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The 27th Legislature
First Session

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The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta

The 27th Legislature

First Session

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[Errata, if any, appear inside back cover]

Legislative Assembly of Alberta

1:30 p.m.

Wednesday, October 22, 2008

[The Speaker in the chair]

Prayers

The Speaker: Good afternoon. Welcome back.

Let us pray. Grant that we the members of our province's Legislature fulfill our office with honesty and integrity. May our first concern be for the good of all our people. Let us be guided by these principles in our deliberations this day. Amen.

Please be seated.

Introduction of Guests

The Speaker: The hon. Minister of Justice and Attorney General.

Ms Redford: Thank you, Mr. Speaker. I have two introductions this afternoon. First, I am pleased to introduce to you and through you to members of this Assembly 18 grade 9 students from Clear Water Academy. This is actually one of my first opportunities to introduce a school group from the constituency of Calgary-Elbow in this House, and I'm very pleased to do so. They're here only for today. They drove up this morning, and they'll be visiting the Legislature and driving back tonight, so they understand the arduous travel schedule of people who come to visit the Leg. They're accompanied by teachers Miss Janley Grant and Mr. Paul D'Angelo. I'd ask that they please rise and receive the warm welcome of this Assembly.

I have another introduction as well, Mr. Speaker. It is also a great pleasure of mine today to introduce to you and through you to members of this Assembly seven dedicated members of Alberta Justice who are joining us from the Public Trustee's office. These staff members are joining us today as part of a public service orientation tour. They're seated in the members' gallery. I'd ask them to stand as I introduce them: Cindy Lang, Megan Rosborough, Kim Villella, Vinnie Purba, Susan Wright, Tony Flores, and Michele Tajah. I'd request all members to join me in extending a warm welcome from this Assembly.

The Speaker: The hon. Member for Whitecourt-St. Anne.

Mr. VanderBurg: Thank you, Mr. Speaker. On your behalf I'd like to introduce to you and through you 20 grade 6 students from the Swan Hills school, which is located in the Barrhead-Morinville-Westlock constituency, which is located right beside Whitecourt-St. Anne. They are accompanied this afternoon by teacher Chrissie Epp, teacher's aide Alicia Dyck, and parent helpers Heidi Lawton, Leslee Steinecke, and Robyn Marriott. They are seated in the members' gallery this afternoon. I'd ask them to please rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Leader of the Official Opposition.

Dr. Taft: Well, thank you, Mr. Speaker. It's a real pleasure today to rise and introduce to you and through you to all members of the Assembly a grade 6 class from one of the wonderful elementary schools in the constituency of Edmonton-Riverview, Lansdowne elementary. We have about 30 students here from Lansdowne today plus their teacher, who is Beth McCormick, and a number of parent volunteers, including Gail Commandant, Tetsu Nakashima, Bill French, and Olga Ochoa. Lansdowne elementary is a terrific school in a wonderful neighbourhood right on the banks of the Whitemud

ravine. I'm really delighted to have this class here. I'd have them rise and ask everyone, please, to give them a warm welcome.

Thank you.

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

Mr. Bhullar: Thank you, Mr. Speaker. It's an honour for me today to rise and introduce some Calgarians here today to hear the Minister of Environment's announcements with respect to bottle depots. I'd first of all like to introduce Parminder and Indra Bhullar, who are constituents of my hon. colleague from Calgary-Egmont; in addition, Jasdeep Johal and Charanjit Johal. They are wonderful supporters, extremely involved individuals that take a passionate interest in the Calgary community. I'd ask them to stand and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Minister of Aboriginal Relations.

Mr. Zwozdesky: Thank you very much, Mr. Speaker. It's indeed a great pleasure to introduce to you and through you to all the members here some very special guests who are here today in relation to Edmonton's potential bid to become the host city for the World's Fair in 2017 and also with respect to the Canada pavilion that will be featured at the largest ever World Expo in Shanghai in 2010, where we sincerely hope that Alberta might possibly become a feature story. I would ask them to rise and remain standing as I call their names. They are Nicole Bourget, who's the assistant deputy minister of public and regional affairs with Canadian Heritage in the federal government; M. François Macerola, the executive producer of Canada's largest cultural tourism export, Cirque du Soleil, bienvenue; and also Candice Stasynek, who's the executive director from the office of the city manager in Edmonton; and Barb Ireland, the world exposition project co-ordinator for the city of Edmonton, Alberta. Welcome, and good luck with everything. Thank you for being here.

Mrs. Klimchuk: Mr. Speaker, it's a pleasure to rise today and introduce to you and through you to all members of this Assembly some very hard-working staff from my department. I would like to ask them to stand as I introduce them from the members' gallery. They are on a tour of the Leg. as well. Barb Spires, Betty Herd, Bibi Khan, Colette Chieco, Doris Raimundo, Lori Bly, Rada Elladan, Susan Hickling, Melissa Humeniuk, and Saba Bokhari, who had to leave earlier. These fine employees are part of the electronic interface transaction team managing the EPS and ExClaim applications within Service Alberta. They have proven to be very valuable employees. I ask all members to join me in giving them the traditional warm welcome.

The Speaker: The hon. Solicitor General and Minister of Public Security.

Mr. Lindsay: Thank you, Mr. Speaker. It's my privilege to rise today to introduce to you and through you to all members of the Assembly a few members of the Responsible Gambling Awareness Week organizing committee. An initiative of the government and the gambling industry, Responsible Gambling Awareness Week strives to educate Albertans on the need to keep a healthy perspective on gambling and how to get help if gambling becomes a problem. With us today are Kent Verlik, the executive director of social responsibility with the Alberta Gaming and Liquor Commission; Richard Wallington, the manager of the problem gambling unit with Alberta health services, Alberta Alcohol and Drug Abuse

Commission; Jim Dau, executive director of the Alberta charitable casino operators; Dave Kaiser, the president and chief executive officer with the Alberta Hotel & Lodging Association; and Vanda Killeen, communications officer with the Alberta Gaming and Liquor Commission. We welcome these guests here today and thank them for their efforts to promote Responsible Gambling Awareness Week. I would ask them to rise – they're seated in the members' gallery – and receive the traditional warm welcome of this Assembly.

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

Mrs. McQueen: Thank you, Mr. Speaker. Today it gives me great pleasure to introduce to you and through you to the members of this Assembly some of the great people who joined the hon. Minister of Environment and myself this morning to announce changes to the beverage container recycling program and to celebrate the grand opening of the Summerside Bottle Depot in southwest Edmonton. I am pleased to welcome Harjinder and Randhi Johal, owners of the Summerside Bottle Depot; Christina Seidel, executive director of the Recycling Council of Alberta; John Bachinski, managing director of the Beverage Container Management Board; Gord Boyes, manager of the Summerside Bottle Depot; Gurnam Sandhu, a friend of the Johals who is visiting from England; and Pat Kane, the person involved in this as well with us, section head, pollution prevention and conservation, Alberta Environment. These individuals are seated in the public gallery. I would ask, as they have risen, for us to give the traditional warm welcome of this Assembly.

Members' Statements

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

Calgary Board of Education Initiatives

Ms Woo-Paw: Thank you, Mr. Speaker. I'm pleased to rise today to report two pieces of great news from the Calgary board of education. First, the Calgary board of education is kicking off Waste Reduction Week, which is this week, in style by announcing its bold targets of reducing waste to landfill by 50 per cent by 2012. This will be achieved by reducing overall consumption and increasing recycling programs at all of the CBE's more than 215 schools and administrative locations. This waste reduction initiative is being organized by the CBE's energy and environmental services, the EcoTeam, which is devoted to encouraging ecological stewardship and promoting environmental literacy throughout this entire school system. This program is part of a larger CBE environmental initiative to become a model of local and global environmental stewardship.

1:40

The CBE's demonstration of leadership doesn't stop there, Mr. Speaker. Secondly, but equally exciting, the Calgary board of education and Chevron Canada are this year's recipients of the global best award for an educational partnership from the international partnership network. This prestigious award honours the collaboration in creating and maintaining Campus Calgary's open minds program, which promotes lifelong learning for children and adults of all backgrounds and nationalities through the concerted commitment of educational, business, and community partners. Chevron Canada has supported the program at the Calgary Zoo, Glenbow Museum, Telus World of Science, and Cross conservation area. The presentation occurred during the ninth International Partnership Conference, held in Helsinki, Finland.

Thank you, Mr. Speaker.

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

Blake Bothwell

Mr. Bhullar: Thank you, Mr. Speaker. I rise today to remember the life of Blake Bothwell, who was an integral part of the Monterey Park community. Blake passed away on October 15 at the age of 66, leaving to mourn his wife of 36 years, two daughters, and five grandchildren. His kindness and dedication made him very popular with the residents of Monterey Park, and I know that many there are mourning the loss. As the building attendant Blake could always be counted on to lend a helping hand at the community centre whenever it was needed, often with his wife at his side.

A lifelong Calgarian, Blake was very involved with his community and spent much of his time helping at the Mustard Seed and Samaritan's Purse as well as working at a prison ministry at the youth corrections centre and the Bowden Institution. Through his service Blake demonstrated his compassion and dedication to helping people from so many walks of life. He was a devout man who loved to attend church, which, I am sure, was a large part of his reason for devoting so much of his life to community service. As I know he touched the lives of many through his good deeds, I know he will be missed by many.

My thoughts are with Blake's family at this time. I hope they can cherish the memory of his life of giving and know that his impact on others around him will live on. I also wish the Monterey Park Community Association and residents well at this time, when they have lost a valuable member of their community.

Thank you.

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

50th Anniversary of Capilano School

Mr. MacDonald: Thank you, Mr. Speaker. Capilano school is one of the many great public schools in the constituency of Edmonton-Gold Bar. I rise today to congratulate everyone connected with the school on the occasion of its 50th anniversary. It is an innovative school with a proud history. The name Capilano was given to the school and the neighbourhood to honour the aboriginal people who used the area as a campsite when visiting Fort Edmonton.

Capilano school was built in 1958 to accommodate 360 students. It's located on a high point above the North Saskatchewan, providing students and teachers with a panoramic view of the river valley, the same view that those First Nations traders would have enjoyed in centuries past.

Capilano has a well-deserved reputation for reaching out to students of all needs and abilities. In 1978 Capilano became the first public school in the Edmonton region to offer educational programming for special-needs children from five and a half to 18 years old. It is also home to the Capilano jubilee playground, officially opened by Premier Lougheed in the summer of 1981. Maintaining the school's inclusive tradition, the playground accommodates children with or without disabilities, an innovation that has drawn visitors from as far away as Japan.

Capilano school has served as an important focal point for the community for half a century. They've been blessed with visionary leadership, very active parent groups, dedicated staff, and enthusiastic students. On behalf of all members of this Assembly it is my honour and privilege to offer congratulations to the Capilano school and the Capilano Community League, and all the best in the next 50 years.

Thank you.

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

Beverage Container Recycling Program

Mrs. McQueen: Thank you, Mr. Speaker. Earlier today I was pleased to announce changes to the beverage container recycling regulations to ensure that we will continue to make great strides in an already successful program. This program is one of the longest running recycling programs in the province and diverted 1.5 billion beverage containers from landfills last year alone. However, beverage container waste remains an issue for our landfills as 2 billion containers were sold in Alberta last year, but approximately 500 million containers were not returned to a bottle depot.

It's been 20 years since deposit rates have changed in Alberta. Research shows that higher deposits will increase return rates for beverage containers, in turn reducing the amount of containers disposed of in landfills and littered across the province. Deposit rates will move to 10 cents for one litre and under and to 25 cents for over one litre effective November 1, 2008.

Mr. Speaker, to further combat beverage container waste, the province will now incorporate all milk containers in the beverage container deposit refund system as of June 1, 2009. This is a first for North America. This is an excellent opportunity for our province to demonstrate our environmental leadership on the waste front.

I am very proud to have been given the lead on this by our hon. Premier and by the hon. Minister of Environment, who is a great mentor and leader. Mr. Speaker, with these changes Alberta will have the most encompassing beverage container recycling program in North America.

Thank you.

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

Heritage Savings Trust Fund Public Meeting

Mr. Elniski: Thank you, Mr. Speaker. This past Thursday, October 16, the Standing Committee on the Alberta Heritage Savings Trust Fund held their annual public meeting at the Calder seniors' drop-in centre. As deputy chair of the committee I would like to thank all those who attended and participated in the meeting. In addition to the committee members, the Hon. Iris Evans, Minister of Finance and Enterprise, was also in attendance that evening. I was proud to be the host MLA for this year's public meeting and was happy with the members of the public that came out to participate in the discussion.

After a presentation from the committee there was a question-and-answer session set up to encourage public participation and discussion. Next year I hope to see even more participants at the meeting voicing their concerns in comments and questions. Mr. Speaker, I was extremely impressed with the questions that the committee was asked and was confident that we were able to instill confidence in the Alberta heritage savings trust fund even during a period of tumultuous market fluctuations.

Our meeting has reinforced the fact that the Alberta economy is in a state of solid long-term growth and is fully capable of riding out the current financial storm. The heritage fund is a safety net designed for Albertans by Albertans. I am confident that the fund will continue to grow due to our prosperous economy and take solace in the fact that it is there.

Thank you.

The Speaker: Hon. members, not to be repetitious, but we know that we do not use the names of hon. members in this Assembly.

The hon. Member for Strathmore-Brooks.

Excellence in Teaching Awards

Mr. Doerksen: Thank you, Mr. Speaker. Teachers across our province dedicate countless hours to ensuring that Alberta's students are engaged in and successful at learning. Teachers not only spend time in the classroom teaching but also grade our children's assignments and tests before and after work, coach sports teams, serve as advisors to clubs and student organizations, participate in professional development opportunities away from their schools, and seek excellence in the practice of their profession every day.

The hard work and dedication of teachers often goes unrecognized. In fact, they are the mentors, motivators, and facilitators who inspire our students to develop the knowledge, skills, and attributes needed to thrive in today's world. Nominations for the 2009 excellence in teaching awards open this week, and I encourage students, parents, and teacher colleagues to nominate a worthy teacher or principal for their invaluable commitment to education in our province. Now is a good time to recognize a special teacher for his or her contribution to student growth through innovative and creative teaching. Many of our students' successes can be attributed to the tremendous work of our teachers.

The excellence in teaching awards have been celebrated since 1989, with more than 8,200 teachers nominated and more than 400 who have received awards. Last year 334 teachers were nominated, and 23 received awards. I am pleased to rise today to recognize all of the extraordinary teachers and principals and educators across this province and encourage our colleagues to nominate a deserving teacher this year.

Thank you.

1:50

Oral Question Period

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

Managed Growth in the Oil Sands

Dr. Taft: Thank you, Mr. Speaker. In recent weeks the BA upgrader was halted in mid-construction, OPTI/Nexen suspended expansion plans at Long Lake, and Statoil put its upgrader on hold. Now reports are circulating that other major oil sands firms may be abruptly curtailing their developments. This is what happens to a province whose government has no strategy to manage oil sands development at a sensible pace. My question is to the Premier. Can the Premier report to this Assembly how many oil sands projects are in jeopardy?

Mr. Stelmach: Mr. Speaker, boy, that from someone that was going to shut down everything in the province during the election campaign. Now he's on the other side.

During the federal election this Premier talked about predictability in terms of our long-term greenhouse gas policy and predictability in our investment policy. We're going to work with the federal government now that we got past the election, work collectively with other Premiers and the federal government to put this issue to bed so that we can invite investment from other countries. Right now we don't have a set policy. Do you think people are going to be investing billions of dollars in a country where we still can't agree on a long-term environmental policy?

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. This government can't control the price of oil, but it could have controlled the rampant increases in

costs by simply managing growth. Will the Premier admit that by ignoring industry requests, requests from former Premier Lougheed, and just about everyone else to manage growth, this government has made a serious mistake?

Mr. Stelmach: Obviously, now we see the true colour of the Leader of the Opposition. He sure as heck isn't a capitalist, talking about managing growth through the government. Sounds more like what they were doing in the former Soviet Russia.

Dr. Taft: All right. Well, that was remarkable.

Mr. Speaker, again to the Premier. Given the looming slowdown, what is this government's strategy for the many thousands of workers whose jobs are at stake?

Mr. Stelmach: Well, that's a much better question, Mr. Speaker. I've communicated and all members of caucus have communicated with Albertans. I also had the opportunity to communicate this information with all of the Premiers in Montreal. Essentially, this is the situation in Alberta. We have a debt-free province, the only jurisdiction in North America. We also have set aside \$7.7 billion in a sustainability fund for two reasons: because prices in natural resources are very volatile, and the other thing is that I asked Treasury to be careful, to set this money aside because I wasn't quite sure who was going to win the election, and I didn't want some government elected that was going to assault Alberta like they did in the 1980s. So we're very well prepared to overcome the next fiscal . . .

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

Protection of Children in Care

Dr. Taft: Thank you, Mr. Speaker. In annual reports the Child and Youth Advocate has indicated unacceptable actions being used on children in this government's care. These are situations where children are physically restrained and locked in rooms. The minister has responded to these concerns by offering the same cut and paste nonresponses to tabled documents to this Legislature. To the Minister of Children and Youth Services: how can this minister claim that she is doing her job when for at least five consecutive years this government has given the same boilerplate responses, sometimes word for word, to the abuse revealed by the child advocate?

The Speaker: The hon. minister.

Ms Tarchuk: Thank you, Mr. Speaker. I think I spoke several times yesterday about how as soon as it was brought to my attention that the annual reports were late, I did ask for them and asked for them to be brought up to date and also asked for them to be tabled in a timely fashion in the future, and I have that agreement.

I just want to comment on all of this. This week I've seen for the first time in this position annual reports. For the very first time in history we have some internal documents, quarterly reports, that have been released publicly, and a couple of days later I can tell you that in terms of actions we have commitments from the advocate to table in a more timely fashion.

The Speaker: The hon. member.

Dr. Taft: Well, thank you, Mr. Speaker. The fact is that not for the

first time in history but year after year after year for five years the children's advocate has raised the same concerns, and this minister has given the same word-for-word responses. How long will it take before this government stops cut and paste responses and, instead, takes real and effective action to protect the children in her care?

The Speaker: The hon. minister.

Ms Tarchuk: Thank you, Mr. Speaker. To continue, I think I am taking strong action. First of all, just to refer to the quarterly reports, I will say again that every single issue has been followed up, and I'm not interested in hiding anything.

In terms of actions, the first thing that I'm going to do is follow up on the interest that the Premier indicated yesterday, that he would be interested in taking a look at what other jurisdictions do in terms of how their advocates' offices operate and also the reporting relationship.

With respect to the quarterly reports, what we have out there in the public right now are reports that have half the story. Yesterday I did endeavour to come back to this House with examples of some of those stories and how it is that we're dealing with it.

The Speaker: The hon. leader.

Dr. Taft: Thank you. Again to the same minister. Given that Standing Order 52.07(2) reads that a policy field committee of this Assembly may "at the request of a Minister, inquire into any matter concerned with the structure, organization, operation, efficiency or service delivery of any sector of public policy within its mandate" and the Child and Youth Advocate has stated that he is willing to appear before that committee, will this minister, who says she has nothing to hide, ask the Child and Youth Advocate to appear before the appropriate standing policy committee?

The Speaker: The hon. minister.

Ms Tarchuk: Thank you, Mr. Speaker. Like I said yesterday, I am looking into that, but let me tell you what we are going to do. First of all, I would like to see the advocate make himself available to the public and walk through that quarterly report. Secondly – and I think this is important – I was trying to think in terms of being more accountable. What I would like to offer, if the opposition critics are willing to do this – the one thing that's very difficult about this topic is that I'm guided by some privacy issues in terms of our legislation, as you know. I would be willing to arrange a meeting with the advocate and myself, based on the condition that you sign a confidentiality agreement, and we will walk through those quarterly reports, and we'll walk through every last action.

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

Police Officer Funding

Dr. Taft: Thank you, Mr. Speaker. While this government has resisted calls from places like Calgary and Edmonton for more police officers, it has massively expanded its own police force. From a modest beginning as a pilot program three years ago the ranks of sheriffs have swollen to something like 500 members. To the Premier: why the double standard in which big cities are left crying for help to increase police numbers while this government dramatically ratchets up its own police force?

Mr. Stelmach: Mr. Speaker, we did promise to put more sheriffs on

provincial highways. Provincial sheriffs are assisting police forces like the RCMP, the Calgary Police Service, and the Edmonton Police Service. We've also put together a warrant apprehension unit. These are officers, sheriffs, that are supporting police services in Alberta in chasing those that are out on warrant, that haven't appeared in court. We're assisting them there. We're also assisting the RCMP and the city police officers in catching impaired drivers. We hold them until the police officers get there. That's just part of the story. The other expenditures will come in the next question, I'm sure.

The Speaker: The hon. leader.

Dr. Taft: Thank you. Again to the Premier. In reality, if not in name, the sheriffs are becoming a government police force. Will this Premier admit the obvious, which is that this government plans to replace the RCMP in rural Alberta with sheriffs when the RCMP contract expires in 2012?

2:00

Mr. Stelmach: Mr. Speaker, during the leadership campaign I made three commitments. One of them was always to keep our budgets balanced. The second is to not sell the assets of the ATB. The third, and very important, is to ensure that the RCMP remains the provincial police force of this province forever.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. Again to the Premier: instead of creating a new layer of police in the form of sheriffs, why doesn't this government just channel the \$61 million it spends on sheriffs to already established municipal police forces and the RCMP? Just do the simple, straightforward thing.

Mr. Stelmach: Mr. Speaker, I guess the Leader of the Opposition in this public venue just shows his lack of confidence in the provincial sheriffs, and that is very, very embarrassing. We have very, very well-trained sheriffs, that are assisting police forces. We also assigned a drug enforcement unit in helping our municipal police forces. We've come a long way over the last number of years, and we are soon going to hear about more police officers hired, more RCMP. We're increasing the number of police officers. But we're also doing other things to make sure that there are additional beds for addiction, the reason why people are committing the crimes, and we're also hiring more Crown prosecutors.

The Speaker: The hon. Member for Edmonton-Highlands-Norwood, followed by the hon. Member for Bonnyville-Cold Lake.

Protection of Children in Care

(continued)

Mr. Mason: Thanks very much, Mr. Speaker. While children were exposed to dangerous situations in government care, the Minister of Children and Youth Services repeatedly assured this House that all was well. On May 7 she told this House that she would "never put the health or safety of a child at risk," but she had already in her possession a report of a youth in care who had told his worker that he was being abused and that three weeks passed without a response. The government has ignored the cries for help of Alberta's children and has been dishonest with Albertans about what's really going on. To the Premier: given that the minister has neglected a responsibility to protect Alberta children, all the while assuring us that things were fine . . .

Mr. Stelmach: Mr. Speaker, the hon. minister laid out a very responsible program of what she's going to do and made a significant offer, I believe, to the opposition. Unfortunately, one of the members thought it was a big joke, when we're dealing with children. But we want to get together on both sides of the House to look at the issues before us because these are very confidential matters. There are over 8,000 children in our care. We want to ensure that every child is safe and secure.

Mr. Mason: Mr. Speaker, one thing is clear, and that's that the government wants to gag the opposition. The minister stood in this House and said that she would "never put the health or safety of a child at risk . . . we will find other options." We know that's not true, and so did the minister when she said it. In a quarterly report she'd received nearly six months prior, she read that two young children who had been sexually abused by their parents were returned to the care of a parent who was ambivalent about whether the abuse actually occurred. Albertans can't believe this minister; neither should the Premier. When will the Premier do the right thing and fire this minister?

Mr. Stelmach: The offer made earlier by the minister was to allow an opportunity for the opposition to have the information to at least make an informed opinion. We'll wait to see their decision. I'm sure that they'll shortly get a hold of the minister and take her up on her offer. If they don't, well, that's their decision. But we will continue to do whatever we can to ensure that our children, again, those in the custody of this government, are safe and secure.

Mr. Mason: Mr. Speaker, the Premier has neatly avoided answering the question as to whether or not he has confidence in the veracity of his own minister. The minister said that she would never put the health or safety of children at risk. In the same month a child was forced to file a third complaint that she was being repeatedly abused by a foster parent and a caregiver. To the Premier: do you not think that this minister should have told the House that there were in fact problems in child welfare in this province, in this government, instead of assuring us that everything was fine, and don't you think that's a reason to fire her?

Mr. Stelmach: Mr. Speaker, I would hope that the leader of the New Democratic Party is familiar with the kind of legislation that the minister has to work under. These are very confidential issues, not dissimilar to health information about individual Albertans. We don't talk about that in this House. Again, all these allegations that the opposition is making: the minister made an offer; they can approach the minister; she can go through each and every issue that has been raised as long as they sign the confidentiality agreement so that they don't run out there and start talking about the individual child that's in the care of this government.

The Speaker: The hon. Member for Bonnyville-Cold Lake, followed by the hon. Member for Calgary-Mountain View.

Beverage Container Recycling Program

Mrs. Leskiw: Thank you, Mr. Speaker. There has been much discussion in my constituency about beverage container recycling. Today Alberta Environment has announced changes to the beverage container regulation. Deposit rates are going to increase. My question is to the Minister of Environment. It has taken 20 years to change the deposit rates of Alberta's program. Why has it taken this length of time, and what can Albertans now expect to pay in deposits for these beverage containers?

The Speaker: The hon. minister.

Mr. Renner: Well, thank you, Mr. Speaker. I'll answer the second half of the question first. It's very simple. The new rate for deposits is 10 cents for containers that are one litre and under and 25 cents for containers that are over one litre.

The first part of the question is an interesting one. It has taken 20 years for this to change. I think a substantial issue and a substantial reason for the change coming as it did now is that this was one of the very first projects that was referred to the standing field committees in this House. I think we actually brought forward some nonpartisan approaches to problem solving in this House for a change, Mr. Speaker.

The Speaker: The hon. member.

Mrs. Leskiw: Thank you, Mr. Speaker. My first supplementary to the same minister. It has also been announced that milk containers will be incorporated into the program. Why is it necessary to add milk containers to the beverage container deposit system if they already have been recyclable?

Mr. Renner: Mr. Speaker, the public, generally, has been quite vociferous in comments to the government that the system that we have in place for beverage containers where there's a refundable deposit works. That's why we've seen the success that we have, albeit somewhat diminished in recent years. The same cannot be said for the voluntary program in milk containers. In fact, we've seen only about a 60 per cent return rate for plastic and only 23 per cent for the paper containers. We expect that we'll get the same kind of returns from milk and dairy products that we see with the rest of the containers, and our goal on that is to have an overall return rate of 85 per cent.

The Speaker: The hon. member.

Mrs. Leskiw: Thank you, Mr. Speaker. My second supplemental is to the same minister. As a former teacher who recycled in her school, how will my former students and all Albertans, for that matter, benefit from the increased deposit rates?

Mr. Renner: Well, if I can be a little crass, Mr. Speaker, for a moment, one of the best ways that they'll benefit is that they've just doubled the income from bottle drives. More importantly, we all benefit by removing a significant amount of recyclable material from our landfills. That will benefit all, not just students in this member's classroom but all Albertans. We keep things out of landfills that shouldn't be there, we recycle, and we reuse valuable products that are in this material in the first place, so it's a win-win all the way around.

The Speaker: The hon. Member for Calgary-Mountain View, followed by the hon. Member for Calgary-Mackay.

Calgary Asphalt Plant

Dr. Swann: Thank you very much, Mr. Speaker. Yesterday I raised health concerns with the Transportation minister about the volatile organic compounds and heavy metals from burning used oil in an asphalt plant in northwest Calgary. His answer has offended many of the 28,000 men, women, and children in northwest Calgary, and I want to ask him again: with people's health, both physical and

mental, at stake will you suspend operations at the asphalt plant until a planned natural gas pipeline is through there or alternate sources of diesel are found?

Mr. Ouellette: Well, Mr. Speaker, in the House yesterday the hon. member seemed to be saying that he did not think roads should be built in the city of Calgary. I'm sure there are thousands of Calgarians that would disagree with him. Yesterday the hon. member indicated that he is demanding action. Well, I'm happy to report to the hon. member that, as usual, we are way ahead of him on this file. The fact is that my department worked with Alberta Environment, with the city of Calgary, with the Calgary health region to ensure that the public health is being protected, and . . .

The Speaker: We'll get more the next time.

2:10

Dr. Swann: Well, I guess we see why this is called question period, Mr. Speaker.

To the Minister of Environment: has an environmental impact assessment been completed for the northwest Calgary asphalt plant, and if so will he table it in the House for all to see?

Mr. Renner: Mr. Speaker, an environmental impact assessment would not be required for a project like this. There are codes of practice that apply to the operation of asphalt plants, and the responsibility of the operator would be to operate these plants in accordance with appropriate codes of practice.

The Speaker: The hon. member.

Dr. Swann: Well, thank you, Mr. Speaker. It's exactly that code of practice that we're raising today. Back to the same minister: will he follow the lead of the federal government in 2007 with the Sarcee asphalt plant on Tsuu T'ina? It was shut down until it could use a cleaner burning fuel as per the code of practice for asphalt plants.

Mr. Renner: Well, Mr. Speaker, my understanding is that every attempt is currently being made to find a source of low sulphur diesel. We expect the operator and my colleague in Transportation to make all best efforts to find that source. I also understand that the intention is that future contracts in this area would require the use of natural gas, and I think that's a bold step forward.

The Speaker: The hon. Member for Calgary-Mackay, followed by the hon. Member for Lethbridge-East.

Graduate Student Scholarships

Ms Woo-Paw: Thank you, Mr. Speaker. For the past few years people have suggested that there is a brain drain in Alberta and that many of our province's best and brightest are leaving the province. My first question is for the Minister of Advanced Education and Technology. What is the government doing to keep these students in Alberta?

The Speaker: The hon. minister.

Mr. Horner: Thank you, Mr. Speaker. It's a very good question. There has been some discussion around the number of graduate students that we're attracting to the province and whether we're being able to keep them. I can assure this House and all Albertans that by expanding our research capabilities, expanding the opportu-

nities for those graduate students, we're ensuring that they're going to have more opportunities to keep learning and more job opportunities in the province, things like our new tech comm strategy, which we announced this year, as well as the new research framework that we're working on that is coming very close to fruition right now, and the investments that we've made in our scholarships for graduates and students.

The Speaker: The hon. member.

Ms Woo-Paw: Thank you. My second question is to the same minister. Could you tell us if this funding is going to benefit all graduate students, or would the number of eligible students remain the same?

The Speaker: The hon. minister.

Mr. Horner: Well, thank you, Mr. Speaker. I'm very, very pleased to say that the investments that we're putting out there for awards and for scholarships to recipients have nearly doubled this year, which I think is a wonderful thing to put forward for our graduate students. Last year we awarded almost \$12 million to something in the range of 1,600 graduate students. This year we're going to award somewhere in the range of \$23 million to approximately 3,600 students.

Ms Woo-Paw: My last supplemental is to the same minister about the graduate citizenship scholarship. When eligibility is based on volunteerism and community service instead of academic performance, how do you determine this eligibility and select that one recipient over all the others?

Mr. Horner: Mr. Speaker, what we're using is a tried-and-true method of partnership with the student associations and student bodies, in this case the graduate student councils as well as the faculty of graduate studies. We're working with them to develop that criteria because it is sometimes difficult to evaluate based on volunteerism or citizenship or community sponsorship. That's why we utilize the groups that are most involved with the students to help us do that evaluation. As I said, we have similar partnerships in other scholarship agreements, and it's a tried-and-true method.

The Speaker: The hon. Member for Lethbridge-East, followed by the hon. Member for Calgary-Egmont.

Long-term Care Facilities

Ms Pastoor: Thank you, Mr. Speaker. The Minister of Health and Wellness stated on May 20 of '08 in this Legislature that "obviously, we need more long-term care facilities," which gave me great hope. However, two days ago in Lethbridge families were told that the long-term care facility operated by Extencicare would be closed by July 1 of 2009. To the Minister of Health and Wellness: why is the minister allowing this situation in Lethbridge, where Extencicare is closing 120 long-term care facility beds in spite of his statement that long-term care facilities are needed in the province?

Mr. Liepert: Well, Mr. Speaker, the member is correct that the facility in Lethbridge, which is quite aged, is going to close. However, what the hon. member did not mention is the fact that there is a replacement centre going up. It's a designated assisted living centre. As a matter of fact, the former Chinook health region has one of the leading models on how we can have seniors live in facilities that are not always long-term care.

Ms Pastoor: Definitions are clearly needed to be understood in this province. DAL is not long-term care. Is this what the minister was referring to on May 20 in '08, when he said that "we need to look at removing barriers that exist today for private operators to also participate in the delivery of long-term care?" Does the minister want to shut down the pre-existing facilities in order to create more demand for profit long-term care?

Mr. Liepert: Mr. Speaker, I know where this member is coming from. This member believes in a philosophy that as soon as you can, you stick a senior citizen into long-term care in an area that they don't necessarily feel the most comfortable in. It's a philosophical difference. What we are going to do in this province is provide facilities, a variety of facilities, where our seniors can live in dignity where they want to live, not where the opposition wants them to be.

Ms Pastoor: Absolutely, totally wrong. You're not getting it.

When long-term care was deregulated – housing and care are two different things. I'm talking about care. What is the minister's response to the residents of the current long-term care facility who were assessed as needing care beyond the level that can be delivered by a designated assisted living facility that won't even be completed by the time the long-term care facility closes?

Mr. Liepert: Mr. Speaker, this member can get all worked up into a sweat about it, but there are other long-term care facilities in Lethbridge, so the health region has said that they will ensure that these particular patients are looked after. There are many facilities in southern Alberta that can accommodate the needs of these citizens.

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

Carbon Capture and Storage

Mr. Denis: Thank you very much, Mr. Speaker. In July the Premier announced plans for a \$2 billion investment for carbon capture and storage projects in Alberta. Some people say that this is a corporate handout and that the industry should be made to pay all the costs associated, and others say we shouldn't do this at all. My first question is to the Minister of Energy. Is this a good use of the taxpayers' dollars?

The Speaker: The hon. minister.

Mr. Knight: Well, Mr. Speaker, thank you very much. First of all, I will recognize that in the start-up phase carbon capture and storage will be a costly but necessary technology that will help Alberta lower greenhouse gas emissions. As time goes on, of course, these costs will come down. But we need to ensure that projects that capture large volumes of CO₂ get built now and that Alberta takes a leadership role in developing this new technology.

The Speaker: The hon. member.

Mr. Denis: Thank you again, Mr. Speaker. My next question is to the same minister. Why don't we just tax large emitters instead?

Mr. Knight: Mr. Speaker, as a matter of fact, Alberta actually does charge large industrial emitters who don't reduce their intensities according to the legislation and regulation we have. The money collected would be used to develop technologies such as CCS that

will lead to absolute emission reduction. What carbon capture and storage will do is help industry to move to the next level while allowing for continued economic growth and job development in the province of Alberta.

The Speaker: The hon. member.

Mr. Denis: Thank you again, Mr. Speaker. Again to the same minister: what impact will the Carbon Capture and Storage Development Council have to help progress in Alberta's efforts in carbon capture and storage?

Mr. Knight: Well, Mr. Speaker, because we believe in taking action here in Alberta, we established the Alberta Carbon Capture and Storage Development Council to develop a blueprint for implementation of large-scale CCS projects. They have provided me with an interim report, including their preliminary findings and outlining the work they have yet to complete. That report was tabled in the Assembly earlier and is posted on my department's website. The panel is also using the report in their ongoing discussions with industry and environmental stakeholders.

2:20 Student Learning Assessments

Mr. Chase: Mr. Speaker, 40 per cent of Albertans are functionally illiterate, and 32 per cent of employers polled noted growing concerns about recent graduates' work ethic, literacy, and math skills. Whether the minister accepts the StatsCan figures of an Alberta dropout rate of a third or his own rate of closer to a quarter, the government is not making the grade. To the Minister of Education: given the increased number of dropouts, business dissatisfaction, and the alarming degree of illiteracy, will the minister immediately review the government's continuous progress philosophy, which forces elementary and junior high school teachers to promote students regardless of their level of achievement?

The Speaker: The hon. minister.

Mr. Hancock: Thank you, Mr. Speaker. First of all, the preamble to that question would suggest that the education system in Alberta is not among the best in the world, when every member of this House knows that it is, and every Albertan should know that it is. Does that mean that we don't have any issues with respect to literacy? Obviously not. But to suggest that 40 per cent of Albertans are functionally illiterate without giving a definition of what that means suggests that 40 per cent of Albertans can't read or write, which is also incorrect. In fact, we do have issues with literacy, which we need to pursue. It's very important to make sure that every Albertan can live and work in their community and have the literacy and numeracy skills to do so.

The Speaker: The hon. member.

Mr. Chase: Thank you. Since catching and keeping students positive when they're young can avoid premature negative departure, will the minister finally commit to funding optional full-day kindergarten and half-day junior kindergarten, which the Learning Commission recommended seven years ago?

The Speaker: The hon. minister.

Mr. Hancock: Thank you, Mr. Speaker. Very clearly, what the accountability pillar has shown, I think, is that 95 per cent of Alberta

students are enjoying early childhood education, which is very important. The take-up rate for kindergarten in this province is at a very satisfactory level. There is a case to be made for junior kindergarten in certain circumstances, at least. We're constantly looking at how we can ensure that students who need an early start get an early start and that barriers to success are removed. I've been working with the minister of health and the minister of children's services to make sure that all barriers for children can be removed.

Mr. Chase: School boards across Alberta are scrambling to find millions of dollars to provide full-day kindergarten in this province because the government will only fund half days. Rather than have students take standardized tests leaving a division, as is the case in grades 3, 6, 9, and 12, will the minister commit to testing students diagnostically at the beginning, thereby allowing time for intervention to occur?

Mr. Hancock: Well, Mr. Speaker, diagnostic testing is very important at appropriate times in the students' academic progress. Diagnostic testing certainly is one of the tools that's necessary. Assessment for learning is very important, and every teacher knows that they need to be assessing the progress that their students make from time to time to ensure that the knowledge, skills, and attributes that they're teaching are actually being learned and that progress is being made. It's also important to do assessment of learning so that we can account to the public and the province for the investment that's been made and assure the public and the province that their children are learning what they need to learn.

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

Protection of Children in Care (continued)

Ms Notley: Thank you, Mr. Speaker. On March 22, 2007, the minister of children's services told this Assembly that she has "a rigorous screening process that continues today, including home studies" and "record checks." As she spoke, the child advocate was preparing a report describing, among other things, a three-year-old child being placed with a caregiver with a record without a background check. To the minister. You clearly have no idea what's going on inside your ministry. You failed your staff. You failed Albertans. You failed these children. Why won't you resign?

Ms Tarchuk: Well, Mr. Speaker, I have to say that I'm a little disappointed. The opposition knows what we're talking about here. They keep going back – you know, yesterday I stated over and over what is unfortunate about these quarterly reports: they were never prepared; they're incomplete stories. The opposition knows this. What they have and what they're using as examples are allegations that have come forward. Actions have taken place, and they have been addressed. I've assured the House of that. Anyway, I'd just go back to my earlier offer, and I'll stick with that.

Ms Notley: Well, these so-called allegations are coming from your own staff.

Again, in March 2007 you assured this House that there was a rigorous screening process in place, but just a few months later you received a quarterly report saying that children were, and I quote, placed in homes that had not completed the appropriate screening. So Albertans have no reason to have any faith in your assurances. You've lost all credibility. Why won't you resign?

Ms Tarchuk: Mr. Speaker, I think I'll switch topics and move on to foster care and just remind the opposition that around the same time we had a very extensive foster care review with internal and external specialists. They determined that our system was very good. They did have a couple of recommendations, which we adopted. We have implemented them. In fact, they also commented on our screening process, found it quite good.

Ms Notley: Well, your child advocate didn't think it was quite good. Now, at the time that you were telling the House about your great screening process, you actually had in your possession a quarterly report describing nonaggressive youth being placed with aggressive youth and nonsexually inappropriate youth being placed with youth acting out with sexual behaviour. Simply put, you told the House that kids' placements were appropriately screened when you knew or ought to have known that they were not. Albertans cannot trust you any further on this. Why won't you resign?

Ms Tarchuk: Mr. Speaker, we have talked about this lots in the House. In fact, we have a campaign under way right now. We are always looking for more placements. The more placements we have, the easier we can align and meet children's needs.

Just to use a couple of examples that were raised yesterday and just to give you the kind of investigation that would occur and the kind of follow-up. Yesterday there was a comment about, for example, face-down restraints. This was tabled in the House. "Face Down Restraints continue to be reported despite legislative prohibitions. Other inappropriate restraints," it looks like, "were discovered during the investigation process." Just to let you know that it was investigated. There were two instances of inappropriate restraints verified in one facility. One was too much . . .

The Speaker: I think we have to move on.

Alberta Initiative for School Improvement

Mr. Elniski: Mr. Speaker, the Minister of Education often cites the Alberta initiative for school improvement, or AISI, as an example of success for his department. For more than nine years the government has been providing funding to support projects that are intended to improve the education system and address student learning needs. My first question is to the Minister of Education. Do we have any proof that AISI is having an impact on school authorities and students?

Mr. Hancock: Yes, Mr. Speaker, there's definitely proof that AISI is making a difference. Every school authority submits a results report each year and a final report at the end of the AISI cycle, the three-year cycle, indicating the project's successes and challenges, and these results reports are both quantitative and qualitative.

Just one of the many examples of AISI's success is the healthy hearts project, for example, in the Black Gold school division, which encourages enhanced daily physical activity for students and staff. As a result of its success the project has become known worldwide as the Black Gold protocol and involves a cutting-edge partnership between the school district and the University of Alberta's Faculty of Medicine. There are many other success stories.

Mr. Elniski: My first supplemental to the same minister. Cycle 3 of AISI is finished this year, and the government has said nothing about renewing funding for another three years. How does the government expect school boards to plan projects with the thought they deserve without adequate notice of another AISI cycle?

The Speaker: The hon. minister.

Mr. Hancock: Thank you, Mr. Speaker. A very timely question. That's feedback that we have had from school districts over the last couple of cycles. I'm pleased to indicate to the House that I was honoured to open the fall AISI colloquium earlier this week, an event which is designed to engage AISI partners in a discussion on the future strategic direction and as part of my remarks to indicate that we will be proceeding to cycle 4 and that they can begin to plan now for cycle 4 of the AISI project. It's a big deal because it indicates that we understand their concerns about planning, we understand their concerns about getting it right, and we do believe in the results.

The Speaker: The hon. member.

Mr. Elniski: Thank you. My second supplemental to the same minister. The Alberta Teachers' Association has stated that there are far too few professional development opportunities available for teachers. As our teachers are called on to do so much in and out of the classroom, can the minister assure this House that the AISI program will provide teachers with the opportunities that they deserve to enhance their knowledge, skills, and abilities to teach creatively?

2:30

The Speaker: The hon. minister.

Mr. Hancock: Well, thank you, Mr. Speaker. Yes, indeed, the opportunity for professional development is very important to keep our teachers up to date, alive and motivated, and professionally excited. This is part and parcel of AISI as well. Whether it's focused on learning with individual projects or on the sharing of AISI success stories, the opportunity to engage in professional development for teachers to learn new practices, to learn how to use technology better in the classroom, to learn how to excite students' passions, it's part and parcel of AISI and part and parcel of professional development.

The Speaker: The hon. Member for Edmonton-Centre, followed by the hon. Member for Calgary-Nose Hill.

Treasury Branches Board of Directors

Ms Blakeman: Thanks, Mr. Speaker. While the minister of finance talks about Russia and Brazil, I'd like to concentrate on talking about Alberta and how the financial market disruption has impacted Albertans who have a stake in the financial decisions made by ATB and its directors. My question is to the minister of finance. What specific qualifications are required for individuals who are appointed to ATB's board of directors?

Ms Evans: Mr. Speaker, there's a very rigorous screening process that's undertaken on behalf of the board for recruiting new members to the board. As a matter of fact, the deputy minister of finance also sits on that recruitment and selection group, looking at their financial knowledge and expertise.

Mr. Speaker, I would guess and venture to say that the hon. member's shot about my expanding to look at global issues on a financial basis would really be very hard pressed to find more than one or two references to countries other than Canada, and I resent . . .

The Speaker: The hon. member.

Ms Blakeman: Thank you. To the same minister: can the minister explain the terms on which ATB provides banking services to its directors and whether they receive the preferential rate for mortgages, credit cards, and other loans that employees receive?

Ms Evans: Mr. Speaker, I will forward that question to ATB. I understand they already want to refute some of the claims the hon. member made in her questions yesterday. I'll see that they respond to her question.

Ms Blakeman: I am so looking forward to that.

Again I ask the minister: what oversight or direction was provided to the directors of ATB by the department of finance or the minister regarding its exposure to asset-backed commercial paper before and after the market disruption?

Ms Evans: Mr. Speaker, on the asset-backed commercial paper I think that in this House on other occasions I've given a fairly thorough briefing, acknowledging that not only ATB but the Alberta Investment Management Corporation itself had some involvement with that. We have provided information of that nature on the heritage trust fund. Several of the other chartered Canadian banks have provided information.

In terms of oversight we'll be providing her some comments directly from the AIMCo board.

The Speaker: The hon. Member for Calgary-Nose Hill, followed by the hon. Member for Edmonton-Gold Bar.

Métis Hunting Rights

Dr. Brown: Thank you, Mr. Speaker. My questions are all for the Minister of Sustainable Resource Development. It has been over a year since the interim Métis harvesting agreements expired. With no formal agreements in place with the Métis organizations can the minister tell the House what is happening to Métis who live a traditional lifestyle and wish to harvest game animals in the province of Alberta?

The Speaker: The hon. minister.

Dr. Morton: Thank you, Mr. Speaker. The government of Alberta does and always has recognized Métis harvesting rights set out in the Supreme Court's Powley decision. With the lapsing of the interim agreement in 2007 the fish and wildlife division of Sustainable Resource Development has developed a protocol that allows an individual still to qualify for Métis harvesting. If a person self-identifies as a Métis, can trace his or her ancestry to an historic Métis community, and is a member of a contemporary community that evolved from the historic community, if you meet those three conditions, you qualify to be a Métis harvester in Alberta.

Dr. Brown: Given the new requirements for a Métis hunting card, how can the minister ensure that the Métis who are hunting are complying with the new rules and that they are indeed entitled to hunt within the provisions of the Powley decision?

The Speaker: The hon. minister.

Dr. Morton: Thank you, Mr. Speaker. I'm pleased to report to the Assembly that there's been a very positive response to the new Métis harvesting protocol. Since 2007 there have been 403 applications

for Métis harvesting status. Two hundred and fifty-two of these have been approved, and 37 are still pending; in other words, a 70 per cent acceptance rate. Albertans of Métis ancestry can and do exercise their Powley rights in the province of Alberta.

Dr. Brown: Can the minister advise the Assembly whether there has been any opposition to the application of this new Métis hunting policy?

Dr. Morton: Mr. Speaker, there has indeed. There is a small group of hard-liners who have sponsored five incidents of civil disobedience. I hasten to add that these have all been peaceful incidents. Of course, Albertans have the right to disagree with the laws of the province, but they don't have the right to disobey the laws, so these have all been charged and will come to trial next year. But I submit that this is a small minority of the Métis community. The majority, I think, are satisfied with the process. Over 250 are hunting and fishing today under Métis harvesting status, so I suggest that we have succeeded in balancing respect for the Powley rights with effective and sustainable management of Alberta's fishery and wildlife.

The Speaker: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Lacombe-Ponoka.

Hospital Funding

Mr. MacDonald: Thank you, Mr. Speaker. The public health care system is under attack again by this Conservative government. Yesterday in this House the Minister of Health and Wellness stated, "What we want to ensure is that we have a patient-focused, accessible, sustainable health care system." A patient-focused scheme links the number and the type of illness to the amount of funding given to the hospital. My first question is to the Minister of Health and Wellness. How will linking the number of patients and the type of illness to hospital funding make health care more accessible here in Alberta?

Mr. Liepert: Well, Mr. Speaker, under the one health board we will be ensuring that services are delivered where it makes the most sense, and the funding will follow where the services are delivered.

The Speaker: The hon. member.

Mr. MacDonald: Thank you very much. Again to the same minister: why are you developing a patient-focused scheme that will make rural hospitals, with lower utilization rates, compete with urban hospitals, who already have many medical specialists on-site?

Mr. Liepert: I'm not sure what the member is talking about when he's talking about competition. What we have said we are going to do is ensure that if services can be provided wherever it is in Alberta, they should be provided in that facility, and shortly we'll be releasing a document which will try to put a little more clarity around it for the member, who seems to want to try and do a little farm mongering here.

Mr. MacDonald: Again, Mr. Speaker, to the same minister. Rural patients will be the big losers in this scheme, and the hon. minister knows it. How will this system be more sustainable given that money follows the patient to the facility that provides the service?

Mr. Liepert: Well, Mr. Speaker, the member has been reading the

Edmonton Journal too much lately. What we're going to ensure is that the service, wherever one resides in Alberta, is designed to meet the needs of the resident of that area.

The Speaker: The hon. Member for Lacombe-Ponoka, followed by the hon. Member for Edmonton-Gold Bar.

Education System Accountability Framework

Mr. Prins: Thank you, Mr. Speaker. The Department of Education recently released the results from the 2007-2008 accountability pillar survey, which, I understand, includes the provincial achievement tests and diploma exams. A question to the Minister of Education. We've been hearing for years that Alberta's education system is among the world's finest, maybe in the top two or three or four. Do these survey results prove that this point of pride for the Alberta government is accurate, or do they reveal something entirely different?

Mr. Hancock: Well, Mr. Speaker, the trends are clear that Alberta students are continuing to perform among the best in the world in a number of areas. While testing helps us to identify concerns, we shouldn't pass up the opportunity to celebrate our successes, the significant important success in these results. Provincial achievement tests and diploma exams do embody our commitment to maintaining Alberta's place among the best in the world. The performance measures are key indicators of success of the education system, reflecting our commitment to continuous improvement, and provincial achievement test results in 2007-08 are consistent with the high level of results in 2005-06 and in the standard of excellence have actually gone up.

The Speaker: The hon. member.

Mr. Prins: Thank you. To the same minister. It seems Alberta is still doing fairly well on the academic side of things, but what about the other aspects of the school system that affect our students? Are children learning in safe school environments, and what does the community think of our system?

Mr. Hancock: Well, Mr. Speaker, the accountability pillar is actually a holistic system of assessment that takes into account diverse factors that affect and measure student success. An increasing high school completion rate is one of the highlights captured in the latest accountability report. The report also shows an increase in eligibility for Rutherford scholarships, for example, at the grade 12 level and higher postsecondary transition rates, which are also important. We have a 95 per cent participation rate in early childhood education, as I mentioned earlier. The results also indicate high levels of community satisfaction with the school system, and the schools are definitely safe and caring. They receive strong ratings when it comes to providing safe learning environments for our students.

2:40

The Speaker: The hon. member.

Mr. Prins: Thank you. My last question to the same minister. I think we should be very pleased in this House with these survey rates. My question is: would the minister agree that the results also show some decline in some important areas, and how can he explain this?

Mr. Hancock: Absolutely, Mr. Speaker. It wouldn't be a worth-

while set of measures if it only showed our successes. It's got to show the areas where we need to improve. There were a few decreases. Results in dropout rates, employer satisfaction with skills and quality of high school graduates, and overall provincial achievement tests have declined slightly over time. There was a dramatic drop in employer satisfaction, which bears looking into immediately, but not a trend in that area yet.

On the whole we're performing very well, but the accountability pillar has pointed out areas where we need to improve, and that, of course, is one of the reasons why we need to have these measures.

The Speaker: Hon. members, that was 96 questions and responses today, and in 30 seconds from now we'll continue the Routine.

Presenting Reports by Standing and Special Committees

The Speaker: The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Thank you, Mr. Speaker. Pursuant to the requirements of the Alberta Heritage Savings Trust Fund Act it is my pleasure to rise today and table the required number of copies of the 2008 annual report of the Standing Committee on the Alberta Heritage Savings Trust Fund. This report will be available on the committee's website, and I have arranged to have copies distributed to each hon. member. I'd like to thank the minister and her staff from Alberta Finance and the Alberta Investment Management Corporation as well as the office of the Auditor General and the Legislative Assembly Office for the dedicated support they provide to the committee throughout the year.

Thank you.

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

Mr. Rodney: Well, thank you, Mr. Speaker. As chair of the Standing Committee on Community Services it is my honour today to table the appropriate number of five requisite copies of the committee's report on Bill 18, Film and Video Classification Act, introduced by the hon. Minister of Culture and Community Spirit and referred to the Standing Committee on Community Services on May 21, 2008.

I'd like to acknowledge the support provided by the staff of the Legislative Assembly Office, and I would like to thank ministry officials from the Department of Culture and Community Spirit for their presentation as well. Sincere appreciation is also extended to the Albertans who provided the committee with their written and oral presentations. Finally, a huge thank you to our committee members, representing all parties of this Assembly, who worked so well together over the past several months in providing meaningful contributions to the review of the bill.

Mr. Speaker, the report recommends that Bill 18 proceed, and I request the concurrence of this Assembly with respect to the report on Bill 18, Film and Video Classification Act.

Thank you, Mr. Speaker.

The Speaker: Hon. members, would all those who concur in the report please say aye.

Hon. Members: Aye.

The Speaker: Opposed, please say no. Carried.

Mr. VanderBurg: As chair of the Standing Committee on Public

Safety and Services I am pleased to table the appropriate copies of the committee's report on Bill 10, the Security Services and Investigators Act, sponsored by the hon. Member for Airdrie-Chestermere and referred to the committee on May 21, 2008.

I want to acknowledge the support provided by the staff of the Legislative Assembly Office. I'd also like to thank the ministry officials from the Alberta Solicitor General and Public Security for providing the committee with their support and expertise throughout the review process. Mr. Speaker, sincere appreciation is also extended to the members of the security industry who took the time to provide the committee with their input. I would be remiss if I did not thank my fellow committee members, representing all parties in the Assembly, for finding the time over the past several months to participate in the review process. The co-chair, from Calgary-McCall, worked very closely with me on this review, and I appreciate his co-operation.

Mr. Speaker, the report includes the committee's opinions and observations on security alarm responders, business licence obligations, appeal processes, and also the out-of-province workers. The report also includes the committee's recommendation that Bill 10 proceed.

I request the concurrence of the Assembly with respect to the report on Bill 10, Security Services and Investigators Act. Thank you.

The Speaker: Hon. members, does the Assembly concur with the report?

Hon. Members: Concur.

The Speaker: Opposed? Carried.

The hon. Member for Lacombe-Ponoka.

Mr. Prins: Thank you, Mr. Speaker. As chair of the Standing Committee on Resources and Environment it is my honour today to table five copies of the committee's report on Bill 23, the Weed Control Act, sponsored by the hon. Member for Cypress-Medicine Hat and referred to the committee on June 2, 2008.

I want to acknowledge the support provided by the staff of the Legislative Assembly Office as well as the staff from Alberta Agriculture and Rural Development. The committee held a one-day public meeting, in which they heard from four stakeholder groups. I'd like to thank those groups that took the time to meet with the committee and those who made written submissions. I would also like to thank my fellow committee members, representing all parties in the Assembly, who accommodated this committee's meeting schedule during the past several months and provided valuable input into the review of the bill.

Mr. Speaker, the report recommends that Bill 23 proceed. I request the concurrence of this Assembly with respect to the report on Bill 23, the Weed Control Act.

Thank you.

The Speaker: Would all those in the Assembly who concur with the report please say aye.

Hon. Members: Aye.

The Speaker: Would those opposed please say no. It's carried.

The hon. Member for St. Albert.

Mr. Allred: Thank you, Mr. Speaker. As chair of the Standing

Committee on the Economy it is my honour today to table the required five copies of the committee's report on Bill 204, the Traffic Safety (Hand-Held Communication Devices) Amendment Act, 2008, sponsored by the hon. Member for Calgary-Hays and referred to the committee on May 26, 2008.

I want to acknowledge the support provided by the staff of the Legislative Assembly Office. I would also like to thank ministry officials from Alberta Transportation and Alberta Solicitor General and Public Security for their presentations as well as representatives of Alberta's law enforcement community who took the time to meet with the committee. Sincere appreciation is also extended to several Albertans – actually, there were 50 individuals and organizations – who took the time to provide the committee with their written submissions. I must also thank my fellow committee members, including the deputy chair, the hon. Member for Calgary-Currie, and members representing all parties in the Assembly. These worked so well together over the past several months in providing meaningful contributions to the review of the bill.

Mr. Speaker, the report recommends that Bill 204 not proceed. I request the concurrence of the Assembly with respect to the report of Bill 204, Traffic Safety (Hand-Held Communication Devices) Amendment Act, 2008.

The Speaker: Would all members in the Assembly who concur with the report please say aye.

Hon. Members: Aye.

The Speaker: Those opposed, please say no. The motion is carried. The hon. Member for Edmonton-Rutherford.

Mr. Horne: Thank you, Mr. Speaker. As chair of the Standing Committee on Health it's my privilege today to table the requisite number of copies of the committee's report on Bill 24, Adult Guardianship and Trusteeship Act, referred to the Standing Committee on Health on June 2, 2008.

Mr. Speaker, first and foremost, on behalf of the committee our thanks to the many individuals and organizations from across Alberta and, indeed, the country who provided the committee with their written submissions and made some very persuasive oral presentations. I would also like to express our appreciation for the support of the Legislative Assembly Office staff, Parliamentary Counsel, staff from the Department of Seniors and Community Supports, the Department of Justice and Attorney General, and the office of the Public Trustee. Our thanks, as well, to the deputy chair and, indeed, to all committee members who worked very diligently in the review of this bill.

Mr. Speaker, the report recommends that Bill 24 proceed, and I respectfully request the concurrence of the Assembly with respect to the report on Bill 24, Adult Guardianship and Trusteeship Act.

Thank you.

The Speaker: Would all hon. members of the Assembly who concur with the report please say aye.

Hon. Members: Aye.

The Speaker: Those opposed, please say no. The motion is carried.

2:50

Presenting Petitions

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

Mr. Chase: Thank you, Mr. Speaker. I have 34 more signatures on

the petition calling upon the Legislative Assembly to “pass legislation that will prohibit emotional bullying and psychological harassment in the workplace.”

Introduction of Bills

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

Bill 208

Alberta Affordable Mortgage Protection Act

Mr. Weadick: Thank you, Mr. Speaker. I request leave to introduce Bill 208, the Alberta Affordable Mortgage Protection Act.

By creating a mechanism within the government of Alberta to act as a guarantor on mortgage down payments, Bill 208 will assist individuals to enter the home ownership market. This bill will provide an opportunity to allow more Albertans to experience not only the pride of ownership but a level of security that may have previously been unattainable.

Thank you.

[Motion carried; Bill 208 read a first time]

The Speaker: The hon. Member for Strathcona.

Bill 209

Traffic Safety (Driver Disqualification and Seizure of Vehicles Arising from Drug Offences) Amendment Act, 2008

Mr. Quest: Thank you, Mr. Speaker. I request leave to introduce Bill 209, the Traffic Safety (Driver Disqualification and Seizure of Vehicles Arising from Drug Offences) Amendment Act, 2008.

The purpose of the proposed legislation is to increase safety on Alberta's highways by preventing drivers who are involved in the drug trade from operating motor vehicles.

Thank you.

[Motion carried; Bill 209 read a first time]

Tabling Returns and Reports

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

Mr. Chase: Thank you, Mr. Speaker. My two tablings today are celebrating our French parliamentary experience this summer, which we shared with the members for Calgary-Fort and Leduc-Beaumont-Devon. Thanks to the incredible devotion to duty and organizational abilities of Clerk Assistant Louise Kamuchik we were well able to participate in both the national and international l'Assemblée parlementaire de la Francophonie. My tablings are entitled Agir Ensemble, act together, and Parlements et Francophonie, which celebrates 400 years of Québécois/Québécoise achievements.

Tablings to the Clerk

The Clerk: I wish to advise the House that the following documents were deposited with the office of the Clerk. On behalf of the hon. Dr. Morton, Minister of Sustainable Resource Development, the Surface Rights Board and Land Compensation Board 2007 annual report.

On behalf of the hon. Mr. Horner, Minister of Advanced Education and Technology, return to order of the Assembly MR 9, requested by Mr. Taylor on October 20, 2008.

On behalf of the hon. Mr. Knight, Minister of Energy, Accelerat-

ing Carbon Capture and Storage in Alberta interim report, dated September 30, 2008, prepared by the Alberta Carbon Capture and Storage Development Council.

Statement by the Speaker

Strangers in the Alberta Legislative Assembly

The Speaker: Hon. members, before proceeding to Orders of the Day, a little historic vignette with respect to strangers in the Alberta Legislative Assembly. On seven occasions strangers – that is, individuals other than members or officers of the Assembly – have been given permission to address our Assembly from the floor.

In 1935 William Aberhart spoke to the Assembly about the Douglas Social Credit plan before he became a member and Premier of the province later that same year. In 1997 wheelchair athlete and fundraiser Rick Hansen addressed the Assembly on the 10th anniversary of his Man in Motion World Tour. Daniel Novak, page speech contest winner, read his entry to the Assembly in 1999. In 2002 Prince Michael of Kent, cousin of Queen Elizabeth II, addressed the House on the occasion of the Queen's golden jubilee celebrations. In 2005 the hon. Sam Lieberman spoke on behalf of the province's Second World War veterans on the 60th anniversary of VE Day. On May 24, 2005, Her Majesty Queen Elizabeth II delivered the first ever address by a reigning monarch to the Assembly. On March 15, 2006, Ray Speaker presented an address on behalf of all former members.

On May 4, 2006, Her Excellency the Rt. Hon. Michaëlle Jean, the Governor General of Canada, addressed the Alberta Legislative Assembly. Among the words spoken by her were the following:

The pioneer spirit of independence and resourcefulness in this province is legendary, yet your deserved reputation for fierce individualism and economic self-reliance belie another lesser known aspect of Alberta's character: your people are among the most generous of Canadians. Eighty-five per cent of you make financial contributions to charitable and nonprofit organizations. Combined with those who volunteer their time, 94 per cent of your citizens believe in giving back.

Orders of the Day

Government Bills and Orders Second Reading

Bill 38

Securities Amendment Act, 2008

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

Mr. Fawcett: Thank you, Mr. Speaker. It's my pleasure to rise today to move second reading of Bill 38, the Securities Amendment Act, 2008.

Historically, securities regulation in this country has differed from province to province. Province A did it one way; province B did it another. There wasn't a single standard for things like recognizing dealers or advisers. Here in Alberta I'm pleased to say that we're leading the way on the development of the so-called passport system. A passport system for securities regulation would allow dealers or advisers to register in their home province or territory and have that registration automatically apply in other passport jurisdictions. Without a passport system dealers and advisers must register separately in each province or territory. Joining a passport system will help reduce the regulatory burden for Alberta's securities industry.

Mr. Speaker, these amendments are part of a program that Alberta has been leading since 2004 to harmonize, modernize, and stream-

line securities regulation in Canada and to implement the passport system. The passport system basically provides one-window access to securities markets by enabling participants to deal only with their home regulator. The passport system uses harmonized securities acts to express the basic principles of securities laws, which tend not to change. The harmonized securities acts are designed to support uniform rules, which are developed and implemented by securities regulators. Those rules are much more technical and detailed and evolve rapidly. This legislation is tending towards platform legislation in which each jurisdiction will have its own hooks to the central rules.

We amended the Securities Act in 2005, 2006, and 2007 essentially for the same purpose: to harmonize this law to complement the new, uniform rules. Like the amendments in previous years these amendments are aimed at specific areas of securities regulation that are being harmonized. The amendments in previous years dealt with the harmonization of key areas of securities regulation such as prospectuses, continuous disclosure, takeover bids, and discretionary exemptions, which enable the passport system to apply to these areas starting in 2008.

These 2008 amendments are aimed at registration of securities dealers, advisers, and sales representatives. Registration is the last major area of securities regulation to be harmonized across Canada. Securities regulators have developed a new, uniform registration rule that can be implemented in 2009 if Alberta and other jurisdictions make the necessary amendments to their securities acts.

Alberta has always played a leadership role in amending legislation to support these types of rules. Alberta was the first jurisdiction to pass registration-related amendments in 2006, so this package contains only a few additional elements to address the recent refinements to the uniform registration rule.

3:00

None of these amendments should be very controversial, Mr. Speaker. The only significant group impacted by these amendments are the registrants, who have been part of the multiyear consultation process conducted by securities regulators leading up to the uniform registration rules. Some of these amendments remove obsolete definitions and provisions that are no longer necessary because of the new uniform rules. There are a number of housekeeping and refining amendments which basically fix the language of the act without changing its substance. Some of these amendments are intended to improve investor protection and enforcement through harmonization. These are not major changes but do reflect our commitment to ongoing improvements in this area.

Securities law is unavoidably technical and complex, Mr. Speaker, so a full understanding and explanation requires specialized knowledge and understanding. Essentially, these amendments are part of a larger plan to implement the passport system, which is a major improvement in our regulatory system. This is not designed, however, to address the current events in the financial markets, but it is a significant step in the ongoing process of ensuring that our securities regulatory system remains one of the best in the world.

With that, Mr. Speaker, I would like to move to adjourn debate.

[Motion to adjourn debate carried]

Bill 39 Court Statutes Amendment Act, 2008

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

Mr. Denis: Thank you so much, Mr. Speaker. I'm pleased to rise today to begin debate on Bill 39, the Court Statutes Amendment Act,

2008. When I was reviewing this bill, I thought back to when I started articling about eight and a half years ago. Indeed, I didn't know where the courthouse was, and in fact when I found where the courthouse was, not with much assistance from some of the lawyers in my office, I might add, I realized quickly that in provincial court there were few rules that were actually in practice.

The Court Statutes Amendment Act will clarify what kinds of civil disputes can be heard by provincial court and the provincial court judge's authority over such matters. These amendments will help make Alberta's civil justice system more effective, efficient, and accessible.

Mr. Speaker, the Court Statutes Amendment Act contains provisions to help improve and more clearly define processes for resolving disputes through the provincial court for civil claims up to and including \$25,000. For example, currently the Provincial Court Act does not contain a time limit for serving the civil claim once it has been issued by the court. Bill 39 will require a plaintiff to serve their civil claim upon the defendant within one year of filing it in the court unless during that time the court has extended the period of service for an additional three months, such as is the case in the Court of Queen's Bench. The proposed amendment will also ensure that the defendant is notified of a claim against them without unreasonable delay by the plaintiff.

Currently the Provincial Court Act does not specify the advance notice a witness must receive before the trial date. Under Bill 39 parties will be required to give their witnesses at least 21 days' notice in advance of their trial date, which will increase the likelihood of witnesses being able to attend at court and reduce the possibility of the trial being adjourned.

In addition, Mr. Speaker, an appellant who has filed an appeal of the provincial court judgment with the Court of Queen's Bench is currently required to file a transcript with the Court of Queen's Bench within three months of filing the appeal but is not obligated to provide a copy to the respondent. This puts the respondent through the expense of obtaining a copy of the transcript from the court file or ordering their own transcript. Provisions in Bill 39 will require the appellant to provide the respondent with a copy of the transcript of the evidence heard by the provincial court judge in the lower court.

The Court Statutes Amendment Act will also clarify the authority of judges over the civil disputes filed in provincial court. Bill 39 will clarify the provincial court's authority to hear restitutionary claims, including claims to recover the value of services provided or goods supplied. It will also strengthen the provincial court's authority to hear claims involving personal property up to and including a limit of \$25,000.

The authority of judges over the provincial court will also be expanded by giving them the power to appoint a litigation guardian for a minor who is a party in a civil matter, otherwise known as a guardian ad litem. This will lessen the need to have these guardians appointed by the Court of Queen's Bench and is currently the case where the matter has been commenced in provincial court.

The amendments also confirm the provincial court's concurrent practice of depositing into non interest bearing accounts monies paid into court by parties as a method of pursuing settlement of their litigation pursuant to section 32 of the Provincial Court Act. While this act is currently silent on this issue, these monies paid into court are deposited in non interest bearing accounts due to the smaller amounts at issue and the shorter time to trial at provincial court versus the Court of Queen's Bench.

Bill 39 will also clarify the authority of provincial court judges to deal with a claim or counterclaim when either the plaintiff or the defendant fails to appear on the date set for a hearing or a pretrial

conference. Where the claim or counterclaim involves an assessment of damages, the act will still require the court to assess the plaintiff's damages if the defendant does not appear at the hearing or pretrial conference.

The amendments will also give provincial court the same authority as the Court of Queen's Bench in pretrial conferences pursuant to rule 129 of the Court of Queen's Bench *Rules of Court* to strike out or amend a claim, counterclaim, or dispute note if it discloses no cause of action or defence; is scandalous, frivolous, or vexatious; may prejudice, embarrass, or delay the fair trial of the action; or is otherwise an abuse of process. I recall reading as a student-at-law Stevenson and Côté's notes, which indicate that more money is wasted on this rule than on any one else, interestingly enough.

The amendments will also give the provincial court judges flexibility in applying a counterclaim in satisfaction of a claim by the plaintiff. Currently the court is obligated to set off the defendant's counterclaim against the plaintiff's claim and then to give judgment for the balance. However, there may be situations, Mr. Speaker, such as to allow for the purposes of insurance coverages, where it is appropriate for the court to provide separate judgments for the claim and for the counterclaim. Amendments in Bill 39 will give provincial court judges the same discretion as Court of Queen's Bench justices under rule 97 of the *Rules of Court*.

In conclusion, Mr. Speaker, the Court Statutes Amendment Act will also extend current provisions governing the security of tenure for the provincial court judges under 70 years of age to those judges who receive term appointments beyond their 70th birthday on a full-time, part-time, or supernumerary basis for the duration of their term. As always, these security of tenure provisions are subject to the authority of the Judicial Council to recommend a judge to be retired or removed from office in the event of a finding of misbehaviour, neglect of duty, or an inability to perform duties for whatever reason.

Mr. Speaker, amendments will also ensure that the Chief Judge, the Deputy Chief Judge, the Assistant Chief Judges, and other judges of the provincial court of Alberta are referred to in a consistent way throughout Alberta's legislation.

The amendments of the Court of Queen's Bench Act will also ensure that those who execute or comply with an order, warrant, or judgment of a Court of Queen's Bench master in chambers are protected from actions and that masters are covered for damages or costs in the same manner as is the case for provincial court judges.

Mr. Speaker, improving the efficiency, effectiveness, and accessibility of Alberta's civil justice system continues to be a priority for this government. The Court Statutes Amendment Act will help to clarify which types of disputes the provincial court can hear and the judge's authority over such matters. I encourage all members of this House to support Bill 39, and I thank you.

With that, I move to adjourn debate.

[Motion to adjourn debate carried]

Bill 32 Meat Inspection Amendment Act, 2008

[Adjourned debate October 21: Ms Pastoor]

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

Additional speakers? The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you very much, Mr. Speaker. It's a pleasure to rise and speak to Bill 32, the Meat Inspection Amendment Act, 2008, an interesting act, to be sure. Coming from a public health

background, I have a particular interest in the whole area of health and food inspection and government regulation around that.

The amendments, as indicated, will enable a transfer of inspection responsibilities for mobile butcher facilities to Agriculture and Rural Development from regional health authorities under Health and Wellness. There are also some minor administrative and language changes. But I guess, to speak from principle, the whole question of inspection is on the radar. Many people in Canada and Alberta have been very much aware of some of the concerns around the listeria outbreak and the Maple Leaf meat inspection failures and the health problems, including deaths, associated with this failure of inspection and due process to ensure the public safety. So this is very much to the fore and a very important one for us to think carefully about.

3:10

I wanted to raise a few issues that come to mind as a result of not only that concern but many concerns over food inspection in the last few decades. Bean sprouts, for example, were contaminated with E coli and salmonella, and people have died from those. Berries from Central America have come in and contaminated and poisoned people and caused deaths in children in particular but also in adults. It does raise some important questions around who's responsible for food inspection both at the raw product level and at the retail level and the consumer level.

[The Deputy Speaker in the chair]

The principles that I want to raise here are, number one, that industry inspection for health benefit should be by the responsible department, the health department. That's a principle. I'm just suggesting that for a health inspection to be done by something other than the health department raises some serious flags for me.

The second principle has to do with the notion that inspection for quality of an industry should not be given to the same industry that's promoting the industry. That clearly creates a conflict of interest. When there's a conflict of interest, the problem is that one interest may override the other, and in this case health may not be the pre-eminent issue and may not be what is ultimately served. My concern is that limiting the role of the health department and expanding the role of Agriculture has been a tendency in the last few years. Agriculture has taken over a number of issues, including wild meat in some areas and butchering facilities, and now including the expansion to admittedly a very small part of meat inspection, which is mobile butchers.

Just to be clear, this falls under the Meat Inspection Act and meat inspection regulations and merely has to do with the handling of carcasses and the handling of internal organs and then the separate safe handling of the edible meat products. This isn't the final stage before consumption, but it is a stage at which if there was a disease process going on, for example, in the animal, if the animal had already been dead and identified at that stage before it was brought to the butcher, those would be indications that it should not be used for consumption. We all remember the Aylmer scandal a couple of years ago, where it was discovered that scores of dead animals were processed and consumed by people in violation of the regulations. Some of these concerns clearly have to do with our desire as government to fundamentally protect the health and safety of the population.

Well, ironically, looking at some of the inspections that have been going on in the last year, for example, the health department has done over 60,000 inspections, with 250 inspectors in this province. Agriculture has done about 60 institutional inspections with more inspectors, 300 inspectors. Here we have a department that has

many more resources for food inspection, the agriculture department, than the health department. Clearly, we have a condition where one could legitimately raise the question for this government that if, indeed, agriculture should be doing this because they do have the resources to do it, when are we going to give a similar level of resource to the health department so that they can do what amounts to about 20 times as many inspections and very much more at the retail level, at the restaurant level, at the purchase level in some of the supermarkets? We are asking the health department to do almost 20 times as much as the inspection capacity of the agriculture department.

On one level it's clear that the agriculture department has the resources to do it. Whether they have the skill and the primary focus on health is the more serious question and the one that I would raise for consideration today. Questions, indeed, include: will the removal of inspection authority from the department of health increase the number of inspections, reduce the number of inspections? Will the quality change? Will the number of inspectors remain the same? What plans are in place, in fact, to determine a seamless transition from the health department to agriculture? Are there going to be gaps? Are there going to be training problems that may not be clearly addressed? This is a vital public health issue.

I guess I wonder, also, about wild game. Many of these mobile butchers will be dealing with deer and elk and other game, presumably. What is the assessment of, for example, infectious diseases at this level? Or would it be left to the retail level to identify where potentially communicable diseases like tuberculosis, brucellosis might be a concern? Will Agriculture inspectors be prepared to identify that? I presume they will, but it's a question of level of training and competence. Bottom line: is this going to create more safety or less safety for consumers?

What about the question of wasting disease? While it's not clear yet that there is any risk to human consumption, we know that the national ruling has been that all specified risk materials must be handled safely and separately from meat consumption. Will these inspectors ensure that that is the case? Will they make sure that the testing for wasting disease has gone on before the meat enters the food chain? Those are just some questions that are not clear to me. Who would take responsibility for that if it's transferred strictly to Agriculture? How does this relate to the power of the minister to make regulations regarding the type of information that's attached to the meat product? How does it relate to the country of origin labelling if there's transborder transfer of animals? Finally, would this amendment give the minister the authority to impose a country of origin labelling requirement?

These are a few of the concerns that I have. As a public health physician, obviously, my priority has been the health of human beings and the importance of a clear, consistent, monitored, and enforceable set of standards that places the health of individuals at the very top and doesn't create a conflict of interest with a department that is also involved with promoting the industry primarily.

The experience from both the listeria outbreak and the sprouts issue, where in fact some of the capacity of the Canadian Food Inspection Agency was limited by reduced funding and increased scope of practice and increased demands, does raise the issue, then, of whether we are giving adequate capacity to the most appropriate department to provide that service. I have to wonder, given the tremendous demands on the health department for health and safety and food inspections in this province. Some 28,000 establishments are annually assessed by the health department with only 250 inspectors, as I mentioned.

One has to wonder if we're not starting to download responsibilities simply in order to relieve pressure from the health department.

If that's the case, is that an appropriate way to reduce the health budget? I welcome comments if the health minister here today had any comments on whether this might in fact relieve some of the pressure on the health department by transferring it over to Agriculture.

Clearly, in the Maple Leaf Foods experience and the listeria outbreak there was a breakdown in terms of the health inspections. That, of course, fell to the federal Food Inspection Agency. Where was their resource? Was it a lack of resources that resulted in this, and what does it mean for lessons to be learned from governments who are trying to ensure both the butchering, in this case, and the retail service to people, especially people who are vulnerable: seniors, people with immune problems or chronic diseases, and children. These are the people that succumb when we don't do our jobs well. How does this amendment relate to other provinces and their management of mobile butchereries? Is there going to be a difference there, and will that make us more vulnerable to being found inadequate in our commitment to public health?

3:20

Those are some of the concerns, Mr. Speaker. I'll sit down and will look forward to further discussion about this amendment. I haven't yet, myself, decided whether this is an appropriate shift of responsibility. I do have serious concerns, again, about the quality and risks, as small as they may be. We're only talking about 50 or so mobile butchereries in this province, but it does raise some serious questions about what our priorities are, whether it's to download demands on the health department or whether it's because we truly believe that Agriculture is the best place to do these inspections.

Thank you, Mr. Speaker.

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

Mr. Chase: Thank you very much, Mr. Speaker. Albertans have a right to be concerned but not necessarily hysterical in trying to deal with the concerns. Not creating a sense of panic is extremely important. Bill 32 will go a long way to either adding stress or helping to eliminate it.

We're living in a world where listeria has recently killed at least 10 Canadians and added considerable pain and sickness to several others. In Canada we've experienced the effect of germs in terms of Walkerton. We've experienced it in North Battleford. We've experienced examples of CWD and mad cow. With all those negatives in our recent history we have to make absolutely sure that what is being proposed in Bill 32 works.

Now, not so long ago instead of being open and accountable and dealing with the problem in a scientific way, we had a former Premier whose advice was: shoot, shovel, and shut up. That advice might have assisted in making sure that the particular animal didn't get into the food chain, but it did nothing to take away the concerns about all the other animals that were exposed to that animal. We know that scientific studies of prions and how they are passed is still in somewhat of an infancy stage, so we have great concerns and should have concerns about how meat testing is done.

We have gone to the point of culling animals out of security, for the sake of protecting our beef herds, our beef industry, but at the same time we've tended to go from very little, which was the case with the first incidence of mad cow, where the laboratory findings were held up for three months because the single individual who was doing the lab analysis of the dead animal was up to his ears in chronic wasting disease inspections.

My family has had a very direct experience with mad cow in that a cousin of mine inherited his black Angus herd, which had been

built up over the previous generation by my uncle David. His entire herd had to be culled because he was the unfortunate recipient of one of the cows from Saskatchewan which was the instigator of the mad cow epidemic that swept across Alberta and had a very negative effect on our economy for years to come as a result of the American border being closed. Whether it be CWD or mad cow, our inability to test animals while they're still alive as opposed to having to drastically slaughter animals because they're, for example, in a specific location, as is the case of the airborne culs, shooting a number of deer along our southeast border with Saskatchewan – we're killing an awful lot of animals, a very small percentage of which are showing up with chronic wasting disease.

Yet we're allowing game farms to continue where chronic wasting disease has previously been discovered, particularly in imports from Wyoming. Darrel Rowledge has written numerous articles on the problems associated with game ranching. Instead of dealing with the problem of game ranching directly, we're blaming the wild animals for something that could very well have started in terms of the domestic animals that were imported from the States. While we're, as I say, to a degree turning somewhat of a blind eye to game ranching, which is becoming less and less profitable, whether it's for the elk velvet or for the meat of the deer or the elk, we seem to be declaring, you know, an all-out airborne assault on wild deer. So we've lost the balance there.

It's my hope that in the early stages of testing we will be able to determine – and by testing that individual animal, we'll get a sense of the other animals that have been exposed to it – whether an animal has the prion evidence of mad cow or of chronic wasting disease. That early testing will greatly enhance our economic ability to export.

Now, the Member for Calgary-Mountain View, himself a respected physician, has pointed out the inadequacy of our health inspectors, and he's also pointed out that we have so many meat inspectors under the Agriculture wing that it would be wonderful to think that there could be some transferability or a loaning pool to help out the health inspectors because the health inspectors have been extremely challenged with such concerns as popped up not only in the hospital region in the Premier's constituency, but examples of MRSA have shown up in just about all our health regions and restaurants.

MRSA can be passed along, my understanding is, through contact in gyms. So in any area where a person can potentially be exposed to a skin-to-skin circumstance, this MRSA, this superbug, is an ongoing problem, and without the health inspectors necessary we stand to have difficulties. Antibiotics have been to a point overprescribed or overused; therefore, the superbugs have been able to proliferate. An individual that I have dealt with in my constituency suffered for over three and a half years with the effects of MRSA, which he contracted within the Calgary health region, and it was after years of lab tests and ineffective prescriptions that he finally received resolution from a noted skin specialist, epidemiologist, Dr. Storwick, who operates in Calgary. He was able to give this young man, basically, his life back, a new lease on life. The young man has since gotten married in Airdrie and is able to restart his life. After years of conflict with the WCB he's looking forward to being able to be employable again.

3:30

The concern that was also brought up by the Member for Calgary-Mountain View is the conflict of interest. When the people who are doing the slaughtering are also doing the selling, there is the possibility of a speedy procedure. We've had examples of American slaughterhouses during the mad cow incidents having large feedlots,

and they processed their own beef first before they processed the beef of a number of small ranchers. That delay in the slaughter of the beef caused an awful lot of expense both to the individual farmers and ranchers but also to the Alberta taxpayers, who to some small degree compensated the small ranch operations. The majority of the money and the compensation, again, went to our American slaughterhouses.

Putting profits before people definitely came into account in Brooks, where there was a prolonged meat packers' strike based on deplorable working conditions for the employees.

If we are going to have the oversight that Bill 32 requires, then we're going to have to be considerably more strict. We'll have to follow up to a much greater extent than we have previously. The predominance of what I would call garage butchers – and I'm proud to say that my father, who is a hunter, is one of those garage butchers, but he doesn't sell his meat to a local butcher down the way. His meat is for our family's consumption or his friends'. My father over the years has become an excellent butcher, and he's very concerned about the health. The animal is hung and bled appropriately, and the meat is very quickly packed and frozen, so we've dealt with those concerns. But we've had incidents of individuals doing their own hanging it from the rafters of the garage and then selling it to local stores. This has caused great difficulty.

While the mobile abattoirs provide convenience, we have to make sure that we balance the convenience that they provide by going to the ranch. It's so much more convenient for both the rancher and the farmer to have a small processing of slaughter on their property than it is to truck the animals to a slaughterhouse. While in the end the animal is going to be slaughtered, the wear and tear that has been reported in transporting of animals, particularly over long distances as has been the case in runs down to the States – an example just recently is some of the horses headed for the slaughterhouse when the trailer tipped over on Deerfoot Trail. I believe there were 15 horses killed in that incident. If by bringing the slaughter and the processing to the farm we can eliminate the unnecessary harm that is being done to animals in transport, that will be on the sort of positive side of the ledger of Bill 32, the Meat Inspection Amendment Act.

We have to get the balance, and this is often the case in so many of the pieces of legislation that are introduced in this House. We want to have a strong economy, we want to support the small producers, yet in our desire for efficiency and profitability we have to put health concerns as our number one priority. There's no short-circuiting. Like so many other things, if we don't do it right in the first place, if we don't invest in the technology necessary to guarantee a clean and safe and secure food source, then we're going to pay for it in the end, whether it's through the death of individuals, as has been the case with listeria, or . . .

An Hon. Member: Law courts.

Mr. Chase: . . . whether it's law courts, litigation.

We have a chance, as we are so fortunate in Alberta to have, to be leaders. If the mobile abattoirs are able to follow the rules and provide the support for local producers, then they'll be a good thing, but we have to make sure both are balanced.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes for other members to comment or question on the debate speech.

Seeing none, then the hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you very much, Mr. Speaker. It gives me

pleasure to rise and speak to Bill 32, the Meat Inspection Amendment Act, 2008. If you look at this bill straight off the top, many of the changes are somewhat minor. But if we then look at the major change to this, which is transferring the authority to do inspections of mobile butcher facilities from the health authorities under Health and Wellness to Agriculture and Rural Development, that seems to be quite a substantial change. It seems only natural to me that if you're dealing with health inspections, you would have the health authority under Health and Wellness take the lead in these sorts of inspections. To me they would have the expertise, the knowledge, the understanding of what to look for. In fact, they have provided this service for quite some time.

Not only us as individuals but through, I guess, catching minor cases of food poisoning. For instance, just recently my brother-in-law Wade Smith, my cousin David Vanrobaeys, and myself were actually out at a local restaurant and – sure enough – had some food that had obviously been sitting on the counter too long. This seems like a minor thing, but to the three of us it didn't seem that minor the next day, okay? That was only three individuals.

If we magnify that, then, to what is occurring with the listeriosis crisis – and we had the BSE crisis in England, where 50 to 100 deaths actually occurred – you can see that our entire inspection processes and how they are run are very, very important to us as a modern-day society, which relies on other people to grow our food and provide our meat. The government, I guess, is the inspecting body to protect us from these situations happening more often than they should.

If I can comment further on the BSE situation, it was brought up by my colleague from Calgary-Varsity that moving from Health and Wellness actually doing these meat inspections to the Agriculture and Rural Development department may actually be putting the fox in charge of the henhouse, so to speak. By that, I mean that the Agriculture and Rural Development department is very close with the meat industry, and it should be very close with the meat industry. My goodness, they're working hand in hand, and they should be working to each other's benefit. They should be trying to seek out the best possible results for Alberta beef and finding their exports and making the best living for our farmers. However, I don't know if they should be doing the actual meat inspections.

3:40

If you look back – and it was brought up earlier by my colleagues – the type of mentality that our former Premier had in saying that a cow with BSE may have been better off being shot and put under the ground than going through an inspection process is clearly wrong, and I believe we understand it to be wrong. That's why we have these meat inspection processes. When you have an organization in charge of it who is directly responsible for that organization's success and works hand in hand with the hard-working people who are in charge of our beef industry, well, you can see where some of these situations are cause for concern. You wonder if this is the most natural department. Clearly, to me anyway, it's not the most natural relationship. To me it seems more natural to have the Health and Wellness department actually doing this.

Nevertheless, I guess, to move on from that point, there are a few more questions I have in respect to this bill. This amendment doesn't answer how many inspectors are going to continue to be used on our front lines. What plans are in place to ensure a seamless transition? These are transferring knowledge from the Health and Wellness community that has traditionally done these mobile butcher inspections to the Agriculture and Rural Development agency that will now be doing this.

You know, I guess the third thing is that we know from the past

that having outbreaks in our meat industry not only causes concern for our general population; it concerns the meat industry itself. It has a viable interest in us doing good meat inspections, ensuring the public doesn't get sick. That ensures the health of this industry. When we had the recent BSE crisis here in Alberta, that shut down the industry for five years, and we're still coming back from that industry being decimated in that manner. If we can have appropriate inspections along the way that, hopefully, are diligent in doing their job, we can avoid the crisis getting to that level, and we can nip some things in the bud to make both people safe and the industry a viable one here in Alberta.

Thank you for allowing me to speak to this amendment. No further comments.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of question or comment on the debate speech. The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you Mr. Speaker. I guess I would hazard a question, given your previous life in law, about the chances of a successful lawsuit in a court where someone from the agriculture department was giving evidence on the safety of a particular product as opposed to someone from the health department commenting on the safety of the product after a particular allegation of harm done by that particular product.

Mr. Hehr: Well, that's a very difficult question, Dr. Swann. My apologies. My colleague from Calgary-Mountain View. Sorry about that.

Nevertheless, it's contextual, and it's a very difficult question to answer in that I really can't say. If we have the proper expertise going to Agriculture and Rural Development, who are doing the inspections, I don't think there would be a difference. However, we've got to ensure that the relevant expertise is within this department that is doing the inspections. It should have the same requisite knowledge that their colleagues in the Health and Wellness department that had previously done the inspections should have. If that's the case, I don't see there being a problem. I hope that will be the case.

Thank you.

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

Ms Notley: Thank you, Mr. Deputy Speaker. I'm pleased to be able to get up to speak to Bill 32. I rise, in essence, to outline the concerns and ultimate opposition of our caucus with respect to this bill going forward.

As most speakers have already identified, there's one key area of the bill that gives rise for concern. It is that part of the bill that moves inspections of mobile butchers from being a responsibility of the public health department into the authority of the Agriculture and Rural Development department. Generally speaking, a lot of people have already identified the concerns with respect to that move on principle. I appreciate that at this point the ARD, as it's referred to, currently does the inspections for the vast majority of processing and butchering services provided throughout the province and that this, in fact, is limited merely to the work of mobile butchers. Nonetheless, in general we have a concern about this type of service being provided through Agriculture and Rural Development.

As has been mentioned previously, there is some concern about what could be characterized as the dual or even conflicting roles of a ministry that is tasked on one hand with the job of promoting the livestock industry and which is on the other hand tasked with

ensuring the safety of the product of that industry. There is, in effect, a potential conflict. We know as well, or we've heard from the MLA for Calgary-Mountain View, about what appears to be a rather startling comparison in terms of the apparent efficiency of inspections conducted by public health versus the number of inspections conducted by ARD. One wonders whether, in fact, we shouldn't actually be considering moving the whole thing over to public health.

We also, of course, know that we have as a country just recently experienced the crisis that's been mentioned already in the House with respect to the listeriosis, and we know that that crisis arose in part from the lapses in activity on the part of the Canadian food safety agency, which, of course, is under the federal agriculture ministry. One question, again, whether that's the best place to house this particular set of responsibilities and whether it's the most effective system that we can look to to ensure the safety of our food from here on forward.

Now, we're also concerned, of course, about what this move means with respect to the future of Alberta's small producers and how this move actually ties in with the Alberta livestock and meat strategy. The Alberta livestock and meat strategy has some problems inherent in it, including the apparent objective to phase out, in effect, the smaller producers and the small family farmers that produce beef in favour of big beef, shall we say, or agricorp, or generally the big producers and processors that exist currently across the province.

3:50

You know, the inspections that are currently provided through Agriculture and Rural Development are provided to very large facilities, which have a particular standard checklist, a standard way of operating, to which the inspectors go. The question arises whether ARD is really equipped to do the kind of work and to meet the needs of the mobile butchers or whether, in fact, the inspection requirements and best practices and needs of the mobile butcher may in fact be lost through those inspection services being provided through ARD rather than through where they were previously, in the department of public health.

If that happens, of course, the compromise of the service that can be provided by the mobile butcher impacts one part of our agriculture industry particularly, and that is the small producer. We would suggest that this government has not demonstrated a tremendous commitment to ensuring the ongoing viability of small producers within this province through a number of actions over the course of the last five years.

I note in the briefing materials that were provided in association with this bill back in April that there is the comment that the move from public health to ARD in terms of the inspection for the mobile butchers is not expected to create undue – and I note the word “undue” – financial burdens for the mobile butchers. Right there, of course, that raises a flag for me because, you know, my version of undue financial burden and your version of undue financial burden and Lakeside packing plant's version of undue financial burdens versus the farmer north of Athabasca's version of undue financial burden are all going to be different definitions and different realities. So I am concerned that this change may in fact harbour and bring about and signal a number of new pressures being brought to bear on those players within the livestock industry who are smaller, and this is a mechanism through which those producers' conditions will be jeopardized.

Finally, generally speaking, just in terms of the objective of solidifying and standardizing meat inspection throughout the industry, of course, on the surface that sounds like a very good plan,

and I appreciate that the Auditor General identified that as an objective. In principle that's a good objective. The difficulty, of course, is that as we solidify, as we consolidate, as we merge the different inspection processes, the question becomes: how are the interests of the various players who are currently affected through that process impacted? Who loses and who wins as we bring the systems together? We are very concerned that this may in fact result in a loser, which is the smaller producer.

Generally speaking, we know as well and we've heard from stakeholders that most people believe and have experienced that inspection services provided through Health and Wellness are of a more effective nature and of a higher standard than that which is currently provided through ARD. Again, we worry, even though this represents just the smallest addition to ARD and reduction from Health and Wellness, because, of course, we know that the mobile butchers are a very small group. It is, nonetheless, a change and a movement from health to ARD. So to the extent that there are concerns around the quality of the service provided, we see that this may in fact result in a dilution of the quality of that service provided.

That is the primary list of our concerns with respect to what it is this bill is moving towards trying to achieve. I will leave that outline of those concerns right there and with the leave of the Assembly move adjournment of this bill. Thank you.

[Motion to adjourn debate carried]

Bill 28 Jury Amendment Act, 2008

[Adjourned debate October 21: Ms Pastoor]

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

Dr. Swann: Thank you very much, Mr. Speaker. A pleasure to rise for the first time on Bill 28, Jury Amendment Act, 2008. This bill slightly narrows the scope of who can be excluded from serving on a jury in the province. It's a fairly common-sense approach, and I think we'll be supporting this bill. Its purpose is to amend the Jury Act in section 4 to change the conditions upon which a person cannot serve on a jury. Presently a person is excluded from serving on a jury if they have been convicted of a criminal offence for which a sentence of imprisonment exceeding 12 months could have been imposed. But the amendment of section 4(h) excludes any person who has been convicted of any criminal offence and not received a pardon and also excludes someone who is charged with a criminal offence.

Some of the impacts of this include excluding more people from potential jury duty. This may or may not be a problem in a place like Alberta, where we have sufficient numbers of people to stand up for jury duty. I don't know. I don't know whether that's an issue or not. Before, those convicted of a summary offence – that is, a less serious charge under section 787 of the Criminal Code, with shorter prison sentences, a maximum prison sentence of six months, and a fine of no more than \$2,000 – could be eligible to serve on a jury. The amendment now changes this to exclude them unless they have obtained a pardon.

Examples of summary offences include causing a disturbance, harassing phone calls, or mischief: something that's non life threatening and noncriminal. A person is not fingerprinted for a summary conviction. Also, if convicted of a summary offence, that individual is not eligible for a pardon for three years from the time of completing the sentence, whether that be a payment of fine or restitution or completion of probation. Following conviction of an

indictable offence, the individual must wait five years before pardon eligibility under this new bill amendment. The amendment will make anyone convicted of a summary offence ineligible for jury duty unless they obtain a pardon.

Clearly, this is intended to act in the public interest. I'm sure that the jurors are well qualified and don't inappropriately get into positions of making decisions where they themselves have shown poor personal behaviour or personal ability to act in the public interest. Our position is relatively clear. We support this bill as a relatively important addition and strengthening of the legislation, allowing for better jury selection, providing for the incapacity of some individuals in various situations, and offering similar education benefits to those serving the administration of justice.

In summary, then, Mr. Speaker, I support this effort to ensure the smooth operation of the courts. The selection of juries is not an everyday occurrence. Provided that the department is satisfied that there are adequate numbers to fulfill the needs of the Alberta court system, I don't have any personal concerns with this bill. I'll sit down and let further discussion ensue.

Thank you, Mr. Speaker.

4:00

The Deputy Speaker: We have five minutes for comments and questions on the debate speech. The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much for the opportunity under 29(2)(a) to ask what, hopefully, is not too personal a question. I've never had the opportunity to serve on jury duty and to understand the expectations and limitations, and I'm wondering if you've either been called upon to testify in a jury case or have been a jury member yourself and if you could recount those experiences.

Dr. Swann: Well, my answer will be brief, Mr. Speaker. I've never been called upon to serve on a jury, and I would welcome the opportunity and the responsibility if that arose.

The Deputy Speaker: The hon. Leader of the Official Opposition.

Dr. Taft: Thank you for the opportunity to rise and debate this bill. I think this is a more important bill than we're giving it credit for. There has been some good reflection here on this bill, but I think that from time to time issues come before this Assembly that on the surface appear like just tiny little adjustments yet are symbolic of something much bigger and more profound. I think this is one of those examples.

It's not often that we get to rise in this Assembly and talk about something as fundamental to our justice system and, frankly, as fundamental to our society as the nature of juries. I've been in this Assembly for eight years or so, and my memory is that we haven't had a piece of legislation before us before that specifically addressed the nature of juries. I might be wrong on that, but it certainly doesn't come up often.

I won't claim any expertise in the history of the law. There are any number of lawyers in this Assembly who will know this issue better than I do, but I want to reflect a little bit on my understanding of the history of the law and the history of juries. Of course, you know, law goes back as far as human recorded history. Hammurabi and the Babylonians and Egypt and the Old Testament and the Ten Commandments: those are all examples of laws. Throughout much of that time there's been a tension between different models of enforcing laws and of making laws.

One model is that laws are enforced through decree, and sentences

are passed and enacted by a single person in a position of supreme authority, whether that is an emperor or a pharaoh or a king or a queen or a chief. That model of the law is that law comes down from above and is enforced from above and that the offender against the law is brought before the court. Literally the history of the term "court" meant the court of the king or the court of the queen. We've of course adapted that term now so that the court is something quite different, but historically the term "court" meant, well, that you went to the king's court and pled your case before the king or the queen or the emperor. The ruling came down from that authority, and that was it, Mr. Speaker. For most of human history and even today in much of the world that is the model of the law.

What we have here is a bill that reflects a very different model of how the law is enforced, and that's the model of a jury. Of course, the idea of the jury undoubtedly goes way, way back in various human cultures. My guess would be that the smaller the culture the more likely that offenders were tried by juries, meaning not necessarily a jury strictly in the term as we use it today but tried by their peers. You know, in a small, historic aboriginal society when somebody broke the rules of that society, they would I think often be brought before the members of the tribe, the elders of the tribe or other members of the tribe, and a determination would be made on whether they actually did something wrong and, if so, what would be the sentence.

Of course, in our society in the history of British jurisprudence I think that an awful lot of the history of juries and the development of juries trace back to the Magna Carta, in which the right to be judged by a jury of your peers began to be entrenched in the laws of our society and in the practices of our courts. Now, although it was acknowledged 800 or 900 years ago formally, it has been very, very gradual to develop. Although there was a right to be judged by a jury of your peers, it was in very limited circumstances, and frankly the authority of the court in the form of the king or the queen remained pre-eminent. It was only through a lot of struggle, a lot of injustice, sometimes a war, sometimes even revolution that the right to trial by jury among many other democratic rights was brought to the point where it is today.

I think we need to reflect for a moment on the importance and the symbolism that trial by jury has for us as a society. The implication of the idea of trial by jury is that we are all equal. The implication is that we are not to be judged by a supreme being, you know, somebody who had a direct connection to God, like Louis XIV claimed, but by our peers, to be judged by people who shared our life experience, judged by people who shared our values and might well understand our particular case, whatever that might be, as we brought it before them.

[The Speaker in the chair]

I think that symbolically that's very important. Not just symbolically but in reality that was a very important step on the road towards human equality and the rule of law before all because when you think about it, it does require that we are all equal before the law. So the advance of juries and the entrenchment of the right to be tried by a jury of your peers was an important example of the rise of equality among all human beings in a given society. I think it was also an important indication of the rise of the rule of law because you could not just be arbitrarily judged by somebody who occupied a particular position. You were judged by your peers.

I think also that it, frankly, symbolizes a huge advance in democracy itself because for those reasons I've just outlined, democracy is the governing of a society by the people. When you have the judgment of crimes and criminals by the people, that's an

important component. In fact, in early days one of the very few activities of a government along with defence was enforcing the law. When you had the law enforced in a democratic fashion, that also sent out a message that, well, maybe other things should be done in a democratic fashion. So as juries rose, democracy rose, human rights rose, the rule of law rose, and ultimately modern society rose.

Modern society didn't come about just because we have juries, but the rise of juries is part of a much bigger process. I think it's important to dwell on that for a minute because what we have here before us in Bill 28 is a little bit of a reduction of that process. This is a little bit of a reversal of that process. I'm not saying that it's a bad reversal, and in fact I will support this piece of legislation, but I think it's important that we as MLAs understand what we're doing here.

We're taking an institution of tremendous historic weight and importance and tinkering with it. We're actually removing and reducing some rights under the history of juries by passing this bill. What this bill does is in a very slight way narrow the scope of who can be excluded from serving on a jury, and it makes it more clear. I think we should only exercise that decision through this Assembly by understanding the history and the import of what we're tinkering with.

4:10

Other members of my caucus have spoken to the details of the bill itself. It is a bill, frankly, in the grand scheme things, of minor consequence, but it is a consequence that I would want us all to understand, to appreciate that when we change somebody's rights to serving on a jury and a responsibility to serve on a jury, we are participating in a very long and profoundly important historic exercise. I think the proposals in Bill 28 ultimately will in some very, very small ways make for perhaps better judgments and more effective law, so I will, as my other colleagues will, support this bill. I hope that somebody else in this Assembly rises to acknowledge that they appreciate the nature of what we're tinkering with here.

Thank you, Mr. Speaker.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you, Mr. Speaker. The opportunity to serve on a jury is a terrific privilege, and it's also a great responsibility. I'm wondering if the hon. member of Her Majesty's Loyal Opposition has ever had the opportunity to testify as an expert witness before a jury or had an opportunity to participate as a member of a jury within an Alberta court circumstance or has experiences related to jury duty.

Dr. Taft: Thank you for that question. The short answer is no. I've never served on jury duty. I've never testified before a jury. I have testified before Senate committees and royal commissions and so on, but a jury is quite different. I have often wondered as I've listened, in particular, to some very disturbing cases that all of us would be familiar with. The Karla Homolka case, for example, comes to mind, lots of others. I can tell you that I have never once in those cases envied anybody the responsibility of serving on those juries. Some of the evidence brought forward has got to be horrifying. The kinds of responsibilities that come with that, the kind of information that is brought to a jury in those cases must leave a permanent impression and perhaps a permanent scar on some of the members of our juries. I'm thankful that I've never had to serve in those circumstances. If I were asked to fulfill that responsibility, I guess I would say yes, but it would be with a real sense of gravity.

Thank you.

The Speaker: Additional comments? Additional members who would like to participate under Standing Order 29(2)(a)?

Then the hon. Member for Edmonton-Strathcona on the bill.

Ms Notley: Thank you, Mr. Speaker. I rise to speak briefly, very briefly, in favour of this bill. I remain a little bit perplexed. I haven't had a chance to go through *Hansard*, unfortunately, to find the introductory comments. I believe that this was actually put forward as an opportunity to expand the number of people who might possibly be able to sit on a jury although I'm not clear on that. I guess it really comes down, ultimately, to how easy it is and how often people go off to get pardons. In essence what we appear to be doing here is expanding the types of criminal charges that might interfere with one's ability to sit on a jury, on one hand, while at the same time opening the door for a greater number of people to sit on the jury through completion of the rehabilitative process, shall we say, once they receive a pardon.

I think that the rationales that underline both those movements are sound. I can see a purely conflict-of-interest kind of situation where there may be grounds to exclude people who are currently charged with a criminal offence from being considered as potential jurors in a criminal trial. Conversely, for those potential jurors who may in fact have been convicted of a criminal offence for which a sentence of imprisonment exceeding 12 months is an option and many years after they have been charged, convicted, served their time, moved on with their lives, and been eligible for a pardon, it seems to me rather strange that we would exclude them from the process because, obviously, our system is based on the notion that once people have served their time and been rehabilitated and been eligible for a pardon, they should have the same rights as everybody else.

I guess, then, that this act more reasonably reflects what it is that our justice system is trying to achieve and, I believe, actually is designed to expand the number of people who can sit on a jury. I think so. I may be wrong, but that's my brief reading of it. Obviously that, of course, will ensure more efficiency within our court system and reduce the amount of delay within the court system, and of course both of those objectives are ones which we would fully support.

With those comments, I conclude my remarks. Thank you, Mr. Speaker.

The Speaker: Hon. members, Standing Order 29(2)(a) is available should there be questions, comments.

There being none, are there additional speakers, additional members who would like to participate?

Shall I call the question?

Hon. Members: Question.

[Motion carried; Bill 28 read a second time]

Bill 29 Alberta Capital Finance Authority Amendment Act, 2008

[Adjourned debate October 21: Dr. Swann]

The Speaker: Additional speakers? The hon. Leader of the Official Opposition.

Dr. Taft: Thank you, Mr. Speaker. Bill 29, the Alberta Capital Finance Authority Amendment Act, raises some concerns for us here, and I think I need to set a context for this bill as well as the previous bill. This particular bill is occurring at a time when it feels like Alberta could be in the 1980s all over again. Alberta entered the

1980s with a hugely prosperous economy, low unemployment, massive surpluses for the government, huge government spending, and then just hit some really rough patches. Because the government wasn't particularly well prepared, we're still recovering from that in many ways today.

What happened through the 1980s, you'll remember, Mr. Speaker, is that a number of megaprojects that were just assumed to go ahead suddenly got cancelled. We might remember Alsands here or OSLO, the other six leases project as it was known, or some of the Cold Lake megaprojects under Imperial Oil. Those were going to carry Alberta's economy through the 1980s, and whoops. What happened? Alsands was cancelled. OSLO was cancelled. The Cold Lake megaproject was greatly slowed down. Of course, all kinds of other economic activity slowed down as well.

4:20

The government's response was at first fairly measured, but it was caught up in a position where its spending was so high that it had to incur massive debts. It ramped down spending from about 1986. In fact, there's a very distinct pattern, Mr. Speaker. In 1986 Alberta had the highest spending per person of all the provinces in the country. In 1996 Alberta had the lowest spending per person of all the provinces. Now, today, we have the highest spending of all provinces, vying with, of all places, Newfoundland for that title.

One of the responses to the economic collapse and then the burgeoning of debt and the cutbacks from the mid-80s to the mid-90s was that the provincial government brought in all kinds of direct controls through legislation on how much debt could be incurred, on how much spending could be incurred, on all kinds of government activities. The result of that was something that we routinely hear championed by the government, which is that the government paid off the debt. The very debt that the government incurred, but it did pay it off.

My fear with legislation like this, Mr. Speaker, is that we're repeating the very mistakes of history. What this piece of legislation does is remove a limit on government debt, in effect, on government financial activity, and this isn't a small limit. The limit is already \$7 billion. What this legislation does is actually remove that limit from legislation and give it to cabinet. It basically gives this cabinet a blank cheque to do whatever it wants. It can change regulations. It could raise that debt cap from \$7 billion to \$10 billion to \$15 billion, whatever. I think all of us need to be very concerned. I'm here speaking to people in this Assembly, many of whom would consider themselves fiscal conservatives, yet I'm the one who's standing here trying to raise the alarm bell: whoa, what in the world is happening to government spending?

The same thing occurred yesterday, Mr. Speaker, when there was a different bill before us, in which the limits on spending on agricultural services were increased. [interjections] I'm getting a lot of heckling from the Member for Edmonton-Castle Downs.

The simple fact of the matter is that this opposition has systematically for years proposed a government savings plan. We have proposed for years that the government build right into its budget a savings line because the best insurance against a recession is a really strong savings account. With all due respect to the Minister of Finance and Enterprise, Alberta's heritage fund is not a great savings account. It's nothing compared to what it ought to be. This government, for all its talk about a savings strategy, has yet to unveil any savings strategy at all. In fact, quite the opposite: it's setting us up for a very, very painful correction a few years from now if the economy at all goes off the rails.

We are seeing increasing signs every day that our economy may very well be going off the rails in the province. I know that the

business community right now is waiting anxiously for announcements tomorrow on what Suncor may or may not be doing in its capital expenditure plans. We know, as I raised in question period today, that OPTI/Nexen has put on hold their expansion plans for Long Lake. Statoil has put on hold its plans for an upgrader. BA Energy has put on hold its plans for an upgrader even though that upgrader is actually already partially constructed. We are at a point where it feels to me in important ways like it's about 1983 all over again.

What this government is going to do if the economy really slows down is draw down its stability funds. It's going to spend and spend and drain those accounts over the next couple of years to keep employment from collapsing, and then we may well face a situation where we end up going back into debt, Mr. Speaker. Wow. Wouldn't that be a sobering time for this province and a bleak day for this government? It would be the signal above all signals that this government did not learn the lessons with that bumper sticker of the mid-1980s, the bumper sticker I'm sure everybody here has heard about.

Mr. Speaker, I've got real concerns, serious concerns about a piece of legislation that raises a cap that's already at \$7 billion and takes any real control over that cap out of the hands of this Assembly and puts it into regulation so that cabinet ministers, at any time they want, can raise that cap. If they come under more pressure because the economy is slowing further or other issues, they raise the cap again, and they raise the cap again. That's exactly how from 1985 to 1995 Alberta piled up some \$25 billion or whatever it was in public debt. I wanted to begin by setting that kind of context for this.

There are a lot of other issues I have with this piece of legislation. The Alberta Capital Finance Authority is set up with a share kind of structure so that different organizations hold shares, and the largest number, quite sensibly, are held by the Crown through the government of Alberta. There are also shares available to municipalities, to regional airport authorities, and to health authorities. That raises a particular concern to me as we watch this government restructure the health system.

Is there a risk, Mr. Speaker – and I put this to the Minister of Finance and Enterprise – that the Alberta Capital Finance Authority could end up through these shares financing, for example, private, for-profit long-term care facilities or private, for-profit health clinics or private, for-profit hospitals? If that's what we're setting up here, I can tell you that I don't think the people of Alberta will want it for one minute. I don't think it should be passed. I don't think that for one minute either.

Maybe the Minister of Finance and Enterprise will be able to answer the question in the course of debate before this legislation passes. Who all will be eligible to borrow through this extension of these class B shares in the Alberta Capital Finance Authority? I want to make sure that I'm clear here. If we set up a situation where Alberta Health Services is able to borrow from this authority to help finance a for-profit long term care facility, that's wrong. In my view, Mr. Speaker, that's wrong. I would like this minister to address that issue in the course of debate.

I can also imagine other areas through municipalities who enter into P3 arrangements. They might borrow money from Alberta Capital Finance Authority to help finance a P3 arrangement. Now, we have recently signed a P3 arrangement with a corporation from out of the province. I think it may even be out of the country; I can't remember. Well, it certainly shouldn't be the taxpayers' responsibility to help finance those kinds of projects and those kinds of businesses. That is another set of concerns I have here.

So number one concern, we shouldn't be raising this cap. Number

two concern, we shouldn't be removing the legislative authority over this cap and putting it in the hands of cabinet, who can ramp up debt just like it did 20 years ago. Number three, there should be controls on what can be financed. My view strongly, Mr. Speaker, is that I don't want to see the Alberta Capital Finance Authority putting taxpayers' money at risk to support private businesses.

4:30

I also would like to see a review of how the board of directors of this authority is appointed. What are the qualifications for the members who are appointed as directors of this authority? I think we need to be very careful as we've watched the financial crisis in global markets, in credit markets, which this is dealing with. Now, we need to ensure that the people who serve as the directors of the Alberta Capital Finance Authority have the utmost financial credentials and don't just receive the appointment because they happen to know the right people.

So, Mr. Speaker, if my questions can be adequately answered by the minister, who I see paying careful attention to what I'm saying, I will consider possibly supporting this. But if I feel at the end of the day that this risks putting this province back into debt or if it risks inappropriately using taxpayer money to support private enterprise or if it risks a lot of provincial wealth being put under the management of people who may not be as well qualified for overseeing that as I think they ought to be, then I might very well oppose this legislation.

Thank you very much.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you, Mr. Speaker, for giving me the opportunity to speak on Bill 29, the Alberta Capital Finance Authority Amendment Act, 2008. When I initially went through this legislation, actually, in the first instance it was brought forward – it's been in existence since 1956 and had some really sound principles allowing our municipalities and hospitals and other organizations to borrow money through the government for public purposes.

Those public purposes were hospitals, schools, and other things that were owned by the taxpayer. Their children used them, their grandparents used them, and all that stuff, so it was truly a public business. The government was taking funds from either taxes or revenues or otherwise and spreading them around through a loaning instrument to ensure that public space was available for people to use. I applaud that sort of leadership in government and allowing other areas of government that maybe don't have the financial ability to raise funds on their own and ability to start projects on their own. In essence, that's what the Alberta Capital Finance Authority was established to do.

Before we get too far along, I would like to comment on the Leader of the Opposition's really, I think, succinct rundown of the way our Alberta economy has evolved, where we tend to overspend in good times and possibly undercut in bad times. He went through the fact that in 1986 we had the highest per capita spending, and in 1996 we had the lowest per capita spending. Again, we turn right back around 10 years later and have the highest per capita spending. It seems like our spending is on a yo-yo string, dictated by outside occurrences or, in fact, occurrences that are happening inside our walls instead of having a plan in place that deals with the ebbs and flows of the economy in a reasonable and rational way. That's just a comment, and my leader, the Leader of the Opposition, explained it a lot better than I have just here.

Nevertheless, turning actually to the legislation, I, too, feel that the higher borrowing limits may in fact be causing us some concern

particularly at what seems to be an ominous time in Alberta's future. Hey, maybe we're making much ado about nothing. Hopefully that is the case, that the world economic system rebounds, that the price of oil rebounds to a reasonable rate and we can all go along with our day and continue sort of like Alberta has been able to continue for the last 15 years, or at least 10 years anyway, isolated by a revenue stream that has come in from oil and gas, which is absolutely wonderful. Yet at the same time, you look at what's happening in the world, and some of the things that are happening in Alberta to maybe affect our long-term Alberta advantage, if we may call it, are at play, so I am concerned about increasing the borrowing limit.

Also – and I alluded to this earlier – I really find it objectionable that this legislation is now being used to move from a purely public purpose to supporting things that are of a private nature. Why are we in the business of lending private businesses or doing things for a profit with money that was collected by the taxpayer for the taxpayer for public use? If these individuals are truly market players, let them borrow at competitive rates from a bank and not be subsidized by this government, which, in essence, is what this is allowing. If these individual companies are actually playing out in the marketplace, well, let them go be private companies, go about their business, go to the ATB, and talk to their person in charge there and see what they can do to make a viable loan to make their business run better. Those are my comments on that.

Just a few questions as to what checks there will be in place for the many changes to the borrowing limit. Are these going to be present and available? I'd like to hear from, again, my counterparts on the other side of the House to explain what checks and balances will be in place to ensure that the Alberta taxpayer isn't on the hook for money that disappears into the night or in a moving truck going down south, whatever it is.

Anyway, those are my comments. We'll move this along. I thank you very much for the opportunity to speak on this bill.

The Speaker: Hon. members, Standing Order 29(2)(a) is available for question or comment. The hon. Leader of the Official Opposition.

Dr. Taft: Well, thank you. I'm wondering if the Member for Calgary-Buffalo has any concerns that the obligations entered into by this authority are unconditionally guaranteed by the province of Alberta. Is that a good idea, in his view, or is that putting taxpayers at risk when the guarantee is unconditional?

Mr. Hehr: Well, I think it's self-explanatory. When there are unconditional guarantees put on any money loan, it leads to the inevitable, you know, abuses, especially since we're opening up to nonpublic bodies that may not have the best interests of the taxpayer at heart or the Joe Citizen at heart.

In fact, let's look at private businesses. Who are their loyalties to? Their shareholders. Who are the shareholders often? Well, they're around the world, they're around the globe, and those are where those obligations are. Sure, we may have some shareholders right here in Alberta, and hopefully that's the case. Nonetheless, yes, the obligations of these corporations, once they've secured this money, is to the shareholders of the corporation and nobody else. They're not to the taxpayer of Alberta or the taxpayer of Claresholm or the taxpayer of Nanton. They're to the shareholders of that corporation.

4:40

That public money transfers itself to these organizations to do essentially, you know, what they want. If they want to wind up the company, whatever it is, and say, "Well, thank you very much," to

the ACF Authority, "Thanks for your money; it didn't quite work out, but we're going to go start on our next project" – that's what we as people do. If something doesn't work, we'll move on to our next one, and we'll do it other ways and maybe apply for another loan from ACFA at these very favourable rates to start up some other endeavour. Well, that can be what happens. So of course it worries me greatly that these loans are unconditionally backed with no recourse to get back public money.

The Speaker: Are there additional members that would like to participate in the question-and-comment period? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you, Mr. Speaker. I would like to know if my honourable young colleague has a concern about financial oversight, ministerial regulatory responsibility as opposed to legislative stewardship. Specifically, this is another in an ongoing series of independent funds, so to speak. We've got the large fund AIMCo, we've got all the funds associated with the Alberta Treasury Board, we've got the sustainability fund, we've got the heritage trust fund, now we're having this fund being proposed, all of which are, to a degree, under regulation as opposed to legislation in terms of control. Are you concerned about the number of funds and the type of accountability and transparency in terms of regulating them?

Mr. Hehr: I think you bring up a very good point, hon. colleague from Calgary-Varsity. There has to be a certain amount of recourse here in the Legislature for us to be able to discuss things that matter to the citizens of Alberta, and that is becoming increasingly difficult with the way we are structuring our AIMCos, our one-off companies, and regulatory bodies who are in charge now of various things. It seems to be almost that these are being set up with the de facto purpose of limiting the amount of questions one can ask about, say, what the decisions are on a year-to-year basis, what the decisions are in regard to the taxpayer. I would agree with you that it does give me some concern, especially the fact of the continued erosion of the democratic process.

Thank you very much for the question.

The Speaker: Others?

The hon. Member for Edmonton-Strathcona to participate in the debate.

Ms Notley: On the bill directly?

The Speaker: Yes. Please proceed.

Ms Notley: Thank you, Mr. Speaker. I rise to put on the record in a general way our preliminary concerns with respect to this bill that is being brought forward to the Legislature at this time. We could get into a lot of detail. I'll try and keep my comments more general at this point. There are three or four general concerns that we have.

The first one, of course, relates to the overall act which we see happening here, which is the removal again from this Legislative Assembly to the cabinet table of some very significant decision-making authorities. Not a big surprise as a member of the opposition.

This kind of governance strategy is not one that is ever good. It is a continuation of a trend, a trend where decisions are made behind closed doors without anywhere near the kind of discussion or debate that these decisions often require and with a significant limitation on the opportunities for Albertans to participate in the debate or the discussion. It essentially – no big surprise; it's probably making

people very tired to hear us say it, but you know we'll say it anyway – goes against sort of general principles of enhancing democracy. It is part of what I would suggest is an overriding ethos that we see in this government today, which is part of this "Don't worry; be happy" kind of approach to governance. It's: "Don't ask what we're doing; just trust us. Don't worry your pretty little head about what it is we're doing; just trust us. We'll make these decisions. Nobody else needs to participate in the discussion or the debate. It's all for your best interests. Just go shopping. Go shopping."

That's, of course, the first concern that we have with what this act does because it so clearly removes such important decision-making opportunities from the Legislature. In fact, it shouldn't just be members of the opposition who are concerned about it. It should also be members of the government caucus, the many, many, many members of the government caucus who don't sit at the cabinet table. Those members, too, should be worried as these kinds of decisions are moved from the Legislative Assembly to the cabinet table because no matter how long your caucus meetings are, you probably don't get the opportunity to fully debate and canvass on these issues. All members of the Assembly should be concerned about this kind of trend.

Now, of course, in this particular case the important decision in question, which is being removed from the oversight of the Assembly and, hence, the oversight of the people of Alberta, the particular issue in question, is one which relates to significant financial matters for all citizens of the province. We are talking about the ability of this government to effectively incur greater and greater liability. I'll be the first to say that there may be times when that increase in liability is called for and is a worthwhile increase and should in fact be made, but where those instances arise, those are things that need to be discussed in this House. We can't just have arbitrary decisions made on increasing liability without there being greater discussion.

There's nothing in this act, by moving this to regulation, to stop Executive Council from doubling the liability opportunities for this government with the stroke of a pen. Fourteen billion dollars, \$28 billion: you know, why not make it the same amount as the annual budget as a whole? What's to stop them from increasing these liabilities at incredible rates?

Now, often the reason for increasing the liabilities will vary. As I said, good governance isn't about adhering to a very simplistic rule, at least not in my view. I think it's about measuring and weighing the issue at hand with as much evidence and information in front of you and as responsibly as you can. There may be occasions where it is, in fact, worth while to increase your liability and, indeed, increase your debt. The adage "Thou shalt not incur debt" is not, in and of itself, the only answer to any given question.

Of course, you know, Conservatives across the way may laugh at that because they say, "Oh, we're the ones that slayed the debt," but in fact it's also Conservative governments across the country historically who have incurred the greatest debts ever experienced by provincial governments. We can't actually trust them to (a) manage it responsibly or (b) manage growing debt for the right reasons.

Basically, it comes down to a question of priorities. Why is it that we might want to consider the possibility of increasing this government's potential liability? Well, there are a lot of different reasons. Is it so that we can through a municipality or through some other government agency effectively provide yet another subsidy to big oil? Are there occasions where it might be worth while to do that because of the situation that the economy is in? Or is it just part of the overarching pattern of this government, even in good times, where we give big oil the lowest royalty rates in the western world just because we like them? We like to have oil companies build

their towers in Calgary. I mean, is that the reason we're doing it, or is it because it's part of a well-thought-out, well-informed construction plan to build the economy?

4:50

We don't know because these decisions and the reasons underlying them will not be open for debate. We'll get the decision at the end of the day, but we'll have no idea why it was made or on whose behalf it was made. Nor will we ultimately be given the opportunity to say: "You know what? Having this multinational oil company build another tower in Calgary is not worth an extra \$4 billion in liability." We just really don't know what the priorities are.

Conversely, if it's a matter of enhancing public transit, if it's a matter of enhancing our ability to adapt to growing environmental obligations as a community and to do it in a way that shares the cost amongst all Albertans, maybe it is something that needs to be done. Again, this is not something, these big-picture kinds of decisions, that Albertans or government members or other opposition members would be able to participate in. We wouldn't because it would all be happening at the cabinet table.

[The Deputy Speaker in the chair]

That is why we are very, very concerned about moving forward with this kind of authority to cabinet. We just heard – I believe it was the day after the federal election – that the Prime Minister of our country, who would probably try to characterize himself as a huge fiscal conservative, is indeed letting people know that it's very possible we'll have to run a debt nationally because of current economic circumstances. We know the Conservatives have it in them to make decisions to increase debt and to not think out the merits of the liability that they're incurring.

With those brief comments, we will return to this bill in later debate and get into more detail at that time. We are very, very concerned about this very undemocratic and, frankly, ultimately irresponsible piece of authority that this government is once again giving to its cabinet table at the expense of other government members and the opposition and, frankly, the people of Alberta.

Thank you very much.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes for question and comment on the debate. Anyone?

Mr. Chase: I appreciate the opportunity to ask a question of my esteemed colleague. Legislation versus regulation: do you have similar concerns to what we've expressed with regard to the oversight of this fund and who potentially gets to make those decisions outside of the legislative framework?

The Deputy Speaker: The hon. member.

Ms Notley: Well, thank you. If I understand the question correctly, I mean, it's always a problem when decisions are made behind closed doors. It's always a problem when Albertans are not consulted. It's always a problem when we actively and with great intent attempt to limit the amount of information before us before we make a decision, which is something that we often appear to see with this government. Any move to enhance the insular nature of the decision-making process and to remove it from the more healthy and wide-ranging consideration mechanism that's provided through the Legislative Assembly is one that all Albertans should perceive negatively, should be suspicious of, and should work to avoid in any way they possibly can.

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

Mr. Chase: Thank you. You used the word "insular" as in isolated. Do you think the establishment of this fund as Bill 29 proposes provides any kind of insulation for Alberta from the global recession, the effects? Does this \$7 billion fund offer almost like an insurance policy, a buffer, or are there other considerations that have to be taken into account as to how this fund is managed?

Ms Notley: Well, I think that ultimately the finance authority is a good body that has the ability to ameliorate in many cases a lot of the uncertainties that municipalities and others attempting to engage in capital expenditure might otherwise be subjected to. But at the end of the day we're talking about slightly less than a quarter of our annual budget, and we are talking about giving the government the ability to change it to half our annual budget or twice our annual budget or 10 times our annual budget. We really don't know. Then at that point, notwithstanding the merits of what the authority may periodically achieve, as citizens and as members of this Assembly we need to keep a handle on how much liability they're incurring for all Albertans while they set about doing it and why it is they might be trying to do it. Those are the kinds of concerns that we have.

Thank you.

The Deputy Speaker: Any other members who wish to speak on the bill?

I call on the hon. Minister of Finance and Enterprise to close debate.

Ms Evans: Thank you very much, Mr. Speaker. I'm rather sorry that I indicated the other day to both the Member for Edmonton-Centre and the leader of the New Democratic Party that I was working on an amendment so that what currently exists, which is the opportunity for an authorized hospital under the Hospitals Act to apply for some type of funding through ACFA, could exist if an amendment that I'm attempting to bring before this House goes through. Although regulationwise we have not been permitting that kind of support for private, for-profit hospitals, I was trying to satisfy – the Member for Edmonton-Centre indicated that she would be very satisfied, very happy if I came forward with that amendment for this legislation.

Let's not lose sight of the fact, Mr. Speaker, that the Auditor General makes no provision for risk with ACFA. There's just no way that they can go off the rails. Finance and Enterprise is responsible for monitoring the activities of ACFA. Although we were attempting to remove that cap of \$7 billion, it's because in a time of downturn in the economy – at the time I was originally envisioning this, we weren't really in it yet, but it looks like we could be – if municipalities have cash, they may well wish to take advantage of ACFA and the opportunity to borrow and to build some of the facilities that the slowdown will give them the opportunity to do.

We knew that we were going to exceed that \$7 billion limit by the end of 2008, so it was imperative to get this legislation before the House soon because I didn't want the embarrassment of telling municipalities through ACFA: "No. The well has gone dry." We wanted to give some latitude, and obviously if it got too high, the ACFA would be told: "No. You can't absorb that kind of risk." But too high might be a point of relevance two years from now. I mean, situations can change.

It was so that we don't have to repeatedly come back and have this extensive debate in this House about what the cap could be for municipal authorities, whom we trust to do the right thing. They are,

however, creatures of the provincial government. They're screened not only by the policies of the ACFA but by this government itself – you heard the Premier today say: we do not run deficits – to keep them within the rails.

I'm hoping that when I close debate today, it'll be clear to the members opposite that we are attempting to bring forward what would satisfy the Member for Edmonton-Centre, which would be some type of an amendment to say that we would certainly assure that private, for-profit hospitals would not be entitled to access funding through ACFA. Now, I grant you that that was done verbally. The hon. Member for Edmonton-Highlands-Norwood heard me as well, nodded assent.

So I will bring that back, hopefully at the next juncture. I close debate.

[Motion carried; Bill 29 read a second time]

5:00 **Bill 35**
Government Organization Amendment Act, 2008

[Adjourned debate October 21: Mr. MacDonald]

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

Mr. Chase: Thank you. I must admit that when I first looked at the title of Bill 35, Government Organization Amendment Act, a déjà vu of a horrid nature flashed back to me, and that's when we had the ministry of RAGE, that was restructuring and government efficiency. I think the government recognized that that department was having a terrific amount of internal organizational difficulties, so when new ministries and a new Premier came around, that was one of the first ministries to be disbanded, and I believe that was a good move. Also, we've heard the sort of expressions like: loose lips sink ships. I'm a fond supporter of literary devices and alliteration, so I would be tempted to refer to this bill as: loose land law lacks legislative light.

My concerns have to do with who's controlling the sales of the land. Bill 35, according to the government, is to provide the Infrastructure minister with more flexibility to deal with the sale of surplus government property. The bill would give the minister the same power as the Minister of Sustainable Resource Development to take proposed property sales to cabinet for approval. The proposed amendments, renumbered to be section 10(3)(a)(i), (ii), and (iii), would seem to create a stricter approach to the sale of Crown property since it requires that a sale can only be made after an invitation to submit tenders or after a listing with a real estate broker, only after at least two appraisals, and for an amount not less than market value. While the provisions are not actually new, the insertion of the words in 10(3)(a) "if it is made" would presumably send a message for stricter requirements.

The new provision is the renumbered section 10(3), which allows for a sale to be made "under circumstances authorized by the Lieutenant Governor in Council, subject to any conditions that may be imposed by the Lieutenant Governor in Council." So again we've got this internal potential conflict of interest where one internal governor is governing himself. "Did you make a good decision?" "Yes, I did. Thank you very much." You know? It's almost like a split personality conflict of interest.

The concern here would be that the cabinet can totally ignore all the provisions of 10(3)(a) and approve a sale however they see fit. This is like the equivalent of a licence to print money. Where's the oversight? This could potentially allow for the easier sale of Crown lands, either for the establishment of P3 projects or for any other projects where the cabinet feels that the selling of Crown lands is

advantageous. The act had already made provision for a sale of Crown lands property to be at less than its market or book value when selling to other organizations that were also governmental – i.e., municipalities, school boards, universities, colleges, hospitals, and to nonprofit corporations – section 3(3). The proposed section 10(3) allows cabinet to make a sale totally outside of these bounds, and that's where the concern occurs.

I have no concern whatsoever about making an opportunity, as was the case with the recent land swap for Ernest Manning. Originally I had trouble with the concept, but when I saw the money that was . . . [interjection] This is the Ernest Manning high school. It's going to have to be demolished due to the expansion of the LRT program. But what the city of Calgary did was they basically purchased at half the value of the land, and the government provided the equivalent of a grant to relocate that particular high school.

While it serves the needs of the individuals in the Calgary-West constituency in terms of a much-needed replacement high school, there aren't similar circumstances being offered in the northwest part of Calgary, where we're in desperate straits with regard to our need for a high school as well. The two high schools in my area, Sir Winston Churchill and William Aberhart, are basically imploding, and just down the road Bowness high school is suffering from the same type of aging, not to the same extent as Western Canada, but it is also suffering.

I don't have trouble when the government offers a reduced land deal to municipalities or school boards. I have concerns, however. What Bill 35 doesn't absolutely resolve is, again, this regulation versus legislation at the whim or the will of the minister or, in this case, the Lieutenant Governor in Council. This is all behind closed doors. It's not subject to debate. As a result, the lack of oversight, the lack of accountability, the lack of transparency is a concern.

I've also seen examples of what I'd call land speculation. Land surrounding the ring road in Calgary, for example, land that wasn't needed because of redesigns, particularly in the northeast quadrant of the ring road, was sold at a very small price, picked up by land speculators, and the profits doubled and tripled. Then when the northeast ring road was rerouted and redirected, some of that land was then bought back by the government at a highly magnified price. This potential for speculation very much concerns me.

I'm also concerned about how land is designated. One of my concerns – and we've had discussions, the Minister of Sustainable Resource Development and myself – is about Crown land and its disposal or its lease. Yesterday I had an opportunity to see on a wall map the number of Crown-leased lands that basically fill the northeast quadrant of our province in the form of tar sands developments. While those tar sands developments produce temporary value in terms of the money that we get for those leases, there is no guarantee when we get that land back. It certainly can't be restored, and the degree to which it can be reclaimed is questionable as well. We're basically turning what was boreal forest and peat bog into a grassland, and I'm afraid we don't have enough buffalo anymore to take advantage of that roving grassland, which does not have the same carbon holding ability, basically, as the forests that are being removed.

The cost of this development is a very large concern of mine, and the way Crown land can benefit the lessee. For example, in the case of a farmer using Crown land for grazing purposes, there is always a fair amount of money to be made by the leaseholder if the oil and gas companies decide to drill on that Crown-leased land. It's the individual who currently has it for grazing who stands to make considerably more money from the oil and gas footprint, basically, on the government's property but leased by this individual than any value that they would have had for grazing their herd.

5:10

This is particularly in evidence in the southwest portion of our area, particularly as it approaches the American border, which Larry Simpson of the Nature Conservancy refers to as the last five miles. In terms of Bill 35 and the control of land and the control of leases I would like to see the government working to a much larger extent with organizations like the Nature Conservancy to protect that remaining land and the grass that holds the water to such an extent in that particular area. This is extremely important.

I've also, in terms of Crown land, urged the government to set aside the land that should never have been given away in the first place. That's the 1,600 square kilometres of land that we have proposed numerous times to be set aside for the Andy Russell I'tai Sah Kòp park. The I'tai Sah Kòp, as I've mentioned previously, is the Peigan word for meeting place. This is the type of land that, as opposed to being given away, requires conservation protection.

When we're talking about Crown land, I realize that this is federal Crown land, but I've asked that the province become more involved in the protection of areas like the Suffield range. Over a thousand drills for coal-bed methane and other forms of natural gas are being proposed for this area, which is currently one of the last grassland refuges in southern Alberta, yet the government, rather than protecting the land, seems to be almost fighting with the army currently dealing with the land. It has come to the attention of the soldiers operating on the Suffield base, the concern that they have about trying to carry out training exercises around gas wells and gas valves and the potential with the ammunition that's been expended. We know how much it cost to clean up the Sarcee reserve because it had formerly been part of the Sarcee army base.

These kinds of expenditures and liabilities, while it's a federal liability, it's a provincial liability in the sense of the value of that lost land. I would hope that Bill 35 would address that, but, again, because it deals with primarily ministerial regulation and cabinet decision-making, the chances of that preservation are very slight. I'm hoping somebody will get up and contradict me.

Another concern I have is going back to the minister of sustainable resources. He correctly pointed out to me that you can't charge for hunting expeditions on Crown land, and I was very grateful to hear that because what had been a worry of organizations like the Alberta Fish and Game Association is that large tracts of land would be taken out of the opportunity to hunt and that landowners, as opposed to Crown land, would band together and restrict access to hunters with the idea that you could have, while not a penned hunt, the equivalent of a restricted hunt, and only if you had the dollars or were, you know, an individual coming to look for a large set of antlers, you'd be able to hunt on this land, so the restrictions are a concern.

One of the potentially positive areas of Bill 35 is the dollar deal. The dollar deal to the municipality would be greatly appreciated. If the land that has been not needed in the development of ring roads or other provincial government activities were then given at a dollar to the municipalities, they could then in turn provide it to organizations like Habitat for Humanity.

I look forward to other members. Thank you.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes to question or comment on the debate speech. The hon. Minister of Municipal Affairs.

Mr. Danyluk: Thank you very much, Mr. Speaker. I have really two questions, or maybe it's one question. You very much referred to the holding power of land. You spoke about the holding power of

land with what you consider some expertise. I would really like to know where you got that information. Would you explain it a little bit more to me, the holding power of land.

Mr. Chase: I welcome that opportunity. One of the beauties of 29(2)(a) is the fact that members of the government get to ask members of the opposition. It's kind of a reversal. I welcome that opportunity. I would like to see the actual reversal. I'd like to be sitting on that side asking you the similar question.

In terms of where I get my knowledge of land, I received that knowledge by intensively bringing myself up to speed when I was the shadow minister for Transportation and Infrastructure. That's when I had the opportunity to see the value of land. Also, in terms of the value of land and the power of land and the ownership of land I have worked with Habitat for Humanity as, I would call myself, a semiskilled labourer. I do have some carpentry ability, and I was fortunate one time to work with Andre Chabot, who is an alderman for the city of Calgary who has considerably more skill than I have. He was the foreman for our project.

What I have seen in terms of the power of land, to directly answer your question, is how you can leverage the value of that land to create a series of projects. One of the Habitat for Humanity projects was on 16th Avenue where the Highlander Hotel land, basically a large piece of it, was donated to Habitat for Humanity, and because they didn't have to pay the cost of the land because it was given to them, they were able to build a series of townhouses. If they'd had to buy that land at market value, that townhouse development would not have gone up. Likewise, Habitat for Humanity and the Calgary land trust have the opportunity with donated land to create affordable housing.

I know the minister, having so frequently spoken of the \$285 million affordable housing initiative, would see this as very much a win-win situation. We've got basically free labour. With the generosity of philanthropists and the government in terms of providing land available for affordable housing, we have a winning circumstance. I know it is the Minister of Municipal Affairs who values the need for affordable housing, and I thank him for asking me that question. He well knows the value of land.

Mr. Danyluk: Basically, he's not answering – he's been listening to us in question period. No. No. I didn't say that.

I would like to give him the opportunity to go back to the question that I asked because it is a very serious question. He was talking about the holding power between buffalo and cattle and the ability of land to produce. He didn't answer any of those questions. If he can do that and if he would send it to me later, I'd be very interested to know where that information came from.

5:20

Mr. Chase: Far be it for me to obfuscate. I want to make sure that I get this correctly. You were asking me about the power of land and the value of land?

Mr. Danyluk: Holding power. Your words.

Mr. Chase: The holding power of land?

Mr. Danyluk: Yes.

Mr. Chase: The holding power of land is the value of the land. It's like land in trust. If you have the land, that gives you the power, then, to leverage. That's what I'm meaning by holding power. I could almost say the holy power of land because of the good works that could be done as a result of having that land for affordable housing. This is very important.

The Deputy Speaker: The hon. Leader of the Official Opposition.

Dr. Taft: Well, thank you. I hope the Member for Lac La Biche-St. Paul got everything he wanted out of that.

Mr. Speaker, the Chinese have a saying: "Govern a great nation as you would cook a small fish." I think we need members of this Assembly to think about that for a minute. What we want to do here as legislators, no matter how big the province or how large the budget, is pay attention to the details. We need to look carefully, attend with care to what we're doing here. I'm seeing a pattern that genuinely concerns me, and I can't believe that nobody else at this moment on the government side is standing to raise this concern.

Once again, we have a bill before us, like one earlier this afternoon and like one last night, that gives unbridled authority to cabinet to make decisions that could cost the taxpayers huge amounts of money. What we have in Bill 35 is an amendment to the Government Organization Act that curtails the authority of this Legislature and passes it right into the hands of cabinet. I think we need to be very, very concerned because we're seeing that played out over and over again.

I can tell members of this Assembly that those curtailments were put in legislation for good reason. The people of Alberta through the government of the day – and this is a government of the mid-1990s in this particular case, a government that understood that this Assembly is where authority needs to rest for decisions that can cost the taxpayer a lot of money. Because that authority ended up out of the hands of this Assembly and was used freely and sometimes abused freely by cabinet in the period from the 1980s to the early '90s, this government ended up in terrible debt. At that time in response this act and many others brought control over government spending back into this Assembly.

What we are seeing these days is a systematic reversal of that, Mr. Speaker. This is at least the second bill today alone that lifts the authority from your hands and your hands and your hands, from all of our hands as members of this Assembly and puts it in the hands of cabinet. This is occurring at a time – I'm going to repeat this – very much like the early '80s. The Minister of Finance and Enterprise herself just a short few minutes ago admitted that we're facing a significant economic slowdown. We are removing our fiscal controls at the very time when we need to be hanging on to them. We are failing to pay attention to the risks. Members of this Assembly who are going along silently with this trend are playing into the hands and actually escalating the risk.

I don't know how many members of this Assembly have even read this bill. You know, while most of it is innocuous, there are some very crucial sections. There's a provision in what will be the renumbered section 10(3) which allows for a sale of land to be made "under circumstances authorized by the Lieutenant Governor in Council, subject to any conditions that may be imposed by the Lieutenant Governor in Council." In other words, cabinet is giving themselves a completely blank cheque; they can do whatever they want when it comes to disposing of land. And that should concern all of us here.

The history of this government in managing land is decidedly mixed, Mr. Speaker, and I want to get on the record, while I still have time, some examples of where things have gone off the rails. Starting in the 1990s, there was a lawsuit brought against this

government by a fellow named Thor Nilsson. Thor Nilsson will be known at least to some members of this Assembly from rural Alberta because he's the father of the Nilsson brothers, who are very prominent players in Alberta's beef sector, very prominent in Alberta's meat processing sector. This is a credible person. Thor Nilsson brought a case against this government on the basis of concern and bad dealings from this government over land that he held. He felt that the value of that land was lost to him because of deals engineered by this government, deals that certainly from a distance looked like they were intended to favour friends of the government.

Thor Nilsson didn't roll over and play dead. He took this government to court, and he took them all the way up to the Supreme Court. You know what? This government was found guilty by the Supreme Court of bad dealings in land and had to pay out a \$9 million settlement to Mr. Nilsson all because of bad land dealings.

Now, that is not by any stretch the only example. We have extensive documentation, much of which was tabled in this Assembly, about bad deals, bad land deals, some people would say crooked land deals involving this government going back years and years: land that was sold for a dollar; public lands given away for a dollar and then flipped back, bringing to the new owners vast amounts of wealth. There's careful documentation on that.

After Thor Nilsson's court settlement, there have been subsequent legal settlements with other landowners who have felt and have actually legally been confirmed in their sense that land deals were done to their decided disadvantage by this government. We know that as recently as a couple of summers ago multimillion-dollar settlements were made with Albertans on the condition that they remain silent because of bad land deals from this government.

So, Mr. Speaker, we have here a bill that actually fuels that kind of bad dealing, that sets the stage for the abuse of the taxpayer by a cabinet that is given a blank cheque by this legislation. I can't believe that I'm sitting here watching members of this Assembly do this without even raising a concern. I challenge them to read the legislation and ask themselves why they would give cabinet ministers this kind of blank cheque. Why would they allow them to make any land deal they want whatsoever without the control of the Legislature, without any oversight by the Legislature?

Challenge your cabinet ministers. Put them on the spot. Why do they need this power? They don't. They haven't had it before; at least, they haven't had it for 10 years. When they had it before, it was abused. It cost the taxpayers millions of dollars and led to all kinds of court cases, and that's why those powers were taken out of regulation and put in legislation. We're seeing the reversal of this at a time when the economy is setting this cabinet up to make exactly the mistakes that they made in the 1980s. Mr. Speaker, I think this is a bad piece of legislation. I think the members of this Assembly on the government side should hold their ministers to account and ask them to . . .

The Deputy Speaker: I hesitate to interrupt the hon. member. We can continue the debate this evening. The Assembly stands adjourned until 7:30 p.m.

[The Assembly adjourned at 5:30 p.m.]

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