Sandhu. Mr. Sandhu succeeded in his nomination after the second ballot of a very strongly contested nomination. Peter is a centennial ambassador, helping to celebrate Alberta's 100th birthday, a very dedicated member of his community, and a strong booster of not only the city of Edmonton but the province and the country of Canada. I'm proud to have Peter as a member of my team as we build Alberta's future. Peter is joined by his wife, Kamaljit, and I would ask that both of them rise and receive the warm welcome of the Assembly.

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

**Rev. Abbott:** Thank you, Mr. Speaker. It is my great pleasure today

to introduce to you and through you to all members of this House 32 of Alberta's brightest and best students from Warburg school in my constituency. Warburg school is known as the small school with a big heart. They are accompanied today by their teacher, Mrs. Chandra Klatt, by parent helpers Mrs. Cheryl Garrett, Ms Lynn Lafreniere, Mrs. Tara Benoit, and Mrs. Nicole Moeller. I would ask them all to please rise and receive the traditional warm welcome of this Assembly.

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

**Mrs. Mather:** Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to members of the Assembly 18 grade 6 students and their teacher, Nova Gould. They are from Kameyosek elementary school in Mill Woods, and they are excited to be here. I'd like to have them stand, please, and receive the warm traditional welcome of the Assembly.

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

**Mr. Marz:** Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to the members of the Assembly 18 students from the Faculty of Law at the University of Alberta who enrolled in a course in legislative process and legislative drafting taught by our Senior Parliamentary Counsel Rob Reynolds and Chief Legislative Counsel for the government, Peter Pagano. They're seated in the members' gallery, and I would ask that they rise and receive the traditional warm welcome of the Assembly.

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

**Ms Blakeman:** Thank you very much, Mr. Speaker. I believe I have two introductions today. The first person I'd like to introduce is Bonita Davidson. She is a constituent of Edmonton-Centre. She has been a dedicated personal care attendant for 25 years. She believes strongly that caregivers are not treated or paid fairly and that quality of care is suffering because of this. She also has collected thousands of signatures on the petitions that I've been tabling every day in the Assembly. Bonita, if you're here, I would ask you to please rise and accept the welcome of the Assembly.

The second introduction that I'd like to make to you, Mr. Speaker, and through you to all members of the Assembly is Nick Palamar-chuk. Nick is a senior in my constituency of Edmonton-Centre and a resident of Cathedral Close. I met him during one of my frequent visits to Cathedral Close. He came to the Legislature today, actually, to watch the debate of Bill 46, which I gather will be a very short debate today. He's a lifelong student and is currently working on his master's degree. So there we have it: lifelong learning in the flesh. Please join me in welcoming Nick Palamar-chuk.

**The Speaker:** The Associate Minister for Capital Planning.

**Mr. Zwozdesky:** Thank you very much, Mr. Speaker. It's my pleasure to introduce some constituents who are accompanying Mr. Peter Sandhu today for their first visit to the Legislature. I'd like to ask Kulwinder Toor, Inderjit Gill, Harpreet Sandhu, and Heiko Lotzgeselle to please stand. Please welcome these wonderful members from my area.

Thank you.

**The Speaker:** The hon. leader of the third party.

**Mr. Mason:** Thank you very much, Mr. Speaker. I'm honoured

today to introduce to you and through you to this Assembly two long-time NDP activists, Laurie and Christine Lang. Laurie was one of the founding members of the Knights of Columbus 12457 here in Edmonton. He's been active in his church, St. Dominic Savio parish. Laurie has been employed at Alberta Hospital and was president of his local and the United Nurses of Alberta. In 2004 Laurie was our candidate in Edmonton-Manning and ran a great campaign. He returned to politics, only this time on the federal scene, to run for the NDP in the riding of Edmonton-Sherwood Park in the 2006 election. I want to thank him for his contribution to the NDP and to democracy in Alberta.

Christine Lang is an active volunteer in her community. She teaches at Landing Trail school in Sturgeon county. She and Laurie have two sons, Ian and Keith. Ian and his wife, Dina, live in Beaumaris. Keith is married to Mandy, and they have two sons, Nicholas and Matthew.

Before I ask them to accept the warm welcome of the Assembly, I would like to thank the hon. Member for Edmonton-Manning for helping to facilitate and organize this visit today. I would now ask that Laurie and Christine rise or wave and receive the warm welcome of this Assembly.

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. It's a pleasure to rise this afternoon and introduce to you and through you to all Members of this Legislative Assembly a resident of Rimbey, Joe Anglin. Joe is a father of three, and he is a very active citizen in the affairs of not only this province but also in central Alberta. Joe is one of the many citizens who are actively fighting Bill 46. He is an articulate, reasoned voice in why Bill 46 should not become law in its present form. I would now ask Joe, who is sitting in the public gallery, to please rise and receive the warm traditional welcome of this Assembly.

1:10

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

**Mr. Backs:** Thank you, Mr. Speaker. It is my great pleasure and honour to rise and introduce to you and through you to all members of this Assembly today two gentlemen. Father Bernie Gilliece and Nels Rissling are here in support of Laurie and Chris Lang today. Father Bernie is a respected educator and a Salesian priest and was a principal as well for many years. He is the very much respected and loved priest of St. Dominic's parish in Edmonton-Manning.

Nels Rissling, Mr. Speaker, is also a great contributor to the community, both as an active member in the Kilkenny Community League, his church, and local 488 of the plumbers and pipefitters, and was a former candidate for the New Democrats for Parliament in 1988. I ask that they rise and accept the traditional warm welcome of this Assembly.

head:

### Ministerial Statements

**The Speaker:** The hon. the Premier.

#### House of Commons Seating Formula

**Mr. Stelmach:** Well, thank you, Mr. Speaker. Yesterday in Ottawa the government of Prime Minister Stephen Harper reintroduced in the House of Commons the Constitution Act, 2007. The act deals with the imbalance in representation in the federal Parliament as a result of growing populations across Canada, especially those in Alberta and British Columbia. Under the new formula proposed in

this legislation, Alberta will get an additional five members in the House of Commons.

Perhaps we shouldn't be surprised that the Prime Minister from Alberta has the foresight and the political will to deal with this long-standing issue. On behalf of all Albertans I want to congratulate the Prime Minister and his government for taking this historic action, which will come into effect after the next federal census, in 2011.

As I have said many times before, as the engine of Canadian prosperity and economic growth Alberta does deserve a bigger voice in national affairs, and now thanks to the actions of the government, led by a proud Calgarian, we're seeing that happen again.

The Prime Minister is taking action to improve and, of course, modernize democracy in the House of Commons and the Senate. Now, these are all long-standing goals of the province of Alberta. The Prime Minister should know that this government and this province strongly support his actions.

Thank you, Mr. Speaker.

**The Speaker:** The hon. Leader of the Official Opposition to participate.

**Dr. Taft:** Yes. Thank you, Mr. Speaker. I appreciate this opportunity to respond to the Premier. Alberta Liberals agree that additional representation for Alberta in the House of Commons is a good thing. We welcome the change.

As Alberta's population grows, so too should our influence and our presence within Confederation. It's equally important to ensure that Albertans are fairly represented at the provincial level here in the Legislature. Currently, urban areas are underrepresented in this House compared to rural areas, which have only a third of the province's population but half of the seats. Edmonton in particular has been shortchanged.

Seats should be redistributed to make sure that our cities have a voice in this Chamber that's truly representative of their proportion of the population. As the federal government pursues electoral reform, so too should we here in Alberta. Redistribution would help renew democracy in Alberta, but it's just a beginning. For example, we should consider fixed election dates, a citizens' assembly to discuss proportional representation, and whistle-blower protection: policies the Alberta Liberals have long supported.

This news from Ottawa should serve as an example for democratic renewal here at home. Let's see what we can do to make Alberta a more vibrant, robust, and representative democracy.

Thank you.

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

**Mr. Martin:** Yes. I'd like unanimous consent for the leader of the NDP to reply to the ministerial announcement.

**The Speaker:** Hon. members, under our traditions and rules unanimous consent will be asked for by the chair and must be provided in order to recognize the leader of the third party. I'll only ask one question: is anyone opposed?

[Unanimous consent granted]

**The Speaker:** The hon. leader of the third party.

**Mr. Mason:** Thank you, Mr. Speaker, and thank you to the Assembly as well. Alberta's NDP fully supports the move by the federal government to increase the number of seats for Alberta. I think it's a matter of common sense that in a province with a rapidly growing

population, its representation needs to be in proportion to its population. I'm also very pleased to say that it looks like Prime Minister Harper is taking the advice of the federal NDP leader, Mr. Jack Layton, and is considering a referendum on the abolition of the Senate in Canada, something that we have long supported.

Thank you.

**The Speaker:** Hon. Member for Edmonton-Manning, you're wishing to participate as well?

**Mr. Backs:** I'm wishing to seek unanimous consent.

**The Speaker:** Hon. members, again unanimous consent will be required, so I'll only ask one question. Is anyone opposed to providing an opportunity for the hon. Member for Edmonton-Manning to participate?

**An Hon. Member:** No.

**The Speaker:** I think that said no, so I'll accept that as not opposed.

[Unanimous consent granted]

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

**Mr. Backs:** Thank you, Mr. Speaker, and I thank all members of this Assembly for an opportunity to speak on what is an extremely important development in the history of our province and the history of our country. The importance of Alberta getting more seats gives more voice to our province, to our Alberta, and to the west in the Parliament of Canada, and we need that there. We need that there probably even more so in a reformed Senate or if we should get rid of it. You know, triple-E is something we should be pushing for, that we should see, and that we must have in our Parliament. Alberta's importance is increasing. I thank the Prime Minister for doing this, and I support him. I'm sure that, indeed, all Albertans do.

Thank you, Mr. Speaker.

head: **Members' Statements**

**The Speaker:** The hon. Member for Drumheller-Stettler.

#### **Amber Alert**

**Mr. Hayden:** Thank you, Mr. Speaker. Yesterday Alberta's most precious and valuable resource was put at risk. The resource that I'm talking about is our children. First of all, I want to say that the child that was abducted in my constituency is safely back at home with his family. Secondly, I want to publicly thank the young people in his community for their quick thinking and their accurate information that helped police and the public to recover this brave young man so quickly. The co-operation between the public and the RCMP through the Amber Alert program has shown that if you put our children at risk, the police services and the people of Alberta will come together very quickly to stop you. While I'm not sure what role the Amber Alert played in this particular case, I want to thank the police officers involved, and I want to thank all my colleagues for putting the Amber Alert program in place and all Albertans for responding when we are in a time of need.

Thank you, Mr. Speaker.

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

#### **Assured Income for the Severely Handicapped**

**Ms Pastoor:** Thank you, Mr. Speaker. I rise today to talk about AISH, the assured income for the severely handicapped, a group of approximately 36,000 Albertans who live on the edge of poverty and can do nothing about it. Many have mental health diseases, related mental problems, may be brain injured, or are physically disabled. Many are severely undereducated. Many were cared for in institutions and are now living in the community and struggling just to exist. Affordable housing is a challenge. Some live in subsidized housing, but for many shelter takes up to 70 to 80 per cent of their income.

There have been subtle changes to the eligibility criteria, evaluating disabilities in terms of activities of daily living despite the fact that there is no reference either in the act or the regulations. Many applications require appeals. This is a great hardship for this group of people.

**1:20**

There have been additional improvements to the AISH program – an increase in employment income exemptions and easier reporting – but there have been only three raises in benefits since 1993, still not enough to live with dignity.

The simple truth is that AISH benefits have not kept up with the rate of inflation. It needs to be increased and then indexed annually, as are MLA salaries. Cost-of-living increases affect all Albertans, not just MLAs. Remember the purpose of the AISH benefit. It is meant to provide financial support to Albertans with disabilities who are severely and permanently limited in their ability to earn a living. It is to eliminate barriers to full participation in society and increase independence.

I challenge every member in this Legislature to think how they would survive with dignity on \$1,050 a month while watching inflation eat every last penny. A society may be judged on how it treats its most disadvantaged, and so should a government.

**The Speaker:** The hon. Member for Lesser Slave Lake.

#### **Métis Week**

**Ms Calahasen:** Thank you, Mr. Speaker. November 16 always evokes sad yet joyous memories for me. It was on this date 122 years ago that Louis Riel was hung for treason because he fought for Métis rights. Many Métis people feel that Métis are still struggling to take their rightful place in Canadian society. Some provinces in Canada even today refuse to accept and implement these rights as recognized and affirmed by the Supreme Court of Canada. The Métis have had to use the judicial system to prove that their rights exist, and thanks to the Supreme Court of Canada time and again the courts have sided with the Métis.

Alberta has done better. We have had a positive and productive relationship with Métis that dates back to the 1920s. As an example, Alberta is the only province to provide a land base and recognize a governance system in legislation for Métis settlements. As well, we have had agreements with the Métis Nation of Alberta to ensure that Métis can be self-sufficient. In the area of child welfare the government of Alberta established a separate region for Métis in order to ensure protection and care of Métis children and families, the first of its kind.

We believe Métis people are part of Alberta's rich past and an important part of our future, and that's why Métis Week, November 11 to 17 of this year, is to be celebrated by all people and communities.

On November 12 the Minister of International, Intergovernmental

and Aboriginal Relations along with the Métis Nation association president, Audrey Poitras, helped launch Edmonton's Métis Week celebration with a special flag-raising ceremony at city hall. In addition, on November 16 at 11 a.m. here in the Legislature there will be a special ceremony commemorating Louis Riel.

Communities across Alberta will be celebrating Métis Week. Come join us as we reflect on past challenges and successes and in building a strong Métis community.

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

#### National Philanthropy Day

**Mr. Johnson:** Thank you, Mr. Speaker. For the last 22 years one day of the year has been designated as National Philanthropy Day. This special day helps to recognize and pay tribute to the people and organizations that help to make our communities a better place through their generosity and charitable giving. Whether it's \$10 a month or \$100 a month, Albertans recognize the importance of charitable giving. In fact, a recent Statistics Canada study found that Albertans gave \$177 million more last year in tax-deductible charitable donations than they did in 2005. This is an increase of 15.5 per cent and is the largest increase of any province in Canada. Clearly, we can see that many Albertans are willing to help those in need, whether it is with an in-kind gift or a financial donation.

National Philanthropy Day is also the perfect time to remind Albertans about the enhanced charitable tax credit that was introduced as part of Budget 2007. Alberta's charitable tax credit increased more than 60 per cent for total annual charitable donations over \$200. When combined with the federal credit, Albertans will now receive a 50-cent tax credit for every dollar donated over the \$200 threshold. With this increase Alberta has one of the highest charitable tax credits in Canada. One of our government's top priorities is to improve the quality of life for all Albertans. The enhanced charitable tax credit is one way we are addressing this priority.

National Philanthropy Day may only be one day of the year, but there are 364 other days where Albertans show their generosity and giving spirit.

Thank you.

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

#### Laurie Lang

**Mr. Backs:** Thank you, Mr. Speaker. Many great people in our communities are often unsung heroes. They make a tremendous contribution to all but never ask for anything in return. Laurie Lang is such a contributor and is with us here in the Legislature today. Laurie is a community and social activist, a leader in his church, his union, and has been an active voice in municipal, provincial, and federal politics. Devoted to his family, Laurie is husband to Chris, father to Keith and Ian, father-in-law to Mandy and Dina, and grandfather to Nicholas and Matthew. Another grandchild is expected in not too many months.

Laurie was born in Killam, Alberta, and was raised in Spring Lake. During his time as a grain elevator manager in Trochu he was an active volunteer firefighter and continued that at the Alberta Hospital department in Alberta. Starting at Alberta Hospital in 1971, Laurie has worked there most of his career as both a registered psychiatric nurse and a registered nurse. Laurie also served on his profession's council. Laurie was a director of the board of Alberta Hospital, chaired the Alberta Hospital foundation, and helped found the AUPE local there. He was the president of local 183 of the

United Nurses of Alberta. Laurie ran four times as a New Democrat, twice federally in northeast Edmonton and twice in Edmonton-Manning. He is a strong advocate for a better mental health system. He knows that Alberta needs more trained mental health personnel, especially in children's and community health.

Laurie, to me, is known best through St. Dominic Savio parish and with his wife is active in many church functions. Laurie is also a brother knight, a fourth degree, and indeed the founding grand knight of St. Dominic Savio Knights of Columbus Council 12457. He is among the many knights who make many quiet contributions to so many communities. Laurie Lang is highly respected. He is presently in a difficult battle with cancer, and we pray that your recovery will be quick. We all wish you and your family well, Laurie. Another statement for Laurie will soon be made in our Canadian Parliament by the Member for Edmonton-Sherwood Park, Ken Epp. I salute you, Laurie Lang. You're one of those uncelebrated heroes that make our Alberta a better place.

Thank you, Mr. Speaker.

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

#### Labour Relations

**Mr. Martin:** Well, thank you, Mr. Speaker. I'd like to make a few comments today about lack of fairness in our labour laws in this province. The minister is aware that I've had correspondence with her asking that we take a look at the labour laws. I notice that the minister said in the letter, "The Alberta government periodically reviews its labour laws to ensure they are relevant to the needs of Albertans." Well, I'd like to see those periodic reviews because the last time we really had labour laws looked at in a major way was 1988. Unfortunately, for workers it made it worse than it was before. But I think there are some issues that cry out. The building trades have their problems, as the minister alludes to, and some of that's in court, and we'll have to see how that works through.

There are a couple of things that we could do that we should have learned right away, and one is first contract arbitration. We've had some very harsh strikes that lasted a lot longer than they needed to. Other provinces bring in first contract arbitration, and it's settled, and the union is there to represent the workers. We saw what happened in Tyson recently. We saw the Palace Casino workers being out for over 300 days. These went on far too long. The previous minister said that they would look at first contract arbitration.

Mr. Speaker, I would remind this minister that we should be taking a look at these things. Five years down the way is not good enough. There has to be more fairness in our labour legislation. While we're at it, we could look at replacement workers. That also leads to danger. Surely it's time for this government to bring fairness into our labour laws.

Thank you.

head:

#### Presenting Reports by Standing and Special Committees

**The Speaker:** The hon. Member for Bonnyville-Cold Lake.

**Mr. Ducharme:** Thank you, Mr. Speaker. As chair of the Standing Committee on Resources and Environment it is my pleasure to table the required number of copies of the committee's final report on the beverage container recycling review. The committee chose to undertake this project after receiving a request in July from the Minister of Environment. This report is the result of nine committee meetings, which included public hearings in both Edmonton and

Calgary and the review of over 115 public submissions.

The committee also received administrative, research, and procedural support from the staff at the Legislative Assembly Office, including Mr. Robert Reynolds, QC, Senior Parliamentary Counsel; Dr. Philip Massolin and his committee research team; Ms Rhonda Sorensen and the communications staff; the *Hansard* staff; and committee clerks Karen Sawchuk and Jody Rempel. I would also like to acknowledge the valuable support from the staff at Alberta Environment and the contributions from members on both sides of the House for this project.

head: 1:30

### Oral Question Period

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

#### Royalty Revenues

**Dr. Taft:** Thank you, Mr. Speaker. My first question is to the Premier. On November 7 the Premier claimed that he was never made aware during his years in cabinet that Department of Energy reports were recommending Alberta's royalties be increased. I make the next quote very carefully, and I'll table the documents. It's from a news story. The Premier told the Canadian press, and I quote: in the time that I was around the cabinet table, there was nothing coming to me. End quote. My question to the Premier. Does the Premier stand by this claim?

**The Speaker:** The hon. the Premier.

**Mr. Stelmach:** Mr. Speaker, the media was asking if I received any information with respect to royalty information or whether anyone presented anything to cabinet. I said that I resigned from cabinet in March of 2005 . . .

**Mr. MacDonald:** In 2006.

**The Speaker:** Avoid these outbursts.

**Mr. Stelmach:** Well, at least he's listening.

. . . 2006 to pursue the leadership. I did that, and during that long campaign period I heard very clearly from Albertans that they had some questions with respect to the royalty regime, with respect to some of the, you know, penny on the dollar that came up with respect to the oil sands. I promised that I would undertake the review. We did. We now have the framework in place. The issue has been settled and is done with.

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

**Dr. Taft:** Well, thank you. My next question is to the Minister of Energy. Yesterday when asked in this Assembly to make public all the internal documents on royalties itemized by the Auditor General, the minister replied that those documents need to be protected because of "legislative protection with respect to some information that's provided to the cabinet." Does the minister stand by this claim that the documents itemized by the Auditor General were provided to cabinet?

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

**Mr. Knight:** Mr. Speaker, very clearly we're back into some more of living in the past. We're talking about royalty reviews. By the way, the Auditor General's report states on page 100: "We could not

find an authoritative definition of 'royalty review'. Not surprisingly, the term means different things to different people." Where was the royalty review?

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

**Dr. Taft:** Well, thank you, Mr. Speaker. Complete evasion.

Anyway, the government cannot have it both ways. It can't deny Albertans access to these documents because they were provided to cabinet and then turn around and claim that cabinet never saw them. The Premier needs to get his story straight. To the Premier. The Premier needs to clarify which of this government's stories are true. Were the documents shared with cabinet as the Minister of Energy has claimed, or were they not as the Premier himself has claimed?

**The Speaker:** The hon. the Premier.

**Mr. Stelmach:** Mr. Speaker, once again, we took a very, very bold leadership move to review the royalty framework of the province of Alberta. It came as a result of listening to Albertans. The decision has been made. The member wants to live sometimes in the past. During this period of time, in the last number of years that he served as Leader of the Official Opposition, he still has not taken a public position on the royalty framework. He's still sitting on the fence.

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

**Dr. Taft:** Well, thank you, Mr. Speaker. This is just too much fun. Yesterday the Minister of Energy claimed: "What I can tell you is that from 2000 to 2007 there weren't so many missing billions." I want to just repeat that. The Minister of Energy said: "What I can tell you is that from 2000 to 2007 there weren't so many missing billions." I want to ask his boss how many. To the Premier: just how many missing billions were there?

**Mr. Stelmach:** Mr. Speaker, at least \$22 billion worth of missing debt.

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

**Dr. Taft:** Well, thank you, Mr. Speaker. Yesterday the Minister of Energy also claimed, and I'll quote him again just to be right: "I'll tell you some facts: \$15 billion in royalty revenue to the province of Alberta, '03-04." Now, according to the government's latest annual report – and it is only an annual report, Mr. Speaker – audited by the Auditor General, it was in fact only \$7.6 billion, including not only royalties but bonuses and sales, rentals and fees, and all the rest. To the Premier: can the Premier explain why his Minister of Energy is claiming they took in \$15 billion in royalties when the true number is only half that amount?

**Mr. Stelmach:** Mr. Speaker, I'll refer it back to the Minister of Energy. He can reply to the question or whatever is coming from the opposition.

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

**Mr. Knight:** Well, thank you very much, Mr. Speaker. Clearly, again, what we have here is more innuendo, more backtracking, more backpedalling, trying to get away from a situation they found themselves in yesterday where, in fact, the line of questioning was found to be a bit inappropriate.

With respect to the numbers we should just do the math. The Liberal math doesn't add up. If you add up '03 and '04, the numbers will support themselves.

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

**Dr. Taft:** Thank you, Mr. Speaker. Let's recount some of the facts: deciding to let billions go uncollected year after year and then covering that fact up year after year. Now, in trying to defend the government's record on this file, the Minister of Energy is telling Albertans that they collected \$15 billion when they collected only half that amount. Albertans need a government they can trust. To the Premier. Will the Premier do the right thing: put the public interest ahead of personal loyalty and replace this Energy minister with a minister who's capable of cleaning up this mess and taking charge of this file?

**Mr. Stelmach:** Mr. Speaker, I have tremendous confidence in my Minister of Energy.

Not very often am I going to dig this low in this Legislative Assembly, but this person across the way made very serious allegations last spring with respect to a water issue. He said he had documents – he never did table them until today – at the same accusing me of receiving money through the Beaver regional waste management commission, and he'd sent a letter to them two years in a row to receive money. You're talking about trust. I'm clean.

**The Speaker:** Third Official Opposition main question. The hon. Member for St. Albert.

#### Deferred School Infrastructure Maintenance

**Mr. Flaherty:** Thank you, Mr. Speaker. Last week the Minister of Infrastructure and Transportation consulted boards . . . [interjections] Excuse me. The Infrastructure and Transportation minister consulted school boards about the deferred maintenance problem. The next day the Minister of Education blamed the problem on 30 years of wear and tear. The maintenance backlog is \$700 million in Calgary alone, an indication to you, Mr. Speaker, of the systemic underfunding not working. To the President of the Treasury Board: given the comments by the Education minister, why has the government therefore failed to address the maintenance needs of school boards for so many decades across the province?

**Mr. Snelgrove:** Mr. Speaker, one of the first things this Premier did is to bring forward a policy on how we will handle our unfunded allocated surpluses. On top of the hundreds of millions that we spend annually on maintenance, he's going to put two-thirds of our unallocated surpluses to capital maintenance. What more responsible way for Albertans' money is that?

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

**Mr. Flaherty:** Mr. Speaker, thank you. We have \$700 million in Calgary. The government has certainly demonstrated through its actions how sincerely it takes this situation. A below-inflation increase in the budget has left school boards desperate. An Alberta Liberal government, on the other hand, would ensure sufficient, predictable funds for schools across the province. To the President of the Treasury Board: why is this government relying on unsustainable, surprise funding, luck-of-the-draw funding which doesn't work? Why are they relying on this? Tell us about that, Mr. President.

1:40

**Mr. Snelgrove:** Mr. Speaker, I'm surprised at the tone of someone who should know better about the education system in Alberta and the funding that it does. We fund the best education system in Canada, probably in North America. Our students achieve among the highest results, and we have an absolutely unmatched building program. But it's not just in Calgary, sir. It's all over Alberta where we build schools. We deal with the whole province. We don't try and separate one city from another. We look at the total education funding.

**Mr. Flaherty:** Well, let's go across the floor to somewhere else so we can get a better answer. When Alberta's provincial government told school boards that no additional funds would be allocated to education, they were instructed to get very creative. Two school boards came up with an idea to hold a plebiscite about possibly raising taxes to come up with the shortfall of monies.

**An Hon. Member:** And what happened?

**Mr. Flaherty:** Well, I'll tell you. Just be patient. Be patient.

This notion was overwhelmingly shot down by the public. They rightly see education to be the responsibility of this government. To the Minister of Education: given that this government has shirked its responsibility, are they now suggesting these creative approaches that the minister suggested for raising funds . . .

**The Speaker:** The hon. minister. [interjection] The hon. minister has been recognized . . . [interjection] . . . for the third time.

**Mr. Liepert:** Well, Mr. Speaker, first of all, I suggest that the hon. Leader of the Opposition might want to look at a new caucus whip because he's got somebody there who managed to control the out-of-control members behind him.

The hon. member is correct that there is a provision in the School Act that if a school board so chooses, it can have a plebiscite at the same time as school board elections. In these past elections on, I guess, the 15th of October there were two plebiscites held in Alberta. As the hon. member correctly pointed out, neither one of them was successful, but that's the democratic process at work.

**The Speaker:** The hon. leader of the third party.

#### Taser Use by Law Enforcement Personnel

**Mr. Mason:** Thank you very much, Mr. Speaker. The terrible incident which took place at the Vancouver International Airport on October 14 raises serious concerns about the safety and use of tasers by law enforcement personnel. I saw that last night. I saw the tape. I was really shocked. Within 30 seconds – this man was moving away from the police. He was retreating from them, he was tasered, and he died. The question is not limited to what happens in B.C. On August 10 Jason Doan of Red Deer died after being tasered three times, and on Christmas Eve a year ago Alessandro Fiacco died after being tasered in Edmonton. My question is to the Premier. In light of this continuing pattern of tragic losses . . .

**The Speaker:** The hon. the Premier. [interjection] The hon. the Premier.

**Mr. Stelmach:** Mr. Speaker, the Justice minister has indicated that he's willing to look at a review of the use of tasers, but in this particular case he was supporting the very catastrophic event that we witnessed, of course, on the video. This happened at an airport,

which is federal jurisdiction, but we want to collate that information, work together, and work with the Solicitor General to see that whatever rules we have in place for the use of a taser are safe, find a balance between the protection of the police officer but also of the person that's being arrested.

**Mr. Mason:** Mr. Speaker, I appreciate the Premier's answer. But this is a very serious matter, and this happens in Alberta from time to time as well. There's a question of the safety of the device, first of all, but also there's the question of its misuse from time to time by police. In 2002 Randy Fryingpan was passed out, drunk. He was tasered six times in 66 seconds, and there were no repercussions for the officer that was involved there. What we need in this province are some clear guidelines for police of when they can use a taser, when they can't, and serious sanctions if they misuse it, as has been the case a number of times. I would ask the Premier again: will he do a review of taser use in Alberta to make sure this stops?

**Mr. Stelmach:** Mr. Speaker, it's not only taser use. There are other issues that have come forward with respect to finding the balance. Do we have the right processes in place? We made some changes with respect to reviewing police actions. The Justice minister said he would take that into account. He's supportive of reviewing the process. He will bring that forward to caucus, explain the process, and then we'll take it from there.

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

**Mr. Mason:** Thanks very much, Mr. Speaker. Well, I hope the government will actually take some action on this and do it before another regrettable incident happens in this province. In 2002 a constable tasered a woman in the back despite the fact she'd been arrested and was kneeling down in handcuffs. In 2004 an EPS officer tasered an arrested man who had surrendered and was lying face down in handcuffs. The judge called it excessive force.

Mr. Premier, I hope that you will do this. This is not a political issue between the NDP and the government or the Liberals or anything. This is a matter of ensuring the safety of our citizens and providing clear guidelines for police so that they know when they can use a taser and when they cannot. Will you please call for . . .

**The Speaker:** The hon. the Premier. [interjection] The hon. the Premier has been recognized.

**Mr. Stelmach:** Mr. Speaker, I said that the Justice minister will be bringing forward a process. The hon. member is right. There are situations, you know, of whether more force was used than necessary. There is also the other side of the story. We also have had police officers that were significantly, seriously injured in the line of duty. It's so difficult to find a balance.

Mr. Speaker, to the hon. member, we'll undertake that with the Justice minister and Solicitor General. We'll look at the rules, review them, and bring forward to the Assembly the results.

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

#### Environmental Management of Industrial Projects

**Mr. Lukaszuk:** Thank you, Mr. Speaker. We all know that Alberta is experiencing a tremendous boom, and that has meant that some areas in the province have had concentrated industrial growth that has had some negative environmental impact. Recently the Minister

of Environment announced a cumulative effects management framework that outlines a new approach of dealing with industrial development. My first question is to the Minister of Environment. Are we implementing this approach a little too late?

**Mr. Renner:** Well, Mr. Speaker, I would say that it's never too late. In fact, the cumulative impact approach to environmental management is very much future focused. It's recognizing that the pace of growth that we have in this province has the potential to have significant impact on the environment if we don't do things differently. Up until now the approach that we have taken has been on a project-by-project basis. In the future we need to be more outcomes based. We need to determine in advance what is the expected outcome and then take the necessary action to ensure that we achieve that.

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

**Mr. Lukaszuk:** Thank you, Mr. Speaker. Since there are several pilot projects in place but none of them are in the areas of the province where most extraction of resources takes place, can the minister let us know how the decision has been made, and can we expect this to be done on a pan-Alberta basis?

**Mr. Renner:** Mr. Speaker, the implementation of the cumulative effects is going forward from the basis of learning from experience with various pilot projects. To some extent we've already begun on the oil sands, for example, with the recent decision on in-stream flow needs and determining how we're going to manage the water allocations on the Athabasca River. To some degree and to a large degree we already have some of the basis for cumulative effects in the oil sands. Obviously, that is one of the areas where we look forward to expanding the program as soon as possible.

**Mr. Lukaszuk:** Can we expect this program to be implemented through all of Alberta?

**Mr. Renner:** Mr. Speaker, right now we are going through a process of testing, testing the type of regulation, learning from experience on the ground. We have three pilots: the Industrial Heartland; we will be implementing very shortly one in east-central Alberta; and one in southern Alberta. All of those pilot projects will be dealing with some different issues: some, more land; some, more air; some, more water. What we learn from those will then be implemented and brought together for a broader implementation across the entire province.

**The Speaker:** The hon. Member for Edmonton-Centre, followed by the hon. Member for Leduc-Beaumont-Devon.

1:50

#### Health Care Aides

**Ms Blakeman:** Thank you, Mr. Speaker. Bonita Davidson, a constituent from Edmonton-Centre, is here today advocating for better wages and working conditions for personal caregivers like herself. She's been a personal care attendant for over 25 years and has seen too many good, qualified caregivers leave the profession because wages and salaries are just too low. My first question is to the minister of health. When will the minister increase funding to provincial home care programs and providers so that caregivers receive reasonable and competitive wages and stay in the sector? Home care is still cheaper than facility or hospital care.

**The Speaker:** The hon. Minister of Health and Wellness.

**Mr. Hancock:** Thank you, Mr. Speaker. The hon. member raises a very important issue. We do have a concern, almost a crisis, with respect to the provision of home care and home care attendants and personal care aides, and salary is a very important part of that. I've been working with my colleagues, actually, in Children's Services and Employment, Immigration and Industry with respect to pulling together how we deal with wages in this sector and contracted-out agencies because in the service at the front end of the system in many systems, whether it's children's services or health or other areas, we are facing a crisis. With the tight economy and the shortage of workers that we have, we have to be able to pay more to keep good people in those areas.

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

**Ms Blakeman:** Thank you. Well, I'm glad to see that the minister is beginning to think about possibly working on it.

At the 2004 first ministers' meeting each province agreed to, one, provide first-dollar coverage for home care services; two, develop a plan for implementing these services by December of 2006, two years later; three, report annually on the progress. So my question to the minister of health is: where is this plan, and when will Albertans get to see it?

**Mr. Hancock:** Well, Mr. Speaker, we tabled a health workforce action plan that was a product of work between three ministries in government, and in that plan we identified precisely this area that needed to be worked on. I have been working on getting the necessary budget and the necessary resources to be able to properly fund this particular area because it's an essential service to Albertans. It's taking care of the most vulnerable people at a time when they need it the most. So absolutely important. We're working on getting the budget resources in place and dealing with this very issue.

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

**Ms Blakeman:** Thank you. My next question is to the Minister of Employment, Immigration and Industry. Health care aides perform a wide range of duties, from assisting clients with bathing and dressing to walking and therapy. They may be required to lift items weighing up to 20 kilograms or be on their feet for very long periods of time. My question is: what supports are available for private caregivers without WCB who get injured on the job?

**Ms Evans:** Mr. Speaker, I'm not aware of any private caregivers that are not covered by WCB, and I would be very pleased if the hon. member opposite would share those particular stories with me. I would be very interested in finding out exactly how we make contact. If I had that information, I would follow through.

We make sure as much as possible that we look after employment standards, occupational health and safety. We added staff in this area this year. We're very anxious to improve that. The hon. member will remember that when we announced the workforce strategy, the minister of health also announced the use of patient lifts in many of these facilities to help the personal care attendants.

I look forward to getting the information.

**The Speaker:** The hon. Member for Leduc-Beaumont-Devon, followed by the hon. Member for Lethbridge-East.

## Highway Construction and Maintenance

**Mr. Rogers:** Thank you, Mr. Speaker. Safety on our highways is of paramount importance to my constituents and to all Albertans. Sadly, two people lost their lives on highway 19 in my constituency yesterday. While it's not appropriate to speculate on the cause of this tragic accident, it is safe to say that if the highway was twinned, we may have had a different outcome. My questions are for the Minister of Infrastructure and Transportation. Can the minister advise the House on the status of twinning this extremely busy highway?

**Mr. Ouellette:** To begin with, Mr. Speaker, I would like to say that I was very saddened when I heard about those deaths, and my sympathies go out to the families.

As to the question about the future twinning of highway 19, we're always concerned about any safety concerns on all the highways in Alberta, including highway 19. Even though the twinning is not in our three-year plan, Mr. Speaker, we have done the functional planning, and the detailed design work has begun. In addition, the department has begun acquiring the right-of-way. But I would also like to add that since we've opened the Anthony Henday, traffic counts have dropped by a thousand cars a day on that stretch of highway. As fast as we get all of the work in place, get the budget in place, we will be looking at going ahead with the twinning.

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

**Mr. Rogers:** Thank you, Mr. Speaker. My first supplemental is to the same minister. Mr. Minister, there has been a noticeable reduction or a lack of snow fencing on highway 19 and highway 2 between Edmonton and my constituency, resulting in drifting and many accidents. Has there been a change in maintenance standards, and can we expect to see this rectified this winter?

**Mr. Ouellette:** In fact, Mr. Speaker, we are still using snow fences between Edmonton and Nisku and on highway 19 in problem areas, such as the fencing that we've just installed at the Nisku interchange. We do keep tabs on areas where drifting snow might be a problem on that highway, and we will put up a snow fence anywhere we think it's required. We found that as more land opens up without shelterbelts, the need for snow fencing and other measures has increased. In addition to fencing, we're also looking at other measures such as snow ridging. That's where they go out and make a bunch of different windrows in the fields, and that collects the snow.

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

**Mr. Rogers:** Thank you, Mr. Speaker. My final supplemental is for the same minister. Mr. Minister, how can users of these highways report maintenance emergencies encountered in their travels, and is it feasible to post signage at reasonable intervals on these highways?

**Mr. Ouellette:** Mr. Speaker, for the QE II south of Edmonton, highway 19, and other highways around the Edmonton area motorists can contact Alberta Highway Services at 1-888-255-5554. You can also go to our department website and find all the contact information there.

The department has a standard policy on how signage is posted on provincial highways. The standards focus on safety of motorists and take into account a number of factors, including distance between signs and intersections with other roads, Mr. Speaker.

**The Speaker:** The hon. Member for Lethbridge-East, followed by the hon. Member for Wetaskiwin-Camrose.

#### **Assured Income for the Severely Handicapped**

**Ms Pastoor:** Thank you, Mr. Speaker. I hope that this might be an example of the squeaky wheel getting the oil. AISH benefits have not kept up with the increased cost of living, resulting in extra stress and hardship for most of these recipients. While this government has let billions of dollars go uncollected, AISH benefits have increased only three times since 1993. To the minister of seniors: how does the minister explain this to thousands of Albertans on AISH who are struggling to pay their rent and buy their food?

**Mr. Melchin:** Mr. Speaker, I am pleased to say that in each of the last three years we have raised those rates for AISH. It has gone from \$850 over a couple of years ago to \$1,050. [interjections]

**The Speaker:** The minister has the floor.

**Mr. Melchin:** We also acknowledged at that time and I said last year in our budget that those would be priorities that we'll look forward to. We do acknowledge the challenges that those on AISH are facing. That's why we made an increase last year. That's why we continue in our business plans going forward to look at the same issue.

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

**Ms Pastoor:** Thank you. In his mandate letter to the minister of seniors the Premier urged the minister to "develop and introduce measures to benchmark improvements in quality of life for all Albertans." What benchmarks have been initiated? How are they evaluated? Clearly, life has not improved for those on AISH.

**Mr. Melchin:** Mr. Speaker, we are starting out on one of those mandates, a very good mandate, to look at the quality of life. This wasn't just limited to those with disabilities. That was for all Albertans. We are early in that process. But I would say that we've done much lately to help look at the lot of those on AISH. Part of it is not to trap them into a permanency of just having a support program. How do we build an opportunity for them to be more included in our society, in employment, and so forth? We want to look at it because it is important for those people to have those opportunities. That's where our focus has been directed.

2:00

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

**Ms Pastoor:** Thank you, Mr. Speaker. Here's where the squeaky wheel comes in again. Increases in costs of living affect all Albertans, especially those on fixed incomes. Does the minister have any plans to increase and index AISH benefits?

**Mr. Melchin:** Mr. Speaker, one of the things we have done relating to income, for example, is that we did raise the level of income that AISH recipients can earn without it being clawed back, a very important initiative. The other side of what we're looking at is an annual reporting of income rather than monthly so that there can be some flexibility. The other directions we're looking at: we want to see that there is permanency of opportunity for those on AISH, for employability also, acknowledging that from time to time their health will be at a time when they can work and maybe a day later they can't work. So we're going to look at flexible arrangements,

broadening those opportunities for them to participate in the workforce as well as seeing that health and income supports are there.

**The Speaker:** The hon. Member for Wetaskiwin-Camrose, followed by the hon. Member for Calgary-Elbow.

#### **Energy Regulatory Hearings**

**Mr. Johnson:** Thank you, Mr. Speaker. Over the summer I have heard a number of my constituents and other Albertans raise concerns about their involvement in energy regulatory proceedings. Specifically, they are concerned about their rights to be a part of the regulatory process that oversees the development of transmission lines, and they are concerned about being heard. My questions are to the Minister of Energy. Will the minister take steps to ensure that Albertans are able to bring their concerns about power lines built on their property before the energy regulator?

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

**Mr. Knight:** Well, thank you, Mr. Speaker. We have done that. We have ensured that there is full public notification of any application. We have ensured that public hearings must be held even if one person is affected by an application and requests one. There were 60,000 applications last year before the EUB, and in nearly all cases no one was adversely affected; therefore, hearings did not commence.

**Mr. Johnson:** To the same minister: will the minister ensure that landowners will continue to have the ability to hire legal counsel when intervening in regulatory hearings?

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

**Mr. Knight:** Again, thank you, Mr. Speaker. We have done that. Intervenor funding for landowners who are directly affected by proposed infrastructure continues to be available. Others can apply to be part of the regulatory process; however, funding may be reserved for those Albertans who are directly affected. These persons will continue to be able to hire legal counsel if they wish.

**Mr. Johnson:** My final question to the same minister: will the minister ensure that the decisions of our regulator can be appealed within a fair and reasonable time frame?

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

**Mr. Knight:** Well, thank you, Mr. Speaker. Again, we have done that, and no one has ever discussed changing this. Questions of law or jurisdiction related to regulatory decisions can be brought forward to the Court of Appeal. The time period of 30 days is the same as the Alberta Court of Appeal, the highest court in our province.

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

#### **Southwest Calgary Ring Road**

**Mr. Cheffins:** Thank you, Mr. Speaker. For years this government has failed to successfully negotiate with the Tsuu T'ina nation the acquisition of land needed for the key southwest leg of the Calgary ring road. Calgarians are frustrated, and the city is understandably reluctant to act on municipal infrastructure before they know where

the provincial ring road is going. Adding to this immense frustration, the province has advanced the Tsuu T'ina casino development, which is scheduled to open this fall. This will add enormous traffic pressure on nearby communities. To the Minister of Infrastructure and Transportation: why has the casino been allowed to proceed without a final agreement on the necessary ring road infrastructure?

**Mr. Ouellette:** Mr. Speaker, we're working with all the stakeholders, and I honestly believe that we are negotiating in good faith and we are going to get an agreement with the Tsuu T'ina. Everything went through the proper processes, and we're working on it.

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

**Mr. Cheffins:** Thank you, Mr. Speaker. Calgaryans need this road. The Tsuu T'ina nation deserves to be fairly compensated for the land. Throughout this negotiation, though, Albertans' demand for transparency and accountability has been frustrated. To the same minister: what estimates of cost and transfers of land in lieu have been discussed by this government?

**Mr. Ouellette:** Mr. Speaker, anyone at all knows that when you're in the middle of a negotiation, most people don't want any of their information given out, and we're under the obligation to deal in good faith with the Tsuu T'ina and not let everybody know their business.

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

**Mr. Cheffins:** That might be more acceptable if he hadn't given the casino away.

Thank you, Mr. Speaker. The natural area of the Weaselhead is adjacent to the proposed route for the ring road. We cannot allow this wildlife habitat and primary source of drinking water to be ruined. This would be the case if alternate routes were to be considered should the government fail in the ring road negotiations. Once again to the Minister of Infrastructure and Transportation: could the minister please assure us that full protection of this area will be considered and accounted for during all ring road considerations and developments?

**Mr. Ouellette:** Mr. Speaker, I can assure everyone that water is very, very important to this government. We will always follow all of the environmental regulations, and even though we are a government department, we still go through all the same approvals with our other departments that anyone else does.

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

### Child Care Funding

**Dr. Pannu:** Thank you, Mr. Speaker. According to an article on child care published just yesterday in the *Banff Crag & Canyon*, a publication in the Minister of Children's Services' own riding, the only two child care centres in the Bow Valley both have two-year wait-lists. At the end of June Alberta received \$26 million from Ottawa to support the expansion of child care spaces in this province. Not one dime of that money has gone into creating child care spaces. Given that there is a serious shortage of child care spaces in the province, two-year wait-lists for spaces in the minister's own riding, why hasn't she used the funding for its intended purpose; that is, the creation of new child care spaces all around the province?

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

**Ms Tarchuk:** Thank you, Mr. Speaker. I can assure you that we have put a huge number of dollars into child care in this past year. Just to list a few things, we have enhanced the five-point plan; we have increased wage top-ups; we've started the staff attraction incentive fund; we've created the child care bursary. In fact, I can tell you it is working because we know that as of today we've created 1,600 extra child spaces in the last 10 months. We have attracted over 400 new child care workers to the industry.

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

**Dr. Pannu:** Thank you, Mr. Speaker. Every day this government sits on this federal transfer of \$26 million, it fails to meet the needs of Alberta families who are waiting, waiting for you to do the right thing. When will you use that \$26 million that is transferred from Ottawa to create more spaces? Ms Minister, come clean on that.

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

**Ms Tarchuk:** Thank you, Mr. Speaker. As I just mentioned, I listed off a few things. We've also increased our subsidies to parents. We have a significant list of areas that we've enhanced, the five-point plan. We certainly have increased the funding significantly over the last year, and we are seeing results.

**Dr. Pannu:** To the same minister, Mr. Speaker. Research in Australia shows that 40 per cent of revenues of ABC Learning Centres, an Australia multinational in the business of child care, come from government subsidies. We know that multinational corporations such as ABC are making offers to buy Alberta's child care centres as well. Can the minister assure Albertans that government daycare funding won't be used to subsidize giant, hugely profitable companies looking to set up McDaycares in Alberta?

**Ms Tarchuk:** Mr. Speaker, I can assure you that who we support in this province are the families and the parents, not companies.

Just to make a rather important point, the government's role is to ensure the quality and the safety of our child care programs. We require all operators to meet the very same standards, so we do not differentiate based on who it is that owns the child care program.

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

### 2:10 Highway Construction and Maintenance (continued)

**Mr. Cao:** Well, thank you, Mr. Speaker. Our Minister of Infrastructure and Transportation has been talking about the work his department is doing to fix highways around the province, but some of my constituents say that they don't see much road construction going on these days. My question is to the minister. How can the minister say he's committed to fixing our roads when we don't seem to see much of the construction going on?

**The Speaker:** Okay. There; answer that one, Minister.

**Mr. Ouellette:** Mr. Speaker, I'm very pleased to let the hon. member know that we undertook a record amount of highway construction work this year. The government invested roughly \$1.8 billion for the construction, repair, and maintenance of highways this

year, which is the highest amount invested in Alberta's history. We did about 1,200 kilometres' worth of paving this year, which is 300 kilometres more than last year. This includes over 200 kilometres of brand new highway and 50 kilometres of brand new twinning. In fact, we received complaints that we were doing too much work and there were too many construction zones slowing people down too much.

**The Speaker:** I can't get involved, can I?  
The hon. member.

**Mr. Cao:** Well, thank you, Mr. Speaker. These numbers sound impressive, but my constituents say that they don't see this work going on to alleviate the traffic problem. My question is to the same minister. Where is it being done?

**The Speaker:** Okay, Minister.

**Mr. Ouellette:** Mr. Speaker, I can tell the hon. member that a lot of it was done right in his home city of Calgary. We did roughly 25 kilometres of the Deerfoot Trail at the north end. We also started construction of the northeast ring road in the spring and continued construction on the northwest leg of the ring road throughout the season. We continued twinning highway 63 up to Fort McMurray and also continued twinning highway 43 between Edmonton and Grande Prairie. We continued twinning highway 21 near Sherwood Park, and we're rebuilding highway 9 near Drumheller. We finished the southeast leg of Edmonton's ring road, and then we opened the new interchange in Aldersyde.

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

**Mr. Cao:** Well, thank you, Mr. Speaker. This is certainly good news, but how do we know this is not just a one-time thing that will disappear next summer? Can the minister assure us this effort will continue next year and the year after?

**Mr. Ouellette:** Mr. Speaker, the answer is yes. This government plans to invest almost \$5 billion for highways in the current capital plan, so the level of activity in the next two years will either match or exceed this year. We've ramped up our investment for the repair of existing highways to address a backlog of projects. We will invest \$1.4 billion over the next three years to repair existing highways, which is \$800 million more than the previous three-year capital plan. We need to make these investments to address Alberta's growth pressures, support our economy, and we fully intend to continue building our highway network.

**The Speaker:** The hon. Member for Calgary-Varsity, followed by the hon. Member for Lacombe-Ponoka.

#### Deerfoot Trail Safety

**Mr. Chase:** Thank you, Mr. Speaker. Now for a real question. Recent traffic collision statistics from the Calgary Police Service, covering April through September of this year, which will be tabled today, show that too many intersections on the Deerfoot Trail rank in the top 10 Calgary collision locations. These rates are far too high. This summer the government committed to another short-term review of the Deerfoot safety, but immediate action is required. To the Minister of Infrastructure and Transportation. Erecting a post and cable barrier was obviously a good preventative start. More initiative is required. What is the minister doing now to reduce these hundreds of accidents?

**Mr. Ouellette:** Mr. Speaker, we're very concerned with safety on Deerfoot Trail, and we're taking a number of steps to improve the road safety. One of the identified intersections, Peigan Trail, will undergo major improvements during the '08 construction season. Another of the identified intersections, Glenmore Trail, is slated for major improvements as early as '09. We are also working with the city on a safety review of Deerfoot Trail, which potentially will give us a number of short-term measures to improve the road's operation and safety.

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

**Mr. Chase:** Thank you, Mr. Speaker. Clearly, a large proportion of the problems on the Deerfoot relates to dangerous driving practices. To the minister: given the high level of driver-caused casualties and accidents, is the minister satisfied with the level of provincial policing and enforcement dedicated to the Deerfoot?

**Mr. Ouellette:** Mr. Speaker, I have to agree with one thing the hon. member said. It isn't very often I do that, but I will have to agree that, yes, driver error causes 99 per cent of the collisions we have in this province. I do have to say, though, that policing of the Deerfoot is under the city of Calgary. He should also be asking maybe the Solicitor General on this, but policing for the Deerfoot is handled by the city of Calgary.

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

**Mr. Chase:** Thank you very much, Mr. Speaker. While driver error is the primary cause of accidents, not 99 per cent worth, the McDermid report of 2004 concluded that poor road design and maintenance were major contributors to accidents. The previously mentioned police statistics highlight the unacceptable collision rates on the Deerfoot interchanges: Memorial Drive, Glenmore Trail, 16th Avenue, 17th Avenue, and Peigan Trail. All of these high-collision, questionably designed interchanges continue to cause great concern to Calgarians. To the same minister: why has the government not corrected the design flaws as recommended by the McDermid report?

**Mr. Ouellette:** Mr. Speaker, I had just answered at the beginning that we are addressing some of the concerns on those intersections. I named two of them that we're going to get the work done on as soon as possible. The Alberta government has invested roughly \$250 million in the Deerfoot Trail since 2000, and another \$20 million worth of projects are scheduled for the '08 construction season.

**The Speaker:** The hon. Member for Lacombe-Ponoka.

#### Potato Cyst Nematode

**Mr. Prins:** Thank you, Mr. Speaker. I understand that a condition called potato cyst nematode has been detected in a couple of fields of seed potatoes in Alberta. This is a fairly common condition in many countries, but the United States Department of Agriculture has recommended closure of the U.S. border to all Alberta seed potatoes. My question to the Minister of Agriculture and Food: what is the status of testing on these farms right now?

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

**Mr. Groeneveld:** Well, thank you, Mr. Speaker. It's interesting to

note that in light of this, the CFIA has put a voluntary ban on sending seed potatoes down to the U.S. They are doing some intensive follow-ups, and I'm pleased to report that they found no further problems. But we certainly want to see that border open to the people on the farms that have tested negative for PCN. Our staff, of course, are going to work closely with the CFIA in their investigation and with the USDA to fully reopen that border again.

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

**Mr. Prins:** Thank you, Mr. Speaker. To the same minister: if the USDA continues its ban on Alberta seed potatoes, is there compensation for our farmers?

**Mr. Groeneveld:** Well, Mr. Speaker, yes, of course. You know, it's a serious concern. Producers who experience these losses, of course, will be compensated through CAIS and production insurance. We are working with the federal government so that the compensation certainly addresses the value of these potatoes as well. Happily, at this time the seed potato shipment season probably doesn't start until after Christmas, so hopefully we can get it cleared up well before then.

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

**Mr. Prins:** No. That's it.

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

#### Zoo Standards

**Mr. Bonko:** Thank you, Mr. Speaker. Zoocheck Canada and the World Society for the Protection of Animals just released a report documenting more than 150 violations of Alberta's zoo standards at two roadside zoos. This includes dirty cages with no potable water, social animals being housed alone, unlocked gates and poor fencing, and the list goes on. To the Minister of Sustainable Resource Development: why are these zoos continually not being enforced and checked?

**Dr. Morton:** Mr. Speaker, we were made aware of these allegations on November 6. Obviously, we're studying the allegations. We conducted regular staff inspections of most of these private zoos, including the one under discussion here, five times in the last year. These are serious allegations, and we'll certainly pursue them.

2:20

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

**Mr. Bonko:** Well, thank you, Mr. Speaker. This has been going on since the previous minister held the portfolio – he was so proud about naming his accolades here yesterday – so I was just wondering at what point. The new zoo standards came into effect in August 2006, and there's supposed to be full compliance by the end of the year. Even though there have been some reports of inspections passing, there's still evidence of gross violations. To the minister. Many Albertans and organizations are concerned about the welfare of these animals and are watching quite closely. When will the zoo standards be brought into full compliance?

**Dr. Morton:** Well, Mr. Speaker, I'd like to begin by saying that I'm still very proud of both my predecessors, the ministers of Sustainable Resource Development. Nothing has changed there.

Again I repeat: our staff checked these zoos as recently as three weeks ago, and there were no obvious violations. But as I said, we'll follow up on these new allegations and take appropriate action.

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

**Mr. Bonko:** Thank you. Under the new regulations zoos had to submit to the zoo development plan to indicate how they planned to meet the new standards. When animal welfare groups requested these copies through the freedom of information process, they were stonewalled. If this government claims to be open and accountable, then there should be no hiding the information from these groups. To the same minister: will the government release these documents to the public uncensored to show whether or not the zoos took appropriate steps to meet the standards to obtain the permits?

**Dr. Morton:** Mr. Speaker, I'm not aware of these requests, but I'd be more than happy to work with the hon. member to provide the information that they're looking for.

**The Speaker:** Hon. members, that concludes Oral Question Period today. There were 88 questions and responses.

When we went to Oral Question Period, we were in our Routine under the segment known as Presenting Reports by Standing and Special Committees. I'll now call on the hon. Member for Calgary-Lougheed.

head:

#### Presenting Reports by Standing and Special Committees (continued)

**Mr. Rodney:** Thank you, Mr. Speaker. As chair of the Standing Committee on Legislative Offices I'm pleased to table the requisite five copies of the report of the standing committee recommending the reappointment of Mr. Frank Work as the Information and Privacy Commissioner for the province of Alberta. Copies of the report will be distributed to all members this afternoon.

head:

#### Introduction of Bills

**The Speaker:** The hon. Member for Lacombe-Ponoka on behalf of the hon. Member for Cypress-Medicine Hat.

#### Bill 47

#### Livestock Commerce and Animal Inspection Statutes Amendment Act, 2007

**Mr. Prins:** Thank you, Mr. Speaker. On behalf of the hon. Member for Cypress-Medicine Hat I request leave to introduce Bill 47, Livestock Commerce and Animal Inspection Statutes Amendment Act, 2007.

The bill will amend the Livestock Identification and Commerce Act and the Animal Health Act. Amendments to the Livestock Identification and Commerce Act will clarify the requirements and refine the legal language pertaining to security interest disclosure and directing of payment for the sale of livestock. Amendments to the Animal Health Act will add inspection authority over livestock market facilities.

Thank you, Mr. Speaker.

[Motion carried; Bill 47 read a first time]

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

**Mr. Hancock:** Well, thank you. I'd like to move that Bill 47 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

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

**Mr. Mason:** Thank you very much, Mr. Speaker. I'd like to table the appropriate number of copies of the program for the SAGE awards dinner, that took place last night. SAGE is the Seniors Association of Greater Edmonton. The honorary chairperson for this year's awards ceremony was none other than the Member for Edmonton-Strathcona.

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

**Mr. Eggen:** Thanks, Mr. Speaker. I have two tablings here today. The first is the appropriate number of copies of a letter sent from Ms Beverley Smith, a substitute teacher in Calgary concerned about the deterioration of schools in regard to improved libraries, more caretakers, and repairs to plumbing.

My second tabling is the appropriate amount of copies sent from Citizens Against Nuclear Development expressing their opposition to the proposed Energy Alberta Corporation nuclear power plant in the Peace River area.

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

**Mr. Backs:** Thank you, Mr. Speaker. I'm pleased and honoured to rise with two tablings today. One is the program for the dinner for Father Michael Troy honouring his 90th birthday and 60th anniversary of ordination. It was a wonderful dinner that filled hall D of the Shaw Conference Centre. Another example of a fine educator and priest in our community.

The second tabling is the canola industry policy issues brought to many MLAs last night, things like biodiesel, international trade, and many other issues. This was presented to MLAs last night at a reception.

Thank you.

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

**Mrs. Mather:** Thank you, Mr. Speaker. I have four tablings today. The first is from Jaysey Carlson, who says: "Like everything else in prosperous Alberta, the cost of educating our children is increasing. Provincial grants for education are not keeping up with rising costs."

The second is from Holly Doll from Ponoka. "Bill 4 will only hurt Albertans . . . Our childcare is fine. We all like it the way it is, so don't ruin a good thing. Leave childcare alone."

The third is from Christine Pittet expressing concern about the homelessness in our city and province, asking the government "to make an effort to alleviate this growing problem completely."

The fourth is from Richard MacKay stating that "a \$15 million dollar allocation to PDD barely covers the cost of inflation in this province."

Thank you.

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

**Mr. R. Miller:** Thank you very much, Mr. Speaker. On behalf of

the Leader of the Official Opposition, as indicated earlier today, I am happy to table the appropriate number of copies of a Canadian Press report in which the Premier said that he was never made aware during his years in cabinet that an Energy ministry report recommended Alberta's royalties be increased by at least \$1 billion a year.

Thank you.

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

**Mr. Bonko:** Thank you, Mr. Speaker. I'd like to table to the members opposite the appropriate number of copies of George Orwell's novel *Nineteen Eighty-Four*. These were given to me by demonstrators at the front of the Legislature. I shared with these individuals the belief that the government has previously allowed staff in the EUB to spy on Albertans. I would invite all government members to read the book. It should be educational.

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

**Ms Pastoor:** Thank you, Mr. Speaker. I am tabling five copies of my letter dated June 14 and my cheque to the Lethbridge Food Bank as per my pledge of April 2, '07. Half of my MLA indexed pay raise, \$146.25, is donated monthly to a food bank until AISH is similarly increased and indexed. The Lethbridge Food Bank has 1,679 volunteer hours and feeds 42 people yearly and is directed by Amanda DeCecco-Kolebaba.

My second tabling is a letter from a very concerned Albertan, Evelyn Laqua. She states that there isn't Alberta health care, that it's regional health care, that home care is different in all regions, that qualifications for that care are also different, that senior health care facilities are being quietly privatized and care decreased. Who can you trust? Alberta health care is "a big cumbersome corporate monster business."

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

**Mr. Elsalhy:** Thank you, Mr. Speaker. I have three tablings. The first tabling is the 2007-08 Film and Video Arts Society of Alberta fall/winter calendar. I received this brochure when the hon. Member for Edmonton-Centre and I attended FAVA's 25th anniversary celebration on October 26.

The second one is actually a CD, Mr. Speaker, with information and a video about the Cityfarm project up in northeast Edmonton. It's like a camp for young children to learn about community and nature and how to have fun while staying out of trouble. I was really impressed when I was given a tour of Cityfarm after these children had just had elections for their own town's mayor, sheriff, and chief horticulturist. The website is [www.city-farm.org](http://www.city-farm.org).

The third one is a tabling I'm doing on behalf of my colleague from Calgary-Varsity. Further to the questions he posed to the minister of transportation today in question period, these are the monthly traffic collision statistics for April through September obtained from the Calgary Police Service.

Thank you.

2:30

**The Speaker:** Hon. members, are there others? The hon. Member for Edmonton-Centre. Sorry.

**Ms Blakeman:** Thank you very much, Mr. Speaker. A number of tablings I would like to do today on behalf of my colleague the Member for Edmonton-Riverview. The first is copies of a public presentation done to the Royalty Review Panel by the shadow

Minister of Energy on May 14, 2007, outlining a royalty policy.

The second is copies of the printout from the Alberta royalty review website confirming that that member did in fact present.

I'd also like to present the appropriate number of tablings of a media release in which the leader outlines commentary on the Liberal policy on the royalty review, followed by the appropriate number of copies of the video transcript of a speech that he gave on October 23 on the Liberal policy on royalty reviews, and, finally, Mr. Speaker, a speech that was done to the Calgary Chamber of Commerce on October 25 also outlining the Liberal policy on royalty review.

Thank you very much, Mr. Speaker.

head:

### **Tablings to the Clerk**

**The Clerk:** I wish to advise the House that the following documents were deposited with the office of the Clerk pursuant to the Legislative Assembly Act and the Government Accountability Act on behalf of the minister responsible: Advanced Education and Technology annual report 2006-07, Agriculture and Food annual report 2006-2007, Alberta Children's Services annual report 2006-2007, Education annual report 2006-2007, Employment, Immigration and Industry annual report 2006-2007, Energy annual report 2006-2007, Environment annual report 2006-2007, Executive Council annual report 2006-2007, Finance annual report 2006-2007, Health and Wellness annual report 2006-2007, sections 1 and 2, Infrastructure and Transportation annual report 2006-2007, International, Intergovernmental and Aboriginal Relations annual report 2006-2007, Justice annual report 2006-2007, Seniors and Community Supports annual report 2006-2007, Service Alberta annual report 2006-2007, Solicitor General and Public Security annual report 2006-2007, Sustainable Resource Development annual report 2006-2007, Tourism, Parks, Recreation and Culture annual report 2006-2007, Treasury Board annual report 2006-2007.

On behalf of the hon. Dr. Oberg, Minister of Finance, pursuant to the Government Accountability Act Measuring Up: Progress Report on the Government of Alberta Business Plan annual report 2006-2007, consolidated financial statements of the government of Alberta annual report 2006-2007; pursuant to the Securities Act the Alberta Securities Commission 2007 annual report; pursuant to the Alberta Cancer Prevention Legacy Act the Alberta cancer prevention legacy fund financial statements dated March 31, 2007; pursuant to the Alberta Capital Finance Authority Act the Alberta Capital Finance Authority 2006 annual report; pursuant to the Government Accountability Act budget 2007 first-quarter fiscal update 2007-2008, Alberta Heritage Foundation for Medical Research endowment fund financial statements dated March 31, 2007, Alberta heritage scholarship fund financial statements dated March 31, 2007, the Alberta heritage science and engineering research endowment fund financial statements dated March 31, 2007, the Credit Union Deposit Guarantee Corporation annual report 2006, ATB Financial 2007 annual report.

On behalf of the hon. Mr. Horner, Minister of Advanced Education and Technology, pursuant to the Alberta Heritage Foundation for Science and Engineering Research Act Ingenuity Inside 2006-2007 annual report, Alberta Ingenuity triennial report 2003-2006, Alberta Prion Research Institute 2006-2007 annual report.

On behalf of the hon. Mr. Liepert, Minister of Education, school jurisdictions' audited financial statements for the year ended August 31, 2006, sections 1, 2, and 3.

On behalf of the hon. Mr. Johnston, chair, Alberta Heritage Savings Trust Fund Committee, Alberta heritage savings trust fund

annual report 2006-2007, Alberta heritage savings trust fund first-quarter update for three months ended June 30, 2007.

head:

### **Projected Government Business**

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

**Ms Blakeman:** Thank you very much, Mr. Speaker. At this time I would ask the Government House Leader to please share with the Assembly the projected government House business for the week commencing Monday the 19th to Thursday the 22nd of November, please.

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

**Mr. Hancock:** Thank you, Mr. Speaker. Of course, on Monday, November 19, the House would deal with private members' business, so there wouldn't be government business scheduled for that day.

On Tuesday, November 20, after Orders of the Day we anticipate that the results of the second quarter will be tabled. We then would proceed with discussion on second reading of Bill 46 and in Committee of the Whole progress on Bill 1 if it's still before the committee, Bill 2, and possibly Bill 31.

On Wednesday, November 21, we expect to receive messages from His Honour the Lieutenant Governor with respect to supplementary supply; Committee of the Whole again progress on Bill 1 if still before the committee, Bill 2 if still before the committee, Bill 31, and Bill 40; and second reading on Bill 46.

We anticipate, subject to the pleasure of the House, that on Thursday, November 22, under Orders of the Day we will be in Committee of Supply to deal with the messages from His Honour the Lieutenant Governor.

**The Speaker:** Hon. members, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

head:

### **Introduction of Guests**

*(continued)*

**The Speaker:** The hon. Member for Lesser Slave Lake.

**Ms Calahasen:** Thank you, Mr. Speaker. It is a rare occasion that I have the privilege of introducing anyone from my constituency in this House. Today I have that privilege of introducing to you and through you to the members of this Assembly a bright young businesswoman from Widewater, Alberta. Not only does she have her own consulting company, called Milestone consulting, she has also been newly re-elected as a councillor to the MD of Lesser Slave River No. 124. She is seated in the members' gallery, and I'd ask Darcie Acton to please stand and receive the warm welcome of this Assembly.

**The Speaker:** The hon. Member for Edmonton-Centre on a point of order.

### **Point of Order Factual Accuracy**

**Ms Blakeman:** Thank you very much, Mr. Speaker. The citations are 23(h) and (j), and this is specific to the Premier claiming at the end of one of his questions that the Liberals, or more appropriately the Official Opposition, have no policies on royalties or on the

royalty review. I have already tabled a number of documents at the appropriate time which outlined repeated public presentations of the Official Opposition policy on royalties, which included the shadow Minister of Energy presenting to the panel itself on May 14, 2007, followed by media releases from October, transcripts of speeches given on October 23 and 25. I think most of those actually precede the official government response on the royalty review. So, in fact, we were out there ahead of the government.

In 23(h), making allegations against another member, the Premier clearly tried to make the allegation that we didn't have an existing policy, and I've tabled the actual documentation that shows that we do.

I think that the language that was used, if I refer to 23(j), was sufficiently insulting and abusive to take the notice of the House. [interjections] This is exactly what I was talking about, Mr. Speaker, when I spoke about this yesterday. There is a tone that is set by the leaders in this Assembly, and indeed the Premier is the leader of this Assembly, and he certainly did set the tone today. I don't think it's a tone that the rest of us should be very proud of.

So I would argue that comments like that, particularly where they are inaccurate – and I have provided the documentation to prove they're inaccurate – should not be made, and I would ask that the comments that the Premier made be withdrawn.

Thank you.

2:40

**The Speaker:** The hon. Government House Leader on this point of order.

**Mr. Hancock:** Well, thank you, Mr. Speaker. I think it's hardly a point of order. Interestingly enough, it was told to me by somebody who obviously had too much time on their hands at the moment that they had actually done a review of all of the Leader of the Opposition's statements and speeches from prior to the last election, through the last election and since, up until the spring of this year and in that review had failed to find any reference to the Leader of the Opposition talking about the need for a royalty review.

In fact, it's very apparent from that type of a review that the Leader of the Opposition had not been at all on the issue of royalty review until the new leader of the Progressive Conservative Party during the campaign prior to becoming that position, the person who ultimately became Premier and followed through on the promise to review royalties, made it an issue during the leadership campaign. It never was an issue that was brought up by the Liberal Party or by the Official Opposition prior to that time.

I don't have the Blues in front of me, but the Premier in referencing in question period today that he'd never heard from the leader of the Liberal Party on the topic was clearly referencing the fact that over the past two years there has been very little said by the Liberals with respect to the question of the need to review royalties. It became an issue when we identified it, when the Premier of this province, as a candidate for the leadership of the Progressive Conservative Party, indicated that there needed to be a review of royalties from the time, raised it, and then did it.

I can understand the sensitivity coming from the opposite side. I'm not sure it's a point of order that the hon. member has now tabled various documents to try and demonstrate to this Legislature and to the public of Alberta that they actually do think about royalties. We can now read those things, and we can determine whether, in fact, those statements are a well-thought-out policy or not. It's now clear that on October 23, I think she said, the policy was tabled. That's available for people to read.

Clearly, in the cut and thrust of question period the Premier was responding to the concept that the Liberals never had a policy on

royalty review up until the royalty review was called. Even then it's very clear from the record that when the royalty panel was empanelled, they were very critical of the panel itself. So to come as latter-day converts to the concept of royalty review – it's very clear where each of the parties stands from that perspective. They have a policy now. That's a wonderful thing.

**The Speaker:** Are there others? The hon. Member for Edmonton-Castle Downs on this point of order.

**Mr. Lukaszuk:** Thank you. Whether there is or isn't a point of order, you, Mr. Speaker, will be the one to decide, and I'm sure you will rule accordingly. However, the merit of the point of order is what the Premier has indicated as Liberals not having a policy.

Mr. Speaker, if you ever have enough spare time – and I don't suggest that anyone has enough spare time to go to the extent of doing that – I would challenge you to review the hon. Leader of the Official Opposition's web page, on which he proudly lists all of the speeches he has ever delivered prior to the 2004 election. There are dozens of them. If you were to do that, you would find that the term "royalty review" or any reference to reviewing the royalty structure for the province of Alberta for natural resources is not mentioned, I dare to say, once. As a matter of fact, in the platform of the Liberal Party for the 2004 election that has never been mentioned.

We know where the NDP stands on the royalty review.

**The Speaker:** I'd like the hon. member to please focus on this point of order.

**Mr. Lukaszuk:** I know that the Minister of Energy has challenged the Leader of the Official Opposition to contribute, and that has not been done. So I think it's a fair assumption that there was no platform.

**The Speaker:** Anybody else on the point of order? The hon. Minister of Energy.

**Mr. Knight:** Yes, Mr. Speaker, on the point of order. Mr. Speaker, I indicated yesterday, and I do believe that . . .

**The Speaker:** A citation will help us focus. Proceed.

**Mr. Knight:** Mr. Speaker, with respect to the Premier's questioning and statement around the Liberal's lack of policy, I have to suggest to you, Mr. Speaker, that in fact that is the case. As was indicated yesterday, I wrote a letter to the Leader of the Opposition and asked him to express his opinion with respect to the royalty review. No such opinion was forthcoming to this point in time.

**The Speaker:** I think we've probably heard enough testimony for this. The hon. Official Opposition House Leader cited 23(h), (i), and (j) in her submission, and it's very clear what those segments have. All members of the Assembly have the Standing Orders before them. Here's what actually was said, the latter part of what the response was from the Premier: "During this period of time, in the last number of years that he served as Leader of the Official Opposition, he still has not taken a public position on the royalty framework. He's still sitting on the fence," at which point the Member for Edmonton-Centre, the Official Opposition House Leader, rises to advise that there was a point of order.

We've heard argument from several members with respect to this and the tabling of certain documents in the House today. The chair does not recall if those documents have been tabled previously or if

they are reasonably accessible. But with those documents now having been tabled today, that will allow all members in the next couple of days and the weekend to study these documents. They are easily accessible, and all members who may have been unsure what the position was of the Leader of the Official Opposition now can ascertain that and determine that, in their own view.

*Beauchesne* 494 is pertinent. It says:

It has been formally ruled by Speakers that statements by Members respecting themselves and particularly within their own knowledge must be accepted. It is not unparliamentary temperately to criticize statements made by Members as being contrary to the facts; but no imputation of intentional falsehood is permissible. On rare occasions this may result in the House having to accept two contradictory accounts of the same incident.

You've heard this before.

I think this demonstrates what happens when, basically, individuals talk about he/she/you instead of recognizing that the purpose of question period and the exchange in question period should deal with policy. Every time we venture into this personal thing, we seem to have responses at the end of the question period. In essence, members should stick to policy. Members can have differences of views with respect to policy, and if we deal with that, that would really be helpful.

This is something that remains an issue, and I guess we'll continue to have points of order with respect to this. It's difficult for the chair to determine if there is a policy or not a policy by just sitting here, but if two members disagree as to whether or not there is a policy, the chair is bound by basically saying that sometimes the House has to accept contrary views of the same item, so that's where that one will end.

head: **Orders of the Day**

head: **Government Motions**

#### **Committee Membership Change**

30. Mr. Hancock moved on behalf of Mr. Zwodzdesky:

Be it resolved that the following change to the Standing Committee on Community Services be approved: that Mr. Marz replace hon. Mrs. Ady as chair.

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

**Mr. Hancock:** Thank you, Mr. Speaker. It's my pleasure to move Motion 30. The House will know that the Member for Calgary-Shaw accepted an appointment to cabinet as the Associate Minister of Tourism Promotion in the summer. Since that time the Member for Olds-Didsbury-Three Hills under the rules has acted as a replacement for her on the committee, and we would ask that the House now regularize that or make that a permanent change to the committee.

**The Speaker:** Anyone want to participate? This is a debatable motion.

Should we call the question?

**Hon. Members:** Question.

[Government Motion 30 carried]

#### **2:50 Committee Membership Change**

31. Mr Hancock moved on behalf of Mr. Zwodzdesky:

Be it resolved that the following change to the Standing

Committee on Privileges and Elections, Standing Orders and Printing be approved: that Mr. Lougheed replace the hon. Mr. Zwodzdesky as chair.

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

**Mr. Hancock:** Thank you, Mr. Speaker. It's my pleasure to move Government Motion 31. The Member for Edmonton-Mill Creek has as well similarly been appointed to cabinet, to Executive Council, and the request is that the Member for Strathcona replace him as chair of the committee.

**The Speaker:** This is also a debatable motion if members wanted to participate.

There being none, we'll call the question on the motion put forward by the hon. Government House Leader.

[Government Motion 31 carried]

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

#### **Bill 46**

#### **Alberta Utilities Commission Act**

**The Speaker:** The hon. Minister of Energy.

**Mr. Knight:** Thank you, Mr. Speaker. I'm pleased to rise in the Legislature today to speak on Bill 46, the Alberta Utilities Commission Act, in second reading. As you know, I introduced Bill 46 during the spring session. Bill 46, of course, will separate the EUB into two regulatory bodies: the Energy Resources Conservation Board and the Alberta utilities commission. This recognition of two boards with clear mandates, improved management, and fresh leadership will respond to the increased number of applications brought forward before the board due to the increased activity in the oil and gas industry and the need for an electricity-related infrastructure, the infrastructure that will help meet the increased demand for electricity in the province of Alberta. The mandate letter I received from the Premier includes the responsibility to ensure that our province has an electric system that meets our province's growing needs, and that includes making sure that new generation capacity and transmission infrastructure are in place.

I want to make a few important points, Mr. Speaker, about this increased workload on the provincial regulators. When I say increased workload, I'm referring to a 300 per cent jump in the number of applications before the EUB each year, 300 per cent. In 1995-96 the EUB dealt with just under 19,000 applications, and in 2006 they had over 60,000. This remarkable increase is a reflection of Alberta's prosperity, but it has also made it necessary to restructure our energy regulatory process.

Without the ability to move electrons from where electricity is generated to Alberta's homes and businesses, Alberta's progress would be severely hindered and the effects would be widespread. Policies must be in place that address many needs and expectations. How do we meet the increased demand for electricity? How do we get that electricity to Albertans? They expect their lights to come on. How do we balance the demands for power with legitimate landowner concerns, and is our regulatory process serving Albertans? Is it responsive, efficient, and accountable, a process Albertans have confidence in?

Before I get to the specifics about Bill 46, I think it's important to provide some information about Alberta's electric system as this lays the groundwork for the intent of Bill 46. The Alberta Electric

System Operator, a not-for-profit company, is responsible for planning Alberta's electrical transmission system. The AESO produces a 10-year system transmission plan every two years, files this report with the province's regulator, and makes this document public. The most recent plan was issued in February 2007 and is available on the AESO website. The plan says that there's a need for over \$3.5 billion worth of transmission development over the next 10 years. Currently \$1.5 billion in transmission investments are in progress in the province.

**The Speaker:** You will move.

**Mr. Knight:** Thank you, Mr. Speaker. At this point in time I would like to move second reading of Bill 46.

Since 1998 demand for electricity has grown at a rate equivalent to adding two cities the size of Red Deer each year. Generation added in the last 10 years is more than Saskatchewan's entire power supply, and Alberta's load growth in 2007 is equivalent to Ontario's load growth, a province with three times our population.

Let me make one thing clear: Alberta's electric system has kept pace with the dynamic growth, and we have kept the lights on. It's only logical that as demand increases, the electric system must continue to respond. The fact of the matter is that all electricity systems regardless of market structure require maintenance and upgrades to keep the lights on.

The last major transmission projects in Alberta were constructed in the 1980s. Alberta needs new and upgraded transmission lines to meet the electricity needs of Albertans, and strong, interconnected transmission is essential in encouraging the development of more electricity generation. Power producers are not going to build power plants if they can't get their product to customers, so transmission lines are needed in all regions of the province. One important area is southern Alberta.

With the recent removal of the 900-megawatt threshold, there is the potential for the development of thousands of megawatts of wind generation. I appreciate that after that announcement the leader of the NDP issued a news release saying that the province should move quickly to build the transmission lines to accommodate more wind power. That's great. However, the province doesn't build transmission lines. But it's good to know that he agrees that it's important to have a strong transmission system. Albertans have heard the term "a reliable electric system," but what does it really mean? It means having enough transmission capacity to handle normal events that occur from time to time, like scheduled maintenance of a power plant or a storm or a downed transmission line.

Mr. Speaker, we could get to the specifics about Bill 46. When I tabled the bill, I said that an updated regulatory system supports this government's commitment to effectively manage growth pressure. There is an increase in applications brought on by increases in oil and gas activity and the demand for electricity generation and transmission. Alberta has a world-renowned regulatory system for the energy industry, and this restructuring builds on that success and will ensure that Albertans have access to a robust regulatory authority as we develop our resource and utility systems. I stand by those statements today.

Since tabling Bill 46 in the Legislature last spring, there has been significant public discussion about the bill's intent. This is an important piece of legislation, and Albertans are right to ask questions about it. I have met with citizens and landowner groups, I have listened to their opinions, and I have expressed mine as well. I can assure Albertans, Mr. Speaker, that Bill 46 has been written carefully to preserve and balance the rights of individuals and intervenors with the need for a functioning and responsive regulatory system that can serve the needs of all Albertans.

There has been a lot of work done on this bill. There are a number of respected organizations that are supportive of many aspects. These organizations do a fine job representing their stakeholders, and we have worked together to make this bill fair and effective. Today I'm happy to put on the public record facts about Bill 46. Respecting the rights and concerns of landowners and other members of the public is a fundamental principle to this government, and Bill 46 upholds that principle. Albertans expect a regulatory process that is focused, diligent, fair, and responsive to the province's growing needs, and this government couldn't agree more.

Let's look at specific sections of the bill, some of which have been the subject of much public comment over the last few months. Part 1 of the AUC Act creates the AUC and sets out its corporate governance and jurisdiction, including appointing more members to deal with the increased utility workload. It also requires the appointment of a CEO to allow the AUC members to focus on their duties while the CEO deals with management and administration of the AUC.

Mr. Speaker, section 9 deals with decisions and orders. I want to clarify its intent and purpose, and the section must be looked at in its entirety. Section 9(1) gives the AUC the right to make certain decisions without hearings if there are no affected landowners. This is not new, Mr. Speaker. This is an authority that's currently granted under section 26 of the Energy Resources Conservation Act. Section 9 balances this authority by requiring that a public hearing must be held if any person's right may be directly or adversely affected by an AUC decision.

It is also important to emphasize that section 17 explicitly requires the AUC to consider whether a proposed development is in the public interest and to take into account its social, economic, and environmental effect.

3:00

Bill 46 guarantees affected parties the right to receive notice and the opportunity to learn all the facts about an application. So to be clear: notice must be given to everyone affected, and if one person requests a hearing, one must be held, and concerns must be taken into account. I want to add that landowner rights are further protected by the fact that the AUC must comply with the Administrative Procedures and Jurisdiction Act with respect to rules on procedural fairness.

Section 9(4) gives the AUC an ability to require testimony in written rather than oral format. The EUB currently has this authority in section 40 of the PUB Act, and it's been used before. Again, Mr. Speaker, this is not new. This will not be the usual practice, but it may be appropriate to handle proceedings in certain circumstances. These would be highly technical matters such as the determination of gas cost recovery rates.

Sections 21 and 22 deal with intervenor funding, and I want to be very clear about this section, Mr. Speaker, as there have been some public statements about these matters that are simply wrong. There are two sets of hearings where intervenor funding can be applied: infrastructure hearings and rate hearings. In facility and infrastructure hearings, such as those for transmission lines, all landowners who are directly and adversely affected will continue to be eligible for funding to represent their interests. Other interested Albertans who aren't directly affected may apply to intervene in hearings as they do today, but these individuals will be responsible for their own costs. This in no way affects landowners' rights to retain legal counsel.

For hearings such as rate applications small consumers would be represented by the Utilities Consumer Advocate. The Utilities Consumer Advocate will have an expanded and more proactive role

in representing small consumers at rate hearings. The Utilities Consumer Advocate will be funded through electric and natural gas distribution tariff charges on those customers the consumer advocate represents.

Consumer groups play an important role in the regulatory process. Five consumer groups have come together through a memorandum of understanding and agreed to pool their interventions under the UCA and sit on an interim governance board with similar powers as envisioned under the bill. The organizations are the Alberta Federation of Rural Electrification Associations, the Alberta Urban Municipalities Association, the Alberta Association of Municipal Districts and Counties, the rural gas co-ops, and the Canadian Federation of Independent Business. Other groups can still participate in the process if they choose, but if they go outside the representation of UCA, they would be paying their costs. Intervenor funding for consumer groups is part of the approved rates that Albertans pay on utility bills. Intervenor costs and rate hearings were \$3.3 million last year, Mr. Speaker, and \$6.7 million in 2005. This funding would now be reserved for customers that are affected by energy development.

In urgent circumstances Alberta's regulatory agency must be permitted to give orders without notice; for example, in the event of a generator failing or a transmission line failure. Section 24 gives the AUC authority to take immediate action to issue orders in an emergency or other situations requiring urgent action. This is not new. Again, Mr. Speaker, this power is already contained in the PUB Act. I can assure Albertans that this measure is to be used in emergencies or matters that require urgent attention. It is not intended for infrastructure projects.

Section 29 provides the terms under which a person may appeal to the Court of Appeal. It specifies that leave to appeal must be filed within 30 days. It does not specify when the appeal must be heard or completed. This is not new, Mr. Speaker. In fact, this is taken directly from the current Alberta Energy and Utilities Board Act, and the section reaches a balance between ensuring due process and allowing for a reasonable time frame to settle matters. The UCA will have an expanded role in representing consumer interests in AUC proceedings.

Again, I would like to say that the Utilities Consumer Advocate has served Albertans very well in the past, and it will continue to do so. Many consumer groups are pleased with the role of the UCA and the role that it will play in the future. The independence of the office of UCA will be preserved by the office taking its direction from its own governance board.

Appropriate expert, technical, and legal services will be made available to best represent small consumers. The UCA will be funded by the small consumers it represents. The benefits of a centrally established organization to represent small consumers will be to strengthen the effective position of small consumers in hearings by consolidating the arguments, formerly made by multiple intervenors, to reduce the total number of intervenors, many of whom are representing a same or similar argument, which would reduce the time and cost to conduct hearings, and to ensure that the technical and legal counsel representing small consumers are experts in the field of utility regulation, providing strong arguments on behalf of small consumers. Individual consumers who wish to be represented by the UCA are encouraged to communicate their issues to the office of the UCA, and the UCA is given the new obligation to proactively seek out the opinion of small consumers.

Mr. Speaker, sections referring to the MSA not being under the jurisdiction of the Auditor General are not new. Under current legislation, the EUA, the MSA has never been under the jurisdiction of the Auditor General. Under section 50 of Bill 46 the MSA "shall

appoint an independent auditor to review and audit its financial statements." Further, under section 53 the MSA must prepare an annual report that is made public.

Finally, there have been some claims that Bill 46 will apply retroactively to 2003. Again, Mr. Speaker, this is not the case. Bill 46 confirms that need must always be considered. The act simply clarifies that need does not have to be addressed more than once during different parts of the regulatory process. Bill 46 clarifies existing legislation to make an administrative correction to the Hydro and Electric Energy Act. The overlap has led to some uncertainty, and Bill 46 clarifies at what stage of the regulatory process the need for new transmission lines should be considered. However, this will not change the fact that need must be formally considered as part of the process.

Mr. Speaker, I conclude my remarks on Bill 46. Let me be clear about public hearings. Full public notification of any application must be made. A public hearing must be held if one person would be directly or adversely affected by any application. If no person requests a hearing or if no one is adversely affected, a hearing would not be required. The AUC will continue to be able to review and vary any past decision, just like they do now. Under Bill 46 questions of law or jurisdiction related to regulatory decisions can be appealed to the Court of Appeal, just as they can now.

Let me be clear about intervenor funding. Intervenor funding for small consumers will continue through the UCA. Intervenor funding for local intervenors who are directly or adversely affected by proposed infrastructure would be available through the AUC. Bill 46 does not prevent any intervenor from appearing before the AUC. However, only directly affected intervenors receive funding in infrastructure hearings.

As Minister of Energy it's my responsibility to ensure that our province has an electricity system that meets our province's growing demand. This includes having a regulatory process that the citizens have confidence in, that finds a balance between the needs of affected landowners and the overall need of Albertans to have the lights come on when they flick the switch. This includes having the transmission infrastructure in place for today and to address the anticipated growth in years to come.

Thank you, Mr. Speaker.

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

3:10

**Mr. MacDonald:** Thank you very much. [interjections]

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

**Mr. MacDonald:** Thank you. It's a pleasure to participate in the debate this afternoon on Bill 46. It's certainly a contentious piece of legislation. I listened with a great deal of interest to the hon. Minister of Energy in his explanation of this bill. It was quietly introduced here in the Legislative Assembly in June. Since then, our office has received call after call after call and we've received e-mail after e-mail after e-mail regarding this legislation, and all these calls and e-mails have been questioning the direction the government is going in.

Now, certainly, in light of recent events, the spying scandal at the Alberta Energy and Utilities Board, some Albertans – and these are the ones that we are talking to – are now very concerned about this proposed Alberta Utilities Commission Act. I was quite pleased to learn the other day that the Premier is contemplating amendments to this legislation even before we have had any discussion on this

legislation at second reading, so that certainly indicates to me, Mr. Speaker, that there is a lot wrong with this bill. I don't know how it was drafted. I don't know who was responsible for the drafting of this legislation, but certainly landowners and consumers have a lot of questions. Who was consulted? Who knows? But we do know that there are major flaws in this legislative proposal.

One can only surmise, Mr. Speaker, why at this time this government went ahead with this legislation, but certainly there's an indication – and this is from the government themselves – that in light of what happened at the regulatory hearing in Red Deer and in Rimbey, the government has decided to limit and restrict public participation in the hearings. They say this themselves. This is in regard to oral testimony, and this is under section 9(4) of Bill 46, which gives the Alberta utilities commission the right to refuse to hear oral testimony during a hearing.

The government surmises that while there may be benefits from oral testimony, there is the potential for emotions to overtake the actual considerations of the situation. The Alberta utilities commission has a need to encourage calm consideration and must have the right to make decisions based on written submissions in some circumstances. Now, is that democratic? I certainly think not, Mr. Speaker.

What could we do to improve this bill? Well, certainly, there are going to have to be lots of amendments, and it is interesting that the hon. Minister of Energy didn't mention any deficiencies in this legislation. It is clear that in part 10 – and the government should be offended, Mr. Speaker, that this has gone from the drafting table to the floor of this Assembly. Here under part 10, Transitional Provisions, Related and Consequential Amendments, Repeal and Coming into Force, everything from part 10 through to the retroactivity clause to 2003, all this part of this legislation, this proposed bill, can be changed through regulation. This is clear in section 95(9). The hon. minister didn't mention this, but it states in here, "If there is a conflict between a regulation made under subsection (7) and a provision in this Part, the regulation prevails."

How can a regulation prevail over a statute? We know what happened to the federal Conservatives when they tried that with barley marketing, and we know what the courts had to say. Why is this being allowed on the floor of this Assembly? Why is this government, if it's open and transparent, trying to force on the floor of the Legislative Assembly a bill that will have a regulation override part of the statute? Not only would that regulation override a part of the statute; the regulation made under this section may be made retroactive to the extent set out in the regulation. The hon. minister in his opening remarks certainly didn't mention that. That, hon. minister, is completely, utterly undemocratic, and the hon. minister knows it.

Now, Bill 46 will restrict Albertans' other democratic rights. This bill, incredibly, was drafted at the same time as the spies were hired by the government agency to eavesdrop on citizens in Rimbey. When we look at this bill, it's repealing the Alberta Energy and Utilities Board Act, and we are setting up this Alberta utilities commission. One has to assume that this bill appears to be written by an autocratic government determined to ignore both consumers and landowners in order to speed up the energy regulatory process.

The reason why this energy regulatory process has to be sped up in the first place is because of the failure of electricity deregulation. The hon. minister knows the complete, dismal failure that has occurred. Certainly, we have this massive backlog not only in upgrading and expanding our transmission system but in our baseload generation, which has not kept up to the expanding electricity grid. It hasn't kept pace, Mr. Speaker, and it hasn't kept pace because of the chaos and confusion that was created because of electricity deregulation.

Now we're going to take this bill and try to convince Albertans that this is the right way to go after the spying scandal in Rimbey? I don't think so. Rural Albertans, urban consumers see through this minister's attempt, and they see through this government legislation.

Let's consider this with this bill. Bill 46 gives the Alberta utilities commission the power to make orders and issue decisions without giving public notice or holding public hearings. That's in section 9(1). It gives the Alberta utilities commission the power to prevent landowners and consumers from making verbal representations to the commission. It also limits the time period in which Albertans can appeal a decision or order made by the Alberta utilities commission to 30 days. I think that should be increased, and hopefully we'll get to that in committee.

This bill restricts the ability of landowners to hire outside legal counsel while intervening in regulatory hearings. This is in section 9(4). It is interesting that the government acknowledges this. The government acknowledges that this section 9(4) is limited to circumstances in which the Alberta utilities commission has provided an adequate opportunity to make representations in writing. In these circumstances the Alberta utilities commission is not obligated to allow oral representation or to be represented by counsel. That's from one of the responses that's publicly available regarding this bill, and that's a government response, Mr. Speaker.

[Mr. Shariff in the chair]

Now, there are certainly limitations and restrictions being placed on Albertans here, and it is really, really unfortunate that this government would be attempting this at this time. Is this going to restore public confidence in the energy regulatory process, this bill? Certainly not. Is it a right step at the right time? It certainly isn't. The government knows this, Mr. Speaker, and it is very, very disappointing that they would present this at this time. Again, who is being represented here? It certainly is not consumers.

3:20

In the time that I have left, Mr. Speaker, I would urge all hon. members of this Assembly to have a look at the excellent analysis that was done by the Environmental Law Centre in July of 2007 regarding the Alberta Utilities Commission Act. Before we vote in second reading on this, I would urge all hon. members to have a look at this, and you can see for yourself exactly what is being attempted here. This is not the innocent change that the hon. Minister of Energy is indicating that it is. If you read the bill section by section, line by line, you will clearly see that this is one of the most undemocratic attempts ever taken by this government. There have been many over the years, but certainly this one . . .

**Mr. Taylor:** Takes the cake.

**Mr. MacDonald:** Takes the cake. You're absolutely right, hon. member.

This is hopefully going to be changed, but we have to look again at section 9. This is perhaps the most serious flaw, this entire section, because we are restricting rights to public participation or we are granting these very wide discretionary powers to this proposed commission.

I'm using this as an example. Surely, if this government won't listen to the Official Opposition, doesn't listen to rural landowners, doesn't listen to urban consumers or farmers, you'll listen to the Pembina Institute. This is one of their observations regarding this section, Mr. Speaker.

- The Commission is allowed to make an order or decision

without giving notice and without holding a hearing unless it appears to the Commission that its decision “may directly and adversely affect the rights of a person” (sections 9(1), (2)). The ‘directly and adversely affected test’ has been a continuing source of controversy and litigation in Alberta because it is highly restrictive, often preventing participation by individuals and organizations who have bona fide and legitimate concerns with proposed projects.

They go on to say:

- Even when the rights of persons are ‘directly and adversely affected’, the Commission may further restrict public participation by deciding not to hold a hearing in several circumstances.
- The commission is not required to hold a hearing when it considers that “no person will be directly and adversely affected in a material way” . . .

I didn’t hear the hon. minister state that.

. . . (section 9(3)(b) . . .) This section adds another obstacle to public participation to the “directly and adversely affected” restriction and there is no way [at this time] of determining how the Commission will interpret “in a material way”.

We know what it meant in the lead-up in late April, early May. We know what it meant to the citizens in Rimbey, where a government agency hired spies to eavesdrop and monitor on them. We know what happened in that case. The minister across the way and all of the other hon. members on the government side are content to allow this bill to pass after that despicable behaviour? I hope not. Now, the Pembina Institute goes on to say:

- The commission is not required to hold a hearing when it is satisfied that the applicant has met the relevant Commission rules respecting each landowner that may be directly and adversely affected (section 9(3)(c)). These rules have not been developed and the Commission [again] has broad discretion to create rules that could be used to restrict the use of hearings. For example, the rules could provide an easy path for an applicant to undertake limited public consultation and then argue that a full public hearing should not be ordered.
- Even if a person is entitled to “make representations” to the Commission because he or she qualifies as directly and adversely affected, this right only includes the opportunity to make a written presentation. The right to a “hearing” does not include an automatic right to make an oral presentation or to be represented by counsel (section 9(4)). This provision is another restriction of existing procedural rights found in the Energy Resources Conservation Act.

For your interest that’s section 26(2).

It will limit the ability of some people to participate effectively in the Commission’s [hearings].

The institute, Mr. Speaker, also states:

- The commission is not required to give notice to interested parties when making decisions on matters that it considers to be urgent or “for other reasons appearing to the Commission to be sufficient” . . . This [provides] an extraordinarily broad grant of discretionary power to deny the most basic procedural right that people should have prior notice of orders and decisions that may affect their interests.

Before my time runs out, I would like to spend a little bit of time on sections 96 and 98. That is at the very back of this bill. Now, this is the coming into force of section 96(14)(c)(ii). We want to have this section come into force on June 1, 2003, and that is the date that the last Electric Utilities Act amendments came into effect, as I understand it. This is, again, not the innocent little housekeeping change that the hon. minister has described. This is a significant change to this bill.

Now, what effect will this have? Well, if we allow this to happen, citizens will no longer have an opportunity for effective public

participation if this section goes ahead. The commission will no longer be required to address public need and convenience in the context of the Hydro and Electric Energy Act. Under the EUA or any other act there is a difference, and I hope hon. members will see that difference as we proceed with the debate on this legislation. There’s a significant difference when we’re discussing public convenience and need, and I hope that hon. members across the way recognize that. This, again, is going to water down the regulatory process. If consumers and landowners felt frustrated with the behaviour that was exhibited in Rimbey, their frustrations, unfortunately, will be greater if we allow this bill to go through this Legislature unchanged. We have a duty and an obligation to challenge this flawed law because, certainly, it needs to be.

I talked about the Environmental Law Centre, Mr. Speaker. In the time I have left, I would like to talk about the disrespect of this government towards this legislative process. In July of this year, July 7 to be exact, there were newspaper advertisements taken out to advertise for a chair of this new Energy Resources Conservation Board and a chair for the Alberta utilities commission. The closing date of this competition was July 31, 2007. How can we advertise for these senior positions before we know that the bill is going to become law?

**Mr. Elsalhy:** It’s very presumptuous.

**Mr. MacDonald:** It certainly is.

We also had on October 19 an ad for citizens to apply for senior positions with this new Alberta utilities commission. That, in my view, is a complete and utter contempt of this Legislative Assembly and the legislative debate that’s going to occur here. It’s like this is a rubber stamp. If we allow this bill to proceed, this will be a rubber stamp for all energy regulatory hearings in the future, and it is unfortunate. It’s also undemocratic. I’m sorry; I’m out of time.

Thank you, Mr. Speaker.

3:30

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

**Mr. VanderBurg:** Thank you, Mr. Speaker. You know, landowners and consumer groups have expressed concerns about the changes to the energy regulatory system outlined in Bill 46. Bill 46, the Alberta Utilities Commission Act, will preserve and balance – preserve and balance – the rights of individuals, intervenors, and industry with the need for a responsive regulatory system that serves all Albertans. This bill was introduced during the spring sitting so that landowners, consumer groups, and industry could be consulted. Consulted. Government is now considering amendments to respond to the input we received throughout the summer.

It’s important to understand exactly what the act will and will not do. The act ensures that the landowners can bring their concerns forward about the development that affects them. Directly affected landowners will have access to intervenor funding if they choose to participate in the process. Any other citizen can still apply to take part in the hearing process for both the infrastructure hearings and rate hearings, Mr. Speaker. Intervenor funding, however, is reserved for those Albertans directly affected. Consumers are well represented at rate hearings by the Utilities Consumer Advocate, the UCA. Although intervenor funding will be reserved for individual Albertans affected by energy development, other groups may participate in rate hearings if they choose. With our growing province we need new and upgraded transmission lines to keep the lights on and to meet the electricity needs of Albertans.

Mr. Speaker, I want to talk about some myths that we’ve been

hearing, and I want to talk about some facts regarding this bill. Myth: landowners won't be notified or have the ability to participate in hearings about development on their property. Bill 46 fact: notice must be given to everyone affected. Everyone affected. If only one person requests a hearing, one must be held, and concerns must be taken into account.

Myth: Albertans won't be able to retain legal counsel or receive funding to intervene in hearings about electricity infrastructure on their land. Bill 46 fact: intervenor funding is reserved especially for affected landowners, and they can still hire legal counsel if they wish. Other Albertans who aren't directly affected by development may apply to intervene, as they do today, Mr. Speaker.

Another myth: because this bill is retroactive to 2003, Albertans won't be able to question whether proposed power lines are even necessary or challenge decisions already made. Mr. Speaker, Bill 46 fact: need and public interest must always – must always – be considered under Bill 46. The retroactivity only clarifies that need doesn't have to be addressed more than once during the regulatory process.

Another myth: this bill changes the way things happen today, including allowing the regulator to accept input in writing instead of hearing verbal presentations, allowing orders to be made in emergency situations without notice, and placing a limitation on the appeals period. Mr. Speaker, Bill 46 fact: these provisions are not new and exist under current legislation. Bill 46 balances the needs of affected landowners with the overall electricity and utility needs of all Albertans. All Albertans.

Another myth: new power lines aren't even needed and are only being proposed to sell power to the U.S. Myth. Myth. That's an Edmonton-Gold Bar myth. Bill 46 fact: Albertans' and Alberta's transmission system hasn't been upgraded in over two decades, Mr. Speaker. New electricity lines are essential in keeping the lights on for all Albertans and encouraging the development of new generation to meet power demands.

Mr. Speaker, I move to adjourn debate. Thank you.

[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 shall call the committee to order.

### **Bill 1 Lobbyists Act**

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill? Hon. members, we are also dealing with part A of amendment A1, that's on the floor. The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you very much, Mr. Chairman. I'm pleased to be able to join in this discussion. I advocated for the idea of a lobbyist act, and a lobbyist registry is an important concept for me. I've talked about it a lot with my constituents. Actually, as I go around and speak at all of my different seniors' residences, it's one of the subjects that comes up over and over again because I really do believe in it. I think it's important that we know who is talking to whom in the government and about what, and that needs to be transparent.

I don't think it's wrong for people to try and influence public

policy. I'm a social activist rabble-rouser from way back. I try really hard to influence public policy, and I always have. I think that's perfectly appropriate, that citizens try and tell their government what they need them to do and try and influence them to go in a certain direction. That's perfectly legitimate.

What's important is that that process is transparent, that we can see who is approaching members of the government, in particular members of the government, to influence public policy and what public policy is. Either someone is advocating to put it in place or to change it. That's the important concept for me, that transparency; in other words, the registry and how that registry is set up, the kind of information that's easily displayed.

I spoke in second reading, I'm sure, and we in the Official Opposition certainly accepted the principle of the bill.

Now, the bill spent the summer on the beach of the policy field committee, I'm sure getting a great tan, wearing flip-flops around and cut-offs, and enjoyed its time at the lake with all the members of the policy field committee.

**Mr. Elsalhy:** It wasn't a trip.

**Ms Blakeman:** Oh, I'm sorry. I have been corrected. I have used totally the wrong metaphor. It was not a day at the beach. Okay. I withdraw that. I've been corrected by a member of the committee.

Nonetheless, it was in the policy field committee over the summer. What we have before us now are the amendments that have been suggested by the policy field committee, and they are sections A through K, and we are approaching these one at a time.

Specifically, we are talking right now about section A, and several people have described that, but essentially it was trying to make it very apparent that consultant lobbyists must register. It was also clarifying that the definitions of consultant lobbyist and organizational lobbyist are consistent. It also had several tests for an organizational lobbyist. That's where they brought in that the 100 hours was the test that had to be met, and if an organization wasn't likely to meet that test, then they didn't have to register as an organizational lobbyist.

3:40

Then at the end they struck out some of the groups that had been included in the original version of the bill as a public office holder, and this becomes an important definition as we go along because people who are talking to these public office holders or these public office holders who are speaking to members of the government become very important in the context because some will be prohibited from speaking to each other.

I am certainly in favour of what's being put forward in this amendment. I know the committee spent a lot of time working on it and then trying to come up with that test and those definitions, and I respect the work that they did here.

I am a little curious, however, and maybe someone can explain this to me. In the last section in what appears under section (e) in clause (j) of the original bill, which would be on page 5 of the original bill, for anybody following along at home or perhaps in the gallery . . . [interjection] I know. I always think it's much more interesting than everyone else does. One of the things that has now been deleted is the section that says:

. . . but does not include a master in chambers of the Court of Queen's Bench, a judge of the Provincial Court, a presiding or sitting justice of the peace, an officer of the Legislature or a member of a body acting in an adjudicative capacity.

Maybe a member of the committee can explain to me why that got cut out.

I looked through the comments from the sponsoring member, the

Member for Calgary-Buffalo, but he, interestingly, doesn't talk at all about that section of the amendment. Since we're in Committee of the Whole here and that allows us to go through the bill clause by clause, word by word if we need to – it's a detailed examination of this section of the bill – I'd be interested in hearing what was anticipated there.

For the purposes of debating this amendment in section A, I am supportive of it. I would like to enhance it.

Let me go back and be very clear that I am supportive of this lobbyist bill. I really want to see this bill pass and get into place. I also want to see it be the best bill it can possibly be, so I have sponsored a number of amendments, which will come forward over the next few days that we debate this bill. I want it to be the best bill it can be, and it's an important concept to me.

My experience has been that once you pass legislation in this Assembly or in any other one, you live with it. I know that there's a clause in here or maybe even an amending clause that says we're going to review it in two years. Yeah. But I still find it takes an awfully long time to come back and correct, amend, or add to a piece of legislation if you don't get it right the first time out, so I'm anxious that we do get it right the first time out in as many ways as possible. I hope there's an excitement here in the Assembly to do good work on this bill because I am very excited about it. I know a number of my colleagues are, and I anticipate some good debate and I hope good give-and-take between the sides of the House on how we're going to proceed on this bill.

Those were essentially my comments in support of section A, amendment A if you will, but I would like to introduce a subamendment, and that subamendment is already at the table. I'll ask for it to be distributed at this time.

**The Deputy Chair:** Hon. members, the subamendment that is being introduced now we shall refer to as subamendment A1. The main amendment is A1, and this is a subamendment. It will be referred to as subamendment A1.

Hon. member, you may proceed now.

**Ms Blakeman:** Thank you very much. Again, it helps very much if you follow along on the original bill. So that's, again, back to page 5. This gets very confusing. Under section 1(1)(j) we get into Roman numerals, and I'm suggesting that we strike subclauses (ii) and (iv). Specifically that reads "an employee of a department." That's subclause (ii), and subclause (iv) is "an employee, officer, director or member, as the case may be, of a prescribed Provincial entity."

The reason that I'm suggesting this – and this has been brought forward by a number of the not-for-profits that I work with – is that there is a concern that we are limiting an already fairly limited pool of volunteers that we can pull upon to have come out and volunteer their time and expertise for the various community-based organizations. Let's remember that there's a pretty wide variety of people that are covered under these organizations. I'm aware that the Government House Leader has already indicated that there is a government amendment coming – so that flags to me that it's sure to pass – that will in fact use what's called the Quebec exemption to exempt all of the not-for-profits and charitable and volunteer organizations with the exception of those that are either sort of management oriented, professional associations, unions, and essentially associations which are there for a profit-making reason.

So just off the top of my head and not to pick on anybody in particular, for example, the AMA would still be covered under this legislation, but arts and cultural organizations would be exempted. The unions would still be covered under this, but youth recreation

groups would not. They would be exempted now. Profit-making groups – I guess it depends on the membership, but let me try. You know, Horse Racing Alberta, for example, would still be covered under the legislation because essentially they're representing people that for the most part are making money at what they're doing. So they would still be covered under this legislation, but social service agencies would now be exempted. That was a very, very important part of this legislation because that would have been the deal breaker for me. I had an amendment ready to go that would have done the same thing, but I'm now told the government will bring that forward.

Back to talking about the nonprofits. We have a situation now where volunteerism, the pool of volunteers and the actual number of volunteer hours that we're getting, is declining. We have a very different society now than we did in the 1950s, when just about everybody's mom stayed home, and then they were available to volunteer on the PTA or – we had a different name for it – home and school association, you know, to do good works at the church or to volunteer with the Heart and Stroke Foundation or whatever. There was a very wide pool of mostly married women that were pulled from at that time.

That has shifted as time went on. Now it's much more difficult to recruit volunteers, frankly. Even the big, sort of popular, fun volunteer-based organizations like the Folk Festival or the Fringe are struggling to get the number of volunteers that they need on a yearly basis to provide those festivals. And those are fun. You know, you'd think that would be easy for them to be recruiting, but almost every year you see them out there going: we need more people to help.

The point of my trying to exempt employees of departments and employees, officers, directors, or members of prescribed provincial entities is because that takes away a pool of people who are very knowledgeable about certain issues. Let me give you an example. For example, you've got people that are working in the mental health areas, let's say, or in agriculture. There's a better one. I talked about Horse Racing Alberta. So if you've got people that are working in the department of agriculture or they're working for a provincial entity that is connected with that somehow, and you now say, "Sorry; they're not really allowed to be involved in lobbying or advocacy," you've potentially cut those people out of the pool of volunteers that are available to a group like Horse Racing Alberta because, you know, they now have to start registering their hours and counting them to get to the hundred and have to list and maybe they don't want to register.

**3:50**

I think we have to be very careful that we don't put things in place that will have consequences for us that are larger than we're willing to actually work with, and I think this is such a situation. By cutting out experienced, knowledgeable people from being able to volunteer in a sector that they know – yeah, Alberta is a big place, 3 million people now. Okay; that's good. That still doesn't give us a huge pool of people to pull from for a lot of fairly specialized sectors, and I think it's important that we recognize this. This was certainly the advice that we had from the not-for-profit sector, that they felt this would reduce their pool of volunteers and that they didn't want to lose those experienced people, so I agreed to bring forward this amendment.

I am hoping that people understand what I'm trying to do, but I'm happy to answer questions or direct the answers back through one of my colleagues, and I hope I can get the support of the members of the Assembly for this subamendment, which is subamendment A1, which is amending section A of the committee amendments.

Thank you.

**The Deputy Chair:** Thank you, hon. member.

The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Not on the subamendment, Mr. Chairman.

**The Deputy Chair:** Not on the subamendment? Okay.

The hon. Member for Lethbridge-East.

**Ms Pastoor:** Thank you, Mr. Chair. Being a member of this field committee has certainly been an experience. I had originally been on the select standing committee looking at the Conflicts of Interest Act, which, in turn, became these two bills, 1 and 2. I left that committee to go on the task force. So I have been familiar with what this has been attempting to do for probably a good couple of years now.

[Reverend Abbott in the chair]

**Mr. Elsalhy:** The long-term care task force.

**Ms Pastoor:** Right. The long-term care task force. So it was prior to that. It's been probably over two and a half years, then.

It's been a very good experience, having been a part of this new standing field committee, and up to this point I think it's been a very good process in terms of people being open and sharing their views, listening to their constituents, and bringing back what they feel should have been happening on this bill. We'll see how this actually plays out in the end. At this point in time it looks like it may be very interesting, seeing as how we're going almost clause by clause and amendment by amendment.

I think this is a very good bill. I think what we're trying to do is strengthen it and make sure that what we really attempted and what was intended by having this bill was actually the open process whereby people can know who is talking to their government. The Liberals, of course, have been calling for this for a long time, so I'm pleased that it is coming forward.

A really interesting concept that came up in the committee was presented by a private citizen. It goes a little off this subamendment, but I think it captures what should be happening with this bill. It should be open and certainly transparent on who speaks to whom. The citizen had sort of suggested that perhaps the onus is on the wrong end of the conversation. Perhaps the onus should actually be on the elected officials so that we would keep track of who we spoke to. I believe it's a lot easier for us as elected officials to say who we've spoken to, where we've spoken to them, and about what than it is for many of these hard-working, nonprofit volunteer organizations to try to keep track of their many people and what they're actually doing. Many people are doing all kinds of volunteer hours that are really unaccounted for because that's what volunteers do. They just get in and get the job done. So it's actually only the ones that can account for their time where this bill would be applicable.

I believe what we're trying to get at with this subamendment is that it's actually too broad. I think, as has already been mentioned, that it actually cuts out people who may want to volunteer. I think that if you're an elected official or if you're a public office holder, you're very aware that you are in the public and it's fair game and you should be responsible. But often volunteers volunteer on a private basis. They're not elected. They're not public officials. So I think that by having this, it's too broad, and we're capturing a lot of people who would be deterred, perhaps, in coming forward.

It also affects families because the husband may be doing one thing, the wife might be doing another, but of the two groups that they're working on, one may in fact have a paid consultant lobbyist

or the other group wouldn't, and then it becomes very, very onerous on good volunteer groups to try to sort that out. It's just too complicated.

Also, partly the employee for provincial entities. Now, at this point provincial entities haven't actually been defined as to who will be exempted. My understanding is that that will be done in regulations, but in fact that discussion can go back to the standing field committee.

I would support this and ask the support of the House because I believe that it is too broad. We're capturing too many people who really have nothing to do with what we're trying to achieve with this bill. Thank you, Mr. Chair.

**The Acting Chair:** Thank you very much.

I'd like to recognize the Member for Edmonton-Gold Bar on the subamendment, please.

**Mr. MacDonald:** Thank you very much, Mr. Chairman. It is with interest that I rise and participate in the debate on the subamendment on Bill 1 that was presented by the hon. Member for Edmonton-Centre. Certainly, we've heard from a lot of different parties and organizations regarding this legislation. I understand that the hon. Member for Edmonton-McClung was involved, as was the hon. Member for Lethbridge-East, in the field policy committee that looked at this. I don't know if you'd call it that.

I have been contacted regarding this bill by many people from the not-for-profit sector who are very concerned about the restrictions and limitations that this bill in its current form would have on their activities or their operations. Certainly, when we look at this subamendment as presented and we're looking at striking out "an employee of a department" and also "an employee, officer, director or member, as the case may be, of a prescribed Provincial entity," I think the intent of the hon. member is not to restrict or limit the pool of citizens who may be interested in volunteering after hours or on the weekend with any number of organizations. Am I correct on that assumption?

4:00

**Ms Blakeman:** Yes, you are.

**Mr. MacDonald:** Okay. Because certainly we have quite a large volunteer sector in Alberta. I can't recall which hon. member of this Assembly, but certainly last week there was a discussion here on the importance of the volunteer sector. The former Member for Drumheller-Stettler was a passionate advocate for the volunteer sector.

If we are going to change this, I certainly agree with the first definition of a public officer when we talk about an employee of a department: "an employee, officer, director or member, as the case may be, of a prescribed Provincial entity." I can only presume that those prescribed provincial entities would be anything I could think of. It's not exclusive to the list that's in the back of the government of Alberta's annual report of agencies, boards, and commissions. I would like clarification in the course of debate on that because certainly there is a long list there, and it would be in the regulations.

There is a lot about this amendment that as I discuss it I'm getting more and more unsure about, but I will only have to take the sage advice from my colleague that this is worth while. When I think of this, well, of course, hon. members, you'll have to excuse me because I'm very concerned about the agencies, boards, and commissions and if they're considered a provincial entity and the patronage parade that goes on there. I certainly wouldn't want to be excluding any of the patronage parade from scrutiny. Certainly, hon.

Member for Edmonton-Highlands-Norwood, you're absolutely right: there needs to be scrutiny. But the hon. member assures me that they are caught in another section of this bill.

With those comments, Mr. Chairman, I will take my seat and cede the floor to another member. Thank you.

**Dr. B. Miller:** Well, Mr. Chairman, rather than just talk in general about the bill, just this particular amendment. It's all about the definition of public office holder, and I think restricting it to Members of the Legislative Assembly and any individual on a member's staff is clear.

[Mr. Shariff in the chair]

There are lots of problems by including just employees of any department. That's quite restrictive and unnecessary. I always have a real problem with restricting public servants from being able to speak out about political matters. My experience is that it's not until they retire that they really, really become outspoken about what they really feel in terms of politics. I think that's quite a shame that they are so restricted. As a matter of fact, in the last few years there has been a tremendous fear factor that's promoted by this government in various departments, and so many people, especially people dealing with welfare issues, for example, will not speak out for fear of repercussions, punishment, losing their jobs. I really would like to see them, you know, have the freedom to express their views. My understanding is that a lot of the references to other positions would be covered in regulations, like officers or directors of agencies, boards, commissions, and so on.

I'm not going to say any more about this. I support this subamendment and hope that we pass it.

**The Deputy Chair:** Hon. members, is there anybody else who wishes to speak on subamendment A1?

**Mr. Hinman:** I believe that I have the one here. I guess just a few quick remarks. This is a huge bill. We're going to have many amendments come forward. I guess my biggest and briefest comment is that I look at Bill 1. I realize we have a lobbyist problem. We need to do something about it. But my biggest concern is that we go on and we debate, and we're going to go for hours on this trying to find a solution that will hold lobbyists accountable and whether we want to take the patronage that goes on, to eliminate it if possible. I don't believe that we can eliminate it.

Last night I had the privilege of going to the canola growers' presentation. There the Premier had told those people: you have an open invitation to come and see me any time. By saying that, all of this whole bill is excluded. He's given an open invitation, and then it goes by all that.

My question on all of this and this amendment is that this seems to me to be a bigger problem than the gun registry in that the loopholes that going to continue to exist. Wherever the Premier goes, whoever he talks to – I could have brought someone from nuclear energy to the canola board last night, bumped into the Premier, talked to him, and it wouldn't be recorded. If he approaches me and talks to me on this – we have such a huge gaping hole in all of this and the bureaucracy that we're going to try to do.

What we're doing is we're holding the people of Alberta accountable when really it's the office of the Premier and the government that needs to be held accountable. So we want to have a bunch of bookkeeping and a bunch of extra work. Maybe it's the Premier and the ministers who need to report and record and do all of this work rather than all of these people that are trying to get on with their lives to work for charitable organizations.

You know, it just seems like we're going at this the whole wrong way. I wonder, like I say, even on this amendment to an amendment do we really understand? Are we just spending a lot of time when, in fact, the loopholes are going to be there? We need to take it and approach it from a different angle.

Just a few thoughts on this short amendment.

**The Deputy Chair:** The hon. Member for Edmonton-McClung on the subamendment.

**Mr. Elsalhy:** Yes, sir. Thank you very much, Mr. Chairman. First of all, I have to start by saying that I do support subamendment A1 as proposed by my colleague from Edmonton-Centre.

**An Hon. Member:** Unobservedly?

**Mr. Elsalhy:** Yes. Unobservedly.

She went into some detail to explain why she needs to clarify that particular section and why she's eliminating the clauses that she referred to. But I couldn't help but feel the need to respond to some of the comments made by my hon. colleague from Cardston-Taber-Warner. I think he was referring to reverse onus, making that requirement on the elected official rather than the people who have the ear of the elected official. While this was brought up in the committee, it was felt by some members from the committee, not all but some, that it would be too much work for them and for their staff. We briefly talked about the fact that we actually do keep a log of who comes into the constituency office and talks to me, what is the subject matter, how long it took, you know, for that conversation, and so on. So we keep that log anyway.

**Mr. Hinman:** So do the MLAs who were at the canola thing last night report who they met and talked to?

4:10

**Mr. Elsalhy:** It would be very simple.

But it was felt that this would give the impression that maybe members of the government are becoming less accessible.

Now, I have to remind the hon. Member for Cardston-Taber-Warner that nothing we're doing here will prevent access to the government. What we're doing is requiring the registration and the recording of that conversation, of that discussion, but we're not saying that nobody can access ministers or the Premier. Nobody should feel restricted in that access. What we're doing is just offering that transparency, the layer of transparency that is missing. So when the Premier invited members from that organization to come and speak to him with no restrictions, well, that's fine. They can continue to have access to the Premier with no restrictions, but after this bill passes, it will just be a requirement for them to register and report. That's it.

**Mr. Hinman:** But can he ask them?

**Mr. Elsalhy:** Well, that's another thing. That's a loophole that might be addressed today, hopefully.

The other thing is that Bill 1 is actually a good piece of legislation, but we're trying to do our due diligence to make it even better. So when we seem to be belaboring the discussion and the debate and we seem to be introducing amendments and then reacting to amendments by introducing subamendments, well, this is what we're elected to do. This is what we're here to try to accomplish. I don't think any time spent under the dome here in the Assembly is time wasted. I don't think giving it the attention that it's seriously

deserving of, you know, weakens it or waters it down. No. What we're trying to do is make the good sections even better and to be friendly to those people who expressed the most concern in terms of the volunteer sector and the nonprofit sector, at the same time looking for these loopholes that have been identified through the submissions to the committee, through the deliberations of the committee, and trying to seal them one by one.

I know this is a new exercise, and I know the hon. chair of the committee, from Calgary-Buffalo, would agree with me. It's a multilayer thing, and that's why it tends to be confusing. We have the bill, the actual proposed act. We have the committee work, which was a layer on top, and we now have recommendations that are appearing before us as amendments and we have subamendments. So because of this navigational maze that we have to go through, some members might feel that maybe we're killing it to death, maybe we're talking too much. But I don't think it's time wasted, Mr. Chairman, and I know you agree with me. This is what we were elected to do, and we're making something that is good even better.

Thank you.

**The Deputy Chair:** The hon. Member for Cardston-Taber-Warner on the subamendment.

**Mr. Hinman:** Yes, and just to clarify to the hon. Member for Edmonton-McClung that perhaps I didn't express myself properly there. Yes, we want to know about the lobbying that's going on. We want to be able to understand it. But my question is that there are so many loopholes that are going to continue to be open. I don't think that we're ever wasting our time underneath here when we're debating and trying to do such a serious passage of legislation to see that the government is run properly. But when the Premier comes down to my riding and is the drawing card for fundraising, are all the people that have bought and put money towards that fundraiser and are speaking to the Premier going to be recorded and have to answer? Like I say, last night at the function, anybody could have been with me and spoken to the Premier, and I just feel that the loopholes are going to continue to be there. Will we ever be able to close those?

**The Deputy Chair:** Are there any other speakers on the subamendment that's before the committee?

Hon. members we shall now have a vote, and I just want everyone to be aware of what we're doing. We will be voting on the subamendment that's before us that was moved by the hon. Member for Edmonton-Centre. After that, if we have no further speakers on part A, we shall have a vote on part A of the amendment moved by the hon. Member for Calgary-Buffalo. Thereafter, we shall proceed to part B. Is that clear with everyone? Good.

[Motion on subamendment A1 lost]

**The Deputy Chair:** Are there any other speakers on part A of amendment A1? The hon. Member for Edmonton-Glenora.

**Dr. B. Miller:** Thank you, Mr. Chairman. I want to talk about this amendment. I realize that it's really important in this legislation to make the distinction between a consultant lobbyist and an organization lobbyist, and this amendment is suggesting changes to the definition of organization lobbyist, which I think is important.

Just to back up a bit, I really also agree with my hon. colleague from Edmonton-McClung that this bill needs to be supported in general. The lobbyists registry is something that has been coming for a long time. I was a member of the Select Special Conflicts of

Interest Act Review Committee, and I was prepared because it has always been a part of our Liberal platform to argue for a lobbyists registry. When I saw that most members of the committee were in fact in favour of a lobbyists registry, we put it forward as part of our recommendations, but we didn't actually go into much detail. We left that up to future committees, so now we have a more detailed presentation in Bill 1 of a lobbyists registry.

I just want to point out that, you know, if you look at the federal legislation, there's one part that's missing which I think would be really important, that's not here in this Bill 1, and that is that the federal legislation, which has a lobbyists registry in place, also has a lobbyist code of conduct. Now, I raised that issue with the select committee on the Conflicts of Interest Act, that perhaps we needed a code of conduct up front, in front of our conflicts of interest legislation. I think it applies here too because I think it's important to have something like a lobbyist code of conduct. This act really doesn't present a code of conduct other than the whereases.

Now, it's interesting that Canada was the first country to reinforce the lobbyists registry by having a code of conduct. I think that's setting the bar high for provinces and for Legislatures, that we need to assure Albertans that lobbying is done ethically and with the highest standards with a view to conserving and enhancing public confidence and trust in the integrity, objectivity, and impartiality of government decision-making. I think that having a code of conduct that actually addresses that kind of high ethical standard would be a real addition to this bill.

I notice that in the lobbyist code of conduct of the federal government they actually list the four whereases; our Bill 1 has five. The first four whereases are taken right out of the lobbyist code of conduct: free and open access to government is an important matter of public interest; lobbying public office holders is a legitimate activity, et cetera. The one that's added is the reference to contracting with the government, which is not in the federal lobbyist code of conduct. But the federal lobbyist code of conduct goes on to outline principles like integrity and honesty, openness, professionalism and then rules: transparency, confidentiality, and so on.

Mr. Chairman, I think that that would have been a great addition to this Bill 1, if we had had the lobbyist code of conduct up front and then the specifics of how to put in place a lobbyists registry that follows on from a code of conduct. But we don't have that, so we're now looking at going through this bill line by line to try to make it a better bill. It's something I support. The time has come. There's been an evolution of concern by the public for a greater standard of ethics set by Legislatures across the country, and the lobbyists registry is a part of that.

Under organization lobbyist the definition is that it's a person who receives a payment for the performance of his or her function. That's a very important statement because we're not talking about volunteers. Volunteers are excluded from this. We're talking about people who actually receive a payment for lobbying and a person who lobbies or whose duty is to lobby on behalf of the organization at least 100 hours annually. You know, I've been persuaded that that is a good way of placing a limit on this definition of an organizational lobbyist.

4:20

The federal government in their lobbyists registry puts it at 20 per cent. So 20 per cent of an individual's activities, if it's involved with lobbying, then that person has to register. But that is vague, that 20 per cent. Twenty per cent of what? It is vague and hard to pin down, so actually I think this is a better expression of the limit in the definition by saying: at least 100 hours annually. I mean, in terms of reinforcing this, it's up to the lobbyists themselves to keep

track and then to register when they're supposed to register. Again, the onus is on them. It would be better, of course, as I said, to have a code of conduct for lobbyists, and that would set the bar high for them, just as we should have a code of conduct that covers our own behaviour.

I don't have anything more to say on that. I support this amendment, and I think it's a step forward. Thank you, Mr. Chairman.

**The Deputy Chair:** Any other speakers on part A of amendment A1?

The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** I have an amendment to A1 to be amended in part B.

**The Deputy Chair:** Hon. member, we are dealing just with part A for now.

**Mr. Mason:** I'm sorry. Thank you for that direction, Mr. Chairman.

**The Deputy Chair:** So we need to vote on this one before we move to part B.

Any other speakers for part A on amendment A1?

Hon. members, we are now going to vote on amendment A1, part A of amendment A1, as moved by the hon. Member for Calgary-Buffalo.

[Motion on amendment A1A carried]

**The Deputy Chair:** We will now proceed with part B of amendment A1.

The hon. Member for Edmonton-McClung.

**Mr. Elsalhy:** Thank you very much, Mr. Chairman. Actually, it is a pleasure because the hon. Member for Lethbridge-East and myself and on a few occasions the hon. Member for Calgary-Elbow worked on the committee. We had to do some explaining to our own caucus members, and they trusted us when we clarified and explained what went on in the committee. They trusted us when we told them about the amendments that were the outcome of the committee work because we possess that, quote, organizational memory. It seems like it was a natural fit for Lethbridge-East, Edmonton-McClung, and Calgary-Elbow to some extent to be participating eagerly in this debate.

Part B, Mr. Chairman, as recommended by the committee, attempts to do at least a couple of things. The first one talks about restrictions on the application of the act. What we're trying to do here is clarify who's exempted, who this act does not apply to. When we had the written submissions and then when we had the verbal or in-person presentations, it was brought up time and time again that school board trustees really should not be caught under the definitions of this act, just as we would exempt members from our health regions, for example.

Now, trustees also argued strongly that because they're elected officials, just like we are, they should not be looked at as lobbyists because they're elected to really advocate on behalf of their constituents, just as we are. If I'm talking to the Minister of Infrastructure and Transportation about those overpasses in Edmonton-McClung, I am not a lobbyist; I am an MLA. I'm doing my work. So a trustee who approaches the Minister of Education and says, you know, "We have school infrastructure issues" or "Classroom sizes are increasing beyond acceptable levels" or so on and so forth, that school board trustee is doing what he or she was elected to do.

The committee heard that argument from trustees, and we agreed that we needed to exempt school board trustees, school board organizations, even the employees in those school boards because that's what this entire entity was tasked to do; that is, to advocate for issues surrounding education, to advocate on behalf of the students, the children, and to some extent their parents as well. Section B is attempting, as is clear, Mr. Chairman, in subclause (a) that we're now telling the world that this act does not apply to "members of the boards of trustees under the School Act, individuals on the staff of any of those members, or officers or employees of the boards." That is the first thing that we're trying to do.

What we're also trying to do in section B is to exempt organizational volunteers who do not receive any form of payment. The committee also had the discussion of whether an in-house lobbyist, an organizational lobbyist, needs to be caught under this act. We agreed that if somebody was truly a volunteer, does not make a penny or maybe gets their expenses paid but doesn't really receive any payment or honorarium, then that person does not need to register or worry about reporting. But if it's somebody on staff that gets paid to do this, then there is the idea of a threshold, the idea of a trigger point.

We discussed it, and we agreed in committee that it would be on an individual basis as well as on a cumulative basis. If an organization has five or six or 10 people who do lobbying, they all count towards that 100-hour threshold. That was a distinction that we wanted to make very clear to members of this House because it all counts. If you have one person doing it or if you have five or 10 or more, you know, it doesn't matter. It all counts towards that 100-hour threshold if these people are paid. So in-house lobbyists who are paid have to worry about that threshold. I remind you, Mr. Chairman, that consultant lobbyists, regardless of what amount of time they allocate, have to register and report. That was a distinction we wanted to make.

Now, in reading the amendment as proposed by the committee and, you know, referencing the loophole that was identified by many people who submitted, and in particular I'm going to reference Democracy Watch, Duff Conacher, and Fasken Martineau DuMoulin. Mr. Guy Giorno highlighted one particular loophole, which the committee discussed. We discussed it very thoroughly but, unfortunately, couldn't reach an agreement, so we felt that it would be prudent for us to maybe raise the same issue again in the House here for all 83 members to hopefully look at and discuss. As such, Mr. Chairman, I move subamendment 2, and I'll wait for the pages to distribute it.

**The Deputy Chair:** Hon. members, there is a subamendment that is being circulated to you. With all these little subamendments coming through, this will be referred to as subamendment B1. The first one was subamendment A1.

Hon. Member for Edmonton-McClung, you may proceed.

**Mr. Elsalhy:** Thank you very much, Mr. Chairman. Before us we have subamendment B1. As I'm telling my hon. colleagues, what we're trying to do here is address one particular loophole. It was something that was highlighted more than once whereby the public office holders initiates or invites the feedback or the discussion, and as such the lobbyist does not have to register or report. If hon. members want to read it, it's on page 2 of the recommendations from the committee, which is section 3(2)(b) and (c), and it's part (c) which now is suggested to read: "to a public office holder on behalf of a person or organization in response to a request initiated by a public office holder for advice or comment on any matter referred to in section 1(1)(e)(i)."

4:30

It makes sense, Mr. Chairman, and we know that members of the committee struggled with this. We don't want to be sending the message that we're not interested in what people have to tell us. Definitely not. What we're trying to say here is that when the Premier invites certain people to talk to him about royalties, for example, people have to know. When the Deputy Premier had these meetings with members from the oil and gas industry, well, had this act been in place, these members would have had to register and report.

To have this loophole here staring at us and really weakening something that we're all aspiring to achieve here in terms of openness and integrity was not acceptable. This is one way to address it: by basically eliminating that licence for an elected officer holder – Premier, minister, MLA – to initiate that discussion. In this way that person totally bypasses and sidesteps the act, and this person as a lobbyist is not then deemed to have breached the act and gets away with it and doesn't have to be held accountable nor pay a penalty or a fine. I know that members from both sides are going to be extremely eager to address this.

I have to note, Mr. Chairman, that so far it doesn't seem like any of the members from the government side have spoken, not to the amendments from the committee and not to the subamendments suggested by the opposition. I want to remind them that this is Bill 1, which is the flagship bill of the hon. Premier, and while keeping silent might signal that they're in support, people out there who are now listening or watching or reading *Hansard* might not necessarily get the same feeling or the same impression. I want to challenge some of them at least, maybe two or three, to stand up and put their thoughts on the record. We need to hear from them if they do support their own Premier. If, in fact, they're keeping quiet because they find some of these sections objectionable or questionable, we need to know. We need the assurance that this House is behind this direction, that this House likes to have a registry for lobbyists, and that we are definitely moving towards more openness in government, more accountability in government.

That's my challenge to them. Speak on the subamendment, speak on the amendment itself, and let's really make something that was good initially even better. Thank you.

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

**Mr. Hancock:** Thank you, Mr. Chairman. When I was speaking yesterday with respect to this bill, I was very complimentary of the process that we had with respect to the committee, and I think it was a good process. I'm a bit surprised that a member of the committee, who would have had the opportunity to have raised this at committee, would now be bringing an amendment on it.

Be that as it may, the problem with this subamendment is that it would really have the effect of reducing the ability of an MLA to go out and find out about issues. The amendment is to remove (c). All the time members go out and ask people their viewpoint. If by doing that you're going to put somebody in a position where they have to register as a lobbyist because you went out to ask them their opinion, ask them to give you some advice on a subject – in other words, a request initiated by a public office holder for advice or comment on any matter – that would really inhibit us as MLAs in doing our job. That's not an appropriate way to go.

I would ask the House not to pass this amendment. I don't think this amendment is appropriate at all. What we want to have is a bill which makes it clear that lobbyists promoting their interests register and that the public is aware of lobbyists who are promoting their interests or promoting interests on behalf of some other organization. But an amendment which would have the effect of chilling conversa-

tions between an MLA and anyone that they might go to to ask for advice, to seek input, to solicit opinion would very seriously limit our ability to do our jobs and would put an onus on somebody that we talk to. Remember that under this act the onus is on the lobbyist to register and to keep track of their hours and that sort of thing under the appropriate sections. If I in my position as an MLA call someone and ask for advice, I put an onus on them, then, to determine whether or not they're a lobbyist and whether they should register, whether they should start keeping track of their hours. That's not appropriate.

I'd ask the Assembly not to accept this amendment.

**The Deputy Chair:** Hon. Member for Edmonton-Strathcona, did you want to rise?

**Dr. Pannu:** Thank you, Mr. Chairman. Yes. I thank you for this opportunity for me to be able to speak to subamendment B1 to Bill 1. As sort of introductory remarks to my comments on the amendment, I had an opportunity to sit on this committee as a temporary substitution and had the opportunity, therefore, to engage in considerable debate with colleagues on the committee when we were reviewing Bill 1, the Lobbyists Act, and also to hear individuals and organizations that came before the committee to express and register their concerns and observations on what they thought were the strengths of the bill and where they thought there were loopholes that needed to be plugged. While there was general support for the bill, there was serious concern expressed with respect to parts of section 3, which this subamendment B1 is an attempt to amend.

I was among those members of the committee that argued as best we could that the section of the bill which exempts government officials and any contacts initiated from the government side to talk to people who may be registered as lobbyists, people who have private interests to advance in their conversation with the government, that the prohibition, the restriction on application of the act when it applies to government leaves a very big loophole. Public interest groups that came before the committee drew our attention to it in a very specific way. They said: there's a huge loophole.

It should be incumbent on the government to also disclose the people that it has talked to, including people in organizations who may be registered lobbyists. But the bill allows the government to not disclose that information. In their view – and I agree with that view completely – it would in fact defeat the very principles of the bill and the objectives of the bill, which are to ensure transparency and accountability on the part of all of those people, including government representatives, who are responsible for enacting legislation which affects everyone in this province. The Lobbyists Act in itself, although long overdue, is a welcome legislative initiative on the part of the government. I want to leave absolutely no doubt about this. We are happy that this piece of legislation is before us.

What we are trying to do is improve it and improve it by plugging a very serious loophole to which attention was drawn not only by some of us, members of the Legislature who happened to be on that committee and had the opportunity to take part in the debate, but by public interest organizations. Organization after organization drew our attention to it. They said: for this bill to really work and to make a difference in the way we have been transacting and conducting ourselves as government and as lobbyists in this province, this loophole must be plugged.

4:40

If we do not plug this loophole, then the very essence of the bill is in a sense sucked out of it; its objectives are frustrated. Albertans will not have complete confidence in the ability of this bill to serve

the objectives that they expect all of us to not only respect but, in fact, enact in our daily behaviour and also in legislation that comes before this Assembly.

Mr. Chairman, this amendment – and I had the same amendment approved as well, so I won't duplicate it. It's there. I'm glad that I'm speaking to it here in the House. I'm very, very supportive of this amendment. I think it will make a very major difference to Albertans who have become cynical about the way this government has allowed lobbying to happen in the past. If this loophole is not really plugged, then that practice, about which Albertans have become very cynical and very critical, will be allowed to happen, albeit through the back door.

So long as the encounter was initiated from the government side, it will not be considered as lobbying. I don't think that's the best way to go. I don't think it's the right way to go. The right thing for this Legislature to do is to delete this subsection, that this amendment proposes and asks the House to do.

Thank you, Mr. Chairman.

**Mr. Elsalhy:** Again, Mr. Chairman, just a few comments to react to what the hon. House leader was mentioning. I don't think it does that. I don't think that by eliminating that section, we're restricting access to MLAs or restricting MLAs' ability to solicit feedback and input from stakeholders and experts. We're not doing that.

Let's take a situation where the Minister of Justice, who is now the Deputy Premier, had these behind-closed-doors meetings with members from the oil and gas industry. He spent at least a month talking to them, and nobody knew what the subject matter was, what recommendations or discussions were about, and we were told that this is part of an ongoing dialogue with members of the industry. Nobody knows, and these documents will never be revealed because they were just informal discussions. Even if you try to go through the access to information way and try to FOIP some of these documents, I have to tell you: good luck, Mr. Chairman; you will not meet with success. This is one example.

Another example, Mr. Chairman. It is really annoying when you have a discussion that involves transfers of money or the payment of money and you have no records. Take, for example, verbal contracts, which is something we've complained about and criticized on this side of the House, where the government gives contracts to people for verbal advice. There is not a piece of paper generated. There is no record. There is no tape. There is no transcript. No record whatsoever. People don't get paid small honorariums; they get paid tens of thousands of dollars for something that we cannot prove was beneficial to the taxpayer. We cannot know that for sure. So when you have that, you tell me that, yes, this is annoying, this is irritating, and it is wrong. Well, this is not different.

Let's take a consultant lobbyist. Well, they have to register regardless. If I invite them or if they approach me, they have to register regardless. If you take an organizational lobbyist, if they're volunteers, they don't have to do it. If they're not paid, they don't have to do it, and even if they are, they have a hundred hours before they have to register and report. Well, if I invite them to talk to me for an hour and each MLA in this House invites them to talk to them for an hour, that's 83. They would still not have to register and report. So I don't think that the argument from the Government House Leader holds water. I think he is concerned, as he should be, because he doesn't want to be giving the impression that we're not accessible and that it's limiting our ability to solicit input. We're not going to do this. This amendment only seals that loophole so people in, you know, those places which the act was designed to catch are caught.

Thank you.

**Mr. Hancock:** Just one brief comment on the hon. member's discourse. Ironically, of course, he raised the Deputy Premier meeting with oil industry interests. Well, if he's paying attention, he'd know that the Deputy Premier indicated that he would make public all the meetings that he held in that regard, and in fact he has disclosed as though there was a registry in place all of the meetings that he's had, the people he met with, in the same form as would have been disclosed if there had been a registry. You can look on the Department of Justice website and get that very information. So the point that he was making is not in fact valid on that particular matter.

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

**Mr. MacDonald:** Thank you. I, too, listened to the discourse of the hon. Member for Edmonton-Whitemud and would like to remind him that perhaps all the information, all the reports and fact-finding statements that have been made in regard to royalties, could be on that website as well, as well as who the hon. member has met with recently. That would be being really open and really transparent.

Now, regarding this amendment, I would certainly urge all hon. members to accept this. I do not think that this will restrict MLAs from doing their jobs in any way. I see this deletion as necessary to enhance and restore public confidence in the office that we hold. For that reason I won't speak at length on this, but I would urge all members to support this amendment. Certainly, it has been well articulated by both the hon. Member for Edmonton-Strathcona and the Member for Edmonton-McClung. Please accept this because I think it will go a long way to restoring public confidence, and it's not going to inhibit or limit in any way our ability to do our job or to talk to citizens who may have an issue or may have a concern. Certainly, they may be able to provide us with advice.

Thank you.

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

**Dr. Pannu:** Thank you, Mr. Chairman. I want to make brief comments. I was reading through some of the remarks that were made yesterday by the Government House Leader when speaking to Bill 1, and he has made a very welcome suggestion to introduce the idea of public good. I think it is important in this House to always keep in mind what serves the public good, and I'm looking forward to the amendment that he's going to bring forward to improve this bill. He made the suggestion that that amendment will be coming forward to exempt nonprofit charitable voluntary organizations from the requirements of this bill. I think that's a good amendment. We hope to see it soon. I'm sure that if the amendment is going to be as it seems to me it will be, then it will have, certainly, our enthusiastic support.

Using the same principle of public good, I think it will serve the public good if subamendment B1 is voted in by the House. I think that it's a good principle. It's a good guiding principle. The debate on the bill should focus on whether or not any changes that we propose in it will enhance and serve the public good or make the bill better in its attempt to serve the public good.

4:50

I think that removing the restrictions, which would allow the government to contact lobbyists on its own initiative, thereby not having to report on it, will not serve the public good. I think that removing the ability of the government to not disclose its initiated contacts is a very important change that this bill needs to see made to it.

Mr. Chairman, I ask the members of this House to support this

amendment because it will enhance the ability of this bill to serve the public good. Thank you.

**The Deputy Chair:** Anybody else on subamendment B1?  
Are you ready for the vote?

**Hon. Members:** Question.

[The voice vote indicated that the motion on subamendment B1 lost]

[Several members rose calling for a division. The division bell was rung at 4:51 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Blakeman	MacDonald	Taft
Bonko	Miller, B.	Tougas
Elsalhy	Pannu	

Against the motion:

Abbott	Griffiths	Oberle
Ady	Groeneveld	Pham
Amery	Hancock	Prins
Boutilier	Jablonski	Renner
Calahasen	Johnston	Rodney
Cao	Lougheed	Rogers
Danyluk	Lukaszuk	Snelgrove
Ducharme	Lund	Tarchuk
Fritz	Melchin	VanderBurg
Goudreau		

Totals:	For – 8	Against – 28
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[Motion on subamendment B1 lost]

**The Deputy Chair:** Hon. members, we will revert to part B of amendment A1. Are there any other speakers who would like to participate? Hon. Member for Edmonton-McClung, did you want to speak on part B?

**Mr. Elsalhy:** Oh, no. No.

**The Deputy Chair:** Okay. Well, then, we need to have a vote on part B of amendment A1 that's before us.

[Motion on amendment A1B carried]

**The Deputy Chair:** We will now proceed with part C. The hon. Member for Edmonton-McClung.

**Mr. Elsalhy:** Thank you, Mr. Chairman. Obviously, you've come to expect that I would be the first speaker each time, and good on you for being so observant.

Section C here is talking about contracting prohibitions. This section is talking about the fact that if you are engaged in a lobbying activity, you cannot have a contract with the government on the same subject matter that you're lobbying on or vice versa. If you have a contract with the government in a certain area or with a certain department, you cannot be engaged in lobbying on the same subject matter because that would present as a conflict of interest.

This section, as it's suggested in amendment A1C, captures also

your significant other, your partner, your spouse. We are calling them associated persons. While we struggled with this in the committee, Mr. Chairman, what we're trying to say is that the associated person probably has at times gained some information from their partner or spouse that would put them in this perceived conflict. The amendment here is talking about that to try to alleviate that concern.

Sub (2) addresses the issues surrounding multistakeholder situations, when an MLA or a minister or even the Premier invites feedback or input from multiple sources, you know, experts or people who are knowledgeable about a certain area or certain field. When you have these multistakeholders, then these individuals do not have to worry about the act applying to them.

I mentioned subs (3) and (4), basically telling us that it's an either/or type of situation. You can't lobby and be contracted at the same time on the same subject matter or vice versa.

Subsection (8) changes that the initial act had a provision for 90 days, a grace period of 90 days for you to cease one activity or the other. You either ceased to be a contractor or you stopped lobbying. The committee felt that 90 days was a bit generous and that we wanted to reduce it to 60 days.

So that offers the explanation for most of what's in section C, which really amends section 6 of the proposed act, subs (1), (2), (3), (4), (5), (6), (7), and (8). Mr. Chairman, it was felt that maybe the committee was a bit too rigid in terms of still insisting on having the associated person captured under the act.

I want to use this opportunity to address one of the concerns which I believe was raised by the Government House Leader or maybe one of the government members to my right when they said: "Well, you were a part of the committee. How come you're now presenting amendments and responding to amendments after the report has been submitted?" I want to put on the record and emphasize that while we were members of the committee and we had these discussions, we knew all along that it was the Assembly that was going to make these decisions and that it was all of us on both sides of the House that will now again discuss and study and scrutinize the recommendations from the committee. When these are done, well, guess what, Mr. Chairman? We're going to scrutinize and study the bill itself.

I told you earlier that we have multilayers. We have three layers here. We have the bill, the proposed act; we have the work from the committee, which generated 11 amendments; and then we have subamendments from the Liberals and the NDs. Potentially there is one from the Conservatives as well. Then when all of this is done, we go back to the bill itself, and maybe we'll have more amendments. We're doing our due diligence because that's what we were elected to do. We were elected to study pieces of legislation that are either bad, that need to be stopped, like Bill 46, or good, that need to be strengthened, like this bill, Bill 1.

So when the member opposite indicated that, you know, "How come he was a member of that committee and now he's doing all this work?" and "Why didn't he use the opportunity during the committee?" well, the committee was rushed, and the committee mostly focused on the submissions and presentations which we received. Let me tell you that the amount of contact that we were exposed to by members from the nonprofit sector, members from the volunteer sector was immense, and we wanted to alleviate their concerns because, really, in my book, in my definition, this act was not created to catch them. It was created to catch people who abuse the information that they gained while in government or while associated with government, and it was created to deal with the perception that politicians are less than honest and that people who have inside information and inside access to information were abusing this information through that revolving door: leaving

government one day, coming back the next week to lobby government on the same area of expertise that they were one week earlier entrusted to be working on.

5:10

I don't want to be citing names or giving examples because I know the hon. Government House Leader will jump to his feet and accuse me of besmirching people's reputations and dragging it through the mud. That is not my intention one bit. My intention here, as well as members from both sides of the House, I hope, is to tell people that we're not as bad as they think we are and prove to people that we are open and transparent . . .

**An Hon. Member:** You are.

**Mr. Elsalhy:** No. I don't think I am. And only time will tell how many of us will make it back here and how many will be swept aside.

Anyway, what I'm saying is that people have a right to know who has the ear of government, who is talking to government about what, and what we're doing here is just that.

Now, I know many of my hon. colleagues want to speak, and I know some of them actually are contemplating further subamendments. I want to cede the floor to them so they can actually proceed with that endeavour. Thank you, Mr. Chair.

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

**Ms Blakeman:** I'd be the colleague. Thank you so much. I think this section for the most part is appropriate. I have a huge problem with part of a clause, but overall this to me is I think the Rod Love clause because essentially it's setting out that you can't be paid to be giving advice to the government, you know; in other words, hired by the government and also be lobbying on behalf of somebody back to the same government. That's exactly the situation that we had. So this whole section was set up to preclude that kind of behaviour, and I believe that is appropriate.

It tries to cover it off in several places, and I think my colleague and I'm sure others will explain why the committee made the choices that they made in replacing the original clause, which appears on page 10 in the act for those that are following along at home and in the gallery. In the original act section 6 appeared on page 10, and this amendment A1C is to replace it in its entirety.

As I said, I don't have a problem at all with the subamendment or even, actually, with the original. I trust that the committee did good work in asking for the replacement. When I look at what the sponsoring member of the amendment said, that it was considered extensively by the committee, the proposed exception to the prohibition against lobbying and providing paid advice to the government on the same issue at the same time, but it would exempt those that were on multistakeholder committees, which makes sense.

You know, again, I've talked before about having a limited pool of people with specific knowledge in certain areas, and you don't want to exempt them or take them out of your role of expert, if I may put it that way. We need that expertise in these committees, and we certainly value their input, but I think it's important that we don't let someone who really takes advantage of the system, and that's what we were dealing with there.

I do have an amendment to this section C. If I could ask, I would like to move that amendment at this time.

**The Deputy Chair:** Hon. members, the subamendment that is being circulated will be referred to as subamendment C1.

Hon. Member for Edmonton-Centre, you may proceed.

**Ms Blakeman:** Thank you very much, Mr. Chairman. This amendment is structured to remove the same phrase that appears in two different sections. That phrase is "or a person associated with that person." Whether you're following along at home with the act at page 10 or you have the package of amendments in front of you and you're looking at the new proposed section C, in section (3) of the proposed section C it says, "no person shall lobby on a subject-matter if that person, or a person associated with that person, is holding a contract for providing paid advice on the same subject-matter." I'm fine with all of that except for having "or a person associated with that person" captured into that. The same thing happens in section (4): "no person shall enter into a contract for providing paid advice on a subject-matter if that person" – here's that phrase again – "or a person associated with that person, lobbies on the same subject-matter as that of the contract."

Here's why. We've got to grow up. This is 2007. What is being captured here is the idea that somehow spouses are the same person. We're failing to recognize that we have mostly two-adult working households. Where you have a family or a partnership happening, these people are usually both working, particularly where you have professionals. What this is is a really old-fashioned idea that somehow you can't have a husband and wife involved on something because – what is it: nepotism? – something bad will happen. It's essentially a very old-fashioned idea that they're the same person.

To me it's offensive that in 2007 we would still have that kind of thinking. We need to recognize that we have couples that are two independent individuals. They may share a home life, but they may be going in entirely different directions out in the professional working field. Or maybe they're even in some of the same fields. It's quite common, for example, to find a household with two physicians, two accountants, maybe even two people that are working for the same entrepreneurial outlet.

What is being set up with this by including those associated persons is incredibly convoluted, but here's what could happen. Let's say you've got two physicians. One of them works at this point for the AMA, but because of this extra clause in there the spouse could not go and volunteer, for example, for the Diabetes Association because it's assuming there would be some kind of collusion happening between those two people.

That's where it gets unacceptable to me. I think we have to allow that in this day and age you may well have a household with two physicians, one of whom would be contracted to be providing that advice and the second one who could be lobbying. They may not actively be lobbying, but remember the way this act is set up. You could have someone that's on the board of directors for the Diabetes Association or medical clinic or pick whatever you want, and any work they do in trying to change public policy would now be prohibited. You can't do that in this day and age.

Are people going to try and take advantage of this? Yup. That happens. We know that no matter what system we set up, 3 per cent of the people are scallywags, and they are going to figure out a sneaky way . . . [interjections] Well, there are all kinds of other words I could use. I thought scallywags would be the most appropriate today. So, yeah, there are 3 per cent of the people that are going to cheat and do bad things. You know what? Welfare system: we set up all those guidelines, and 3 per cent of the people consistently cheat the system. Okay. So we've got 3 per cent that are going to do it to us one way or another no matter how secure our system is. Why on earth would we stop the other 97 per cent? Why would we penalize the other 97 per cent? Why would we treat the other 97 per cent as though . . .

**An Hon. Member:** Guilty by association.

**Ms Blakeman:** Yeah. That they're guilty by association. I'm going

to remind you again how small that pool of volunteers can be, particularly in sectors where we need some level of expertise.

One, I think we need to grow up and recognize who's actually inhabited, who our citizens in Alberta are, and what they do. Most households have two working adults in them. We want them to volunteer, so why on earth would we set it up so that either one of them has to quit their job if either one is volunteering in an associated sector or the person can't go out and volunteer? Why on earth would we pass legislation that does that when there are other ways for us to get at the law-breaking or the nepotism or doing something wrong that is somehow going to harm the system? There are other ways to pick that stuff up. But to me it is offensive that we would not recognize that we have independent people in this day and age.

5:20

Two, I think it's frightening that we would try and narrow that pool of volunteers in that way because that's really what would end up happening with this.

I'm thinking "spouse" when I read "or a person associated." I think in the definition it means someone that's pretty close in the same family, so it could mean an adult child; it could mean a parent. But, frankly, how many of you here are in absolute control of your parents? Right? Exactly. You know, my father – love him to death – do he and I agree on everything? Oh, boy, you can imagine those fights, right?

**An Hon. Member:** I like your father already.

**Ms Blakeman:** There you go. Mostly I win, I will point out. But that's the thing. That would be captured here.

**An Hon. Member:** You just talk him out.

**Ms Blakeman:** That's right. I just talk him out. No. He's a pretty good talker, too.

But that would be captured here, so we could have a situation that having an adult child who worked in a certain field would preclude their parent, who would be closely enough associated to be picked up by this definition, from either volunteering or working in the same field. I mean, come on, you guys. This is 2007. We've got to get by this one.

That's why I brought this in. I know I've been pushing some buttons here, and I know I've been challenging some people, but I think this is a good idea, and I hope I can get the support of this House. I think that by passing this, we will allow things to go on that happen already and should happen already. If we need to put other things in place, I'm sure the government, with its great fondness for regulations, can manage to capture any huge problem in regs if we do have a lot of problems with couples, for example, that do bad things in association somehow around lobbying.

But I do not think it is right in this day and age to be capturing those associated persons and counting them, which is what we're doing. We're including them in the way we figure this out. Just look at these phrases if I take out the phrase I don't like. You would end up with clause (3) reading: no person shall lobby on a subject matter if that person is holding a contract or providing paid advice on the same subject matter. That's what we want. That's what we wrote. That's the intention behind what we were trying to do here.

Let's look at clause (4): no person shall enter into a contract for providing paid advice on a subject matter if that person lobbies on the same subject matter as that of the contract. Well, that's what we're trying to do here. That is the Rod Love effect. That's exactly what we're trying to stop.

But as soon as you put in those two extra phrases, you've added in a whole other person and basically stopped somebody else from

either working or from volunteering. Why on earth would we do that? That does not honour the intent of what we were trying to do with this particular clause. It penalizes a whole other sector of people, whether they're your parent or adult children or a spouse. We didn't mean to capture them, and I don't think we should capture them, and if there is something that is going to go wrong and people are going to misbehave, there are other ways to deal with that 3 per cent that are miscreants, scallywags, evildoers than to pick off 100 per cent of the people the way we're doing now.

That's why I've brought this recommendation forward. I hope I can get the support of the House on it, and I welcome any and all further debate on this subamendment C1. Thank you.

**The Deputy Chair:** The hon. Member for Peace River.

**Mr. Oberle:** Mr. Chairman, I can't agree with the last speaker that this was somehow meant to capture spouses. I read the term "associated with" to mean, for example, partners in a law firm, partners in a consulting firm. I've got to tell you that I sort of resent the implication that somehow all of us on this side of the House are dinosaurs or living in the past age or something like that. Nonetheless, the member makes a valid point, and if this indeed captures spouses, I think I'm quite prepared to support this amendment. If need be, we can close a loophole later on or catch it in regulation. I think it's a good point. I don't think the point needs to be made by painting this side of the House as dinosaurs or living in a past age.

Thank you, Mr. Chairman.

**The Deputy Chair:** The hon. Minister of Service Alberta and President of the Treasury Board.

**Mr. Snelgrove:** Thank you. Mr. Chairman, I think there is merit in what she says because I think we're right: you can't legislate goodness. We don't intend to stop people from doing it; we just want people to know who's doing what. So if this has done that – and I think she's probably correct. From someone who has a spouse in a high profile position, as you do, sometimes it takes those life experiences to understand what legislation may have an unintended consequence of doing. So I hope that we all give careful consideration to this simply from the examples.

**The Deputy Chair:** The hon. Member for Edmonton-Castle Downs.

**Mr. Lukaszuk:** Thank you. I listened with a great deal of interest, maybe as a baby dinosaur, then, in that case in this caucus, if we are to be described as dinosaurs.

**Mr. Elsalhy:** Albertosaurus.

**Mr. Lukaszuk:** Well, let's not go there.

The only concern I have, Mr. Chairman, is this: very often we as government are criticized by members of the opposition that there is a perceived apprehension of bias, that there is a collusion and referrals to high-powered Tories in some way influencing the government decisions and policy-making. The Member for Edmonton-Centre has coined this clause as referring to someone who has once worked in the Premier's office, and it is her goal to capture that kind of a relationship with this clause.

Now, I would want to get some form of assurance from the members opposite that if the spouse of that particular person was doing the lobbying of the government and that person continued to work in the Premier's office, would they assure us that all of a sudden that would not be perceived by them as a collusion and one more venue of attacking the government? I don't think we are going

to get that kind of an assurance, so I think this government and the committee and the drafters of this bill have gone one step further to assure Albertans that there will be no reasonable apprehension of bias, and all the loopholes have been closed up.

If we allow spouses, children, parents, and perhaps other conjugal partners to now be allowed to carry on lobbying, what have we really achieved? Is there going to be a guarantee, now, from the opposite side of the aisle that when those occurrences take place and one member is working within a position of influence in government and his or her spouse is lobbying on a matter of policy with government, they will from now on keep those two separate and adhere to the Member for Edmonton-Centre's assurances that we should keep them separate and apart because they're separate individuals and not use this as a venue of trying to attack the government that there is a collusion? I personally am not satisfied that that will happen. If the Member for Edmonton-Centre would advise me that from now on they would not see that as being a collusion, then I would definitely support her argument and vote in favour of the amendment.

**The Deputy Chair:** Any other speakers on this amendment? The hon. Member for Edmonton-Decore.

**Mr. Bonko:** Thank you for recognizing me, Mr. Chairman. I agree with the speaker from Edmonton-Centre. I can't in fact validate what the Member for Edmonton-Castle Downs is asking her for. Again, it's probably case by case. But she was trying to make the point that we're grown up, and we should be able to conduct ourselves accordingly and make sure that we abide by set rules or at least know where we're going.

A perfect example that I would raise here is through associations and how it could penalize a spouse with them being Members of the Legislative Assembly. When we in fact were voted in as sitting members, we were given strict rules that if yourself or your spouse holds an account with Alberta Treasury Branch, you must cease those accounts. There would be a perfect example how that could affect an individual through this bill. Just because of my wife's association with me she was made to give up her account at Alberta Treasury Branches. She failed to see how her association with me constricted her ability to do the banking there, but that was the rule, and that's what she abided by.

5:30

Bring it back to this case. This is exactly where we're concerned with regard to spouses of individuals with lobbyists. Why should an individual's good work in a community or efforts with a particular organization be hampered through a spouse's involvement with said X organization? We're very concerned as to that person's ability to continue the work or be hampered for their work. Quite frankly, some people may say: "You know what? It's not worth my time, and I'm going to give it up." So not only is the organization, in fact, penalized with it, but the community at large through their work would be penalized with it.

I just wanted to bring up that working example as to the Alberta Treasury Branches because that was an example that some of us may have in fact had when we were elected. Thank you, Mr. Chairman.

**Mr. Hancock:** Mr. Chairman, I find myself in the most unusual position of agreeing both with Edmonton-Centre and with Edmonton-Meadowlark.\* In fact, I think what happened in this legislation: accountability legislation and codification of rules can sometimes have unintended consequences. Here we have the conflicts of interests legislation, the ethics legislation, which brings our spouses in exactly in the way that the Member for Edmonton-

Centre indicated. We're now capturing them under this act.

I had exactly those experiences that Edmonton-Meadowlark\* talked about in terms of every year when we file our statements, we're reminded that not only our spouses but our children are associated persons, and we have to report on that. It is a bit of an extension because we don't in this day and age control our spouse's financial affairs all the time and certainly not our children's all the time. So I agree with what the hon. member has said. In fact, I would welcome the concept, when next time we review that particular act, of dealing with this issue as well.

So I would add my voice to those who say that this does not need to bring spouses in. It's intended to be legislation which lets the public know who is talking to government. This particular section is basically one which says that if you're working for government on a particular issue, you ought not to be lobbying them, being paid to lobby them on the same issue. I think this is one amendment which I certainly would be in favour of because I do agree.

My spouse has her own professional activities, her own volunteer activities, and unfortunately due to the life that we lead as members of the Legislature, our paths don't cross often enough. When they do, I'm certainly not too concerned about being lobbied. So I would ask that we do consider this amendment.

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

**Dr. Pannu:** Thank you, Mr. Chairman. It's a very interesting argument related to the amendment here. I'm certainly in total sympathy in principle with the argument being made by the hon. Member for Edmonton-Centre on making clear distinctions between two adults who may happen to be married and thereby associated. I think there is a point in considering that we may be interpreting the word "associated" a bit too narrowly. There are a variety of ways in which persons can associate with each other. I think the argument would seem to reduce the whole notion of association to relationship and marriage, with which we have a bit of a problem.

One other, I think, current practice and legal requirement that we have, of course – they are not exact parallels – is where an MLA's spouse's assets must be disclosed to the Ethics Commissioner. That is a requirement as of now. If we were to take the logic of the present argument to its final conclusion, then we would say that even that legal requirement doesn't belong to the new century, 2007, but hearkens back to the past.

There is some reason why the disclosure requirements for us as members of this House oblige us to not only disclose our own assets but also make a statement about the assets of our spouses. There is some, I think, tension between what is being proposed here and what's already in place, but I think this bill, once it becomes a piece of legislation, will come back to this House for reconsideration, for re-examination, in two years; that is, if the amendments that are proposed here are passed.

I'm quite willing to support the amendment and see if there are some unintended consequences that follow from it because one concern that I do have here is the concern about creating another loophole. We were in this debate in committee very concerned about loopholes in the bill. As a matter of fact, one amendment that we just debated and voted on was about plugging a glaring loophole. This would seem to be creating a potential loophole, and I would be concerned about it. But two years is not a very long time. Let's vote on this amendment. Let's vote for the subamendment and then look back at it two years hence and see if it created some unexpected problems, at which time we can then return to amend the legislation if necessary.

Thank you.

\*See page 2021, col. 1, para. 1, line 3

**Mr. Hancock:** Mr. Chairman, just briefly, I want the record to show that in my comments I was referring to Edmonton-Decore, not Edmonton-Meadowlark.\* I wouldn't want to be accused of agreeing with too many Liberals at once.

**The Deputy Chair:** Any others?

Hon. members, we are going to vote on subamendment C1 as moved by the hon. Member for Edmonton-Centre.

[Motion on subamendment C1 carried]

**The Deputy Chair:** Hon. members, if there are no further speakers on section C, then we could have a vote on section C and proceed with the rest of the matters. Is there anybody else who wishes to speak on amendment A1C?

**Hon. Members:** Question.

**The Deputy Chair:** Okay. Amendment A1C as amended by the hon. Member for Calgary-Buffalo.

[Motion on amendment A1C carried]

**The Deputy Chair:** Hon. members, we now will deal with part D of amendment A1.

The hon. Member for Edmonton-McClung.

**Mr. Elsalhy:** There's a pattern developing here, I think.

**Ms Blakeman:** That's what you get when you're a shadow minister, my friend.

**Mr. Elsalhy:** Yeah, but I'm not the shadow minister for Justice.

**Mr. Hancock:** Okay, so make it short, then.

**Mr. Elsalhy:** We'll try. I promise to be brief. Section D, Mr. Chairman, has two clauses only. It basically talks about the registrar. The registrar is the person who is going to control the registry. The registrar is the person who is going to be, you know, in charge of that registry: what goes in it, the method and mode of reporting, how accessible it is, and so on and so forth, and his or her relationship to the Ethics Commissioner as the officer of the Legislature who is going to oversee the registry. So we have two levels of oversight. We have a registrar, who reports to the Ethics Commissioner, and then we have an Ethics Commissioner, who reports to the Legislative Assembly of Alberta.

5:40

Mr. Chairman, this amendment from the committee, amendment D, is basically talking about that role and removing some unnecessary language. Initially, I think, the bill was drafted to highlight the registrar in most of the clauses, but we wanted instead, after having that discussion in the committee, to highlight the Ethics Commissioner as really the higher level, the upper level, in terms of that hierarchy and in terms of that chain of command.

You know, if we're talking about the registry, Mr. Chairman, I wanted to remind hon. colleagues about one particular discussion that we had in the committee. That discussion centred around the need for registration and filing to be extremely easy. I have to tell you that we have access to one of the best legislative researchers, who was made available to us to assist in terms of research. His name is Dr. Philip Massolin. One of the questions I posed to him

was, basically, to compare how easy it was to file, how easy it was to register and report in other Canadian jurisdictions which have established registries already. He came back and told us how easy it was, the frequency of the filing, whether there were fees charged, and, you know, which of these registries had an online presence where you can actually access the information and then also where you can do the filing online.

I think the Assembly wouldn't find it hard to accept the direction that the committee charted. The direction was that it has to be online, it has to be extremely simple, easy, and it has to be free of charge because we don't want to make money off the registry – that is not the intention – and we don't want it to be onerous and to be complicated. We want it to be very simple. If you have an online website where people can access the information, so you're looking after the transparency angle, and where they can also do the filing and the reporting, so you're looking at the operational angle, I think that is the way to go.

Most people now are checking for information online. The government website probably receives thousands of hits every year. The Assembly website, I know, receives thousands of hits every year. People are growing more comfortable in terms of technology and online access. This registry has to reflect that direction and that growth, where at the click of a button or a mouse you have the information at your fingertips, right in front of you, you can print it off, you can compare it, you can check archives and go back however long and see over time, you know, who is doing what. That is a measure of accountability and transparency that I'm definitely willing to support.

Clarifying the language where the Ethics Commissioner is the person in charge and the registrar reports to him or her I think is something that is self-explanatory and I don't think would face a lot of opposition from either side of the House in terms of the amendment that's before us.

Thank you, Mr. Chairman.

**The Deputy Chair:** Are you ready for the question?

The hon. Member for Edmonton-Glenora.

**Dr. B. Miller:** No. I just wanted to make an important observation why this bill is better than in some other jurisdictions. Because it's interesting. I've made some considerable attempt to understand the federal legislation around the lobbyists registry and noted to my chagrin that the actual authority of the oversight of the lobbyists registry lies with the Ministry of Industry. It's under a cabinet minister at the federal level. Actually, the Gomery commission recommended that the registrar of lobbyists be freed from the requirement of reporting to a cabinet minister and instead report directly to Parliament on matters concerning the application and enforcement of the Lobbyists Registration Act.

This bill I think is better because the authority for the appointment of the registrar is under the Ethics Commissioner, so there is a more direct connection between the lobbyists registry and its functions and this Legislature, and it doesn't go through a particular department or cabinet minister. So that is, I think, a really important step.

I know that when I was on the Conflicts of Interest Act Review Committee, we did meet with people from Ontario, and I think it was important to move in this direction, to have it under the Ethics Commissioner's jurisdiction.

I just wanted to make that point. It's just a positive point in support of this bill. Thank you.

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

**Mr. Bonko:** Well, thank you very much, Mr. Chairman. I just

\*See page 2020, col. 1, para. 8, line 3 and col. 2, para. 2, line 1

wanted to put in my little bit with regard to what I would be looking for had I in fact accessed the registry. I'd be looking for those who had registered. I'm hoping that it's going to be easily accessible, that there won't be a charge for myself to be able to find out, in fact, who has voluntarily put themselves down.

I'm also hoping that the website would in fact be open and transparent as well as showing on one side who is registered but on the other side who is being penalized, what the penalty perhaps was for – that might be going a little bit – but show the fine. I'm hoping that there will be fines. We're talking about the fines that are going to be put in for the people who in fact don't register and if they're caught exceeding 800 hours. But we're hoping that the registrar, in fact, does include that.

So I'm looking for a two-pronged piece from the registrar: one that would in fact have the people registered, the accessibility for myself, but on the flip side fines for breaches or warnings to those individuals who breach the act itself. I'm hoping that this amendment does take into account those comments as well.

Thank you.

**The Deputy Chair:** Are you now ready for the question?

**Hon. Members:** Question.

**The Deputy Chair:** Hon. members, we're voting on part D of amendment A1 as moved by the hon. Member for Calgary-Buffalo.

[Motion on amendment A1D carried]

**The Deputy Chair:** Hon. members, we will now deal with section E of amendment A1. The hon. Member for Edmonton-McClung.

**Mr. Elsalhy:** Yes. Thank you again, Mr. Chairman. Section E dictates that it's the Ethics Commissioner who now issues interpretations and information bulletins, not the registrar. I think you're going to agree with me that that's, again, something that emphasizes what we've just discussed. It's the Ethics Commissioner who represents the top person on that ladder, in that chain of command, and it will be up to him or her to tell us, you know, how to react to breaches of the act, how to adhere to the act and sort of behave within its clauses and what it tries to accomplish.

The Ethics Commissioner replaces the registrar in the proposed bill. I don't think it really necessitates a lot of discussion in this House. It makes sense. If someone in this House finds it objectionable or questionable, they would have to please rise and explain why this is not a good decision. But I think the committee felt that the Ethics Commissioner should be the one tasked with issuing these interpretation bulletins and clarifications and making these decisions because the Ethics Commissioner is the officer that reports back to the Legislature. Later on you will notice, Mr. Chairman, that there's actually a reporting function for the Ethics Commissioner in terms of what he or she would have to bring back to the Assembly and how timely that reporting function has to be and what's in the reports and so on and so forth.

Overall, I think I'm in agreement, and I know the members from my caucus are in agreement. We'll call the question unless there are other speakers.

5:50

**The Deputy Chair:** Are you ready for the question?

**Hon. Members:** Question.

[Motion on amendment A1E carried]

**The Deputy Chair:** Hon. members, we will now deal with part F of amendment A1. The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you very much. Essentially, this is providing authority and the mechanism for making public reports submitted to the Speaker when the Assembly is not sitting. That is a fairly new mechanism that we've developed here, I think. So if the Assembly is not sitting, it's a way of essentially tabling a report and complying with the requirements of legislation.

For the most part, that works. My only concern about this is the potential for it to be abused, so I'm trying to balance that against: how large is that potential for it to be abused? I don't think it's that large, and I think it's incumbent upon members of this Assembly to be paying attention, frankly, as the stuff goes through. Really, we need to read our mail more than anything because if the Assembly is not sitting and these reports come through, in essence they've been tabled, and it's accepted that we have that information. That's the function that is being allowed by this particular section or clarified by this particular section, if I'm reading this accurately.

I think it's a process that should allow the Assembly to operate more efficiently, and in that, I trust the work of the committee, and I'm certainly willing to support it, as are the members of my caucus. Thank you.

**The Deputy Chair:** Are you ready for the question?

**Hon. Members:** Question.

[Motion on amendment A1F carried]

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

**Mr. Hancock:** Thank you, Mr. Chairman. I would move that the committee rise and report progress.

[Motion carried]

[Reverend Abbott in the chair]

**Mr. Shariff:** Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports progress on the following bill: Bill 1. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

**Hon. Members:** Concur.

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

The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker. I'm tempted to ask a point of order to see what kind of a ruling we'd get.

Mr. Speaker, I would move that we now adjourn until 1 p.m. on Monday, November 19.

[Motion carried; at 5:55 p.m. the Assembly adjourned to Monday at 1 p.m.]