



Province of Alberta

The 27th Legislature  
First Session

# Alberta Hansard

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The Honourable Kenneth R. Kowalski, Speaker

# Legislative Assembly of Alberta

## The 27th Legislature

First Session

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 Mitzel, Len, Cypress-Medicine Hat, Deputy Chair of Committees

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[Errata, if any, appear inside back cover]

## Legislative Assembly of Alberta

7:30 p.m.

Monday, November 3, 2008

[The Deputy Speaker in the chair]

**The Deputy Speaker:** Please be seated.

### Motions Other than Government Motions

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

#### Payday Loan Interest

511. Ms Blakeman moved:

Be it resolved that the Legislative Assembly urge the government to introduce legislation to establish a ceiling for the daily accrual of interest on payday loans.

**Ms Blakeman:** Thank you very much, Mr. Speaker. I'm pretty sure this is the only motion I've ever had actually get before the House in all of my 12 years, so persistence pays off in actually getting it here.

I'd like to talk about a couple of things as I try and encourage my colleagues to support this motion. I am aware that the government has been moving in the same direction, so that tells me that this is an idea whose time has come. It's also a shared recognition on both sides of the House that there is a role for government in consumer protection, and that role comes when we see an opportunity where citizens are being taken advantage of, and that disadvantage starts to roll through the rest of our society and affect a fair number of people.

We have a situation where there have been some very clever entrepreneurs, and good for them for identifying a need. They've opened what are called payday loan companies or cash stores or some variation on that theme. Essentially, they will offer short-term loans, usually based on your paycheque. You write a postdated cheque for them that's due on the date that you'd receive your next paycheque, and you get some sort of small amount of money, or we hope it's a small amount of money.

These entrepreneurial ventures have up to now been entirely unregulated because, of course, they're not banks. They're not credit unions. They do not accept deposits. They just give out the loans. So they haven't been regulated up until now. The government recently made amendments to the Criminal Code which allowed provincial governments to bring in regulations that would affect these payday loan companies, and that's the situation we're in.

We've already seen Manitoba bring forward a model that I recommend to the House, but I'm not saying: adopt those exact numbers. What we have in Manitoba is that on the cost of their payday loans the maximum interest that can be charged is 17 per cent for loans up to \$500, 15 per cent for loans of between \$500 and a thousand, and 6 per cent for loans between a thousand and \$1,500.

I think we would want to work out what works best for Alberta because we have a different economy here. It's driven by different things. We have a different per capita wealth ratio here. I think we should figure out for ourselves what that's going to be both through consultation with the community – the sector, the industry – and also with the client base and with consumer advocate groups. I'm sure we can do that.

The other thing that Manitoba did that I'd also recommend to the Assembly is to look at the idea of putting a ceiling or a limit on loans that are granted to people that are on employment insurance or social assistance of some kind, on social benefit of some kind.

Again, if those folks are looking for a short-term loan and they're getting some sort of assistance from the taxpayer already through the government, we really don't want to see them get into a cycle where we're having to use taxpayer money to in effect assist them further because that's highly unlikely, and then we've really got people in need. What they've done in Manitoba is said: 6 per cent maximum on these loans up to \$1,500 for anyone. Of course, then they have to prove and give bona fides to prove that they're on EI or social assistance in some way.

I think what really brought this home to me was looking at a paper put out by the Financial Consumer Agency of Canada, which is a federal agency, in which they gave a little chart of how much it would cost to borrow \$300 on a 14-day loan period. Using a regular line of credit, that would usually cost someone \$1.15. Using an overdraft on a bank account, it would be \$2.42. Remember that this is on a \$300 loan for 14 days. If you got a cash advance on your credit card, then that's probably going to cost you about \$4.13 for that same \$300, but a loan from a payday loan company would probably cost you \$50 for that same \$300. So that's a range of charges and interest between \$1.15 and \$50.

Mr. Speaker, I love my small businesses in Edmonton-Centre. I want to see them do well, no question about it. But as a legislator I also have to look out for the citizens. I think this is an instance where there's an opportunity for small businesspeople, for payday loan companies in that sector, to make a good profit and for us as legislators to still protect Albertans from any kind of usury costs.

It's not that the payday loan companies are in fact charging interest rates that are extraordinarily high, but what they are allowed to do is charge for things like brokerage fees, administration, all kinds of other fees that get lumped into this. If you default on your loan, then you also end up paying an NSF charge from your bank, and then the payday loan company charges you an NSF administration fee, and all of those fees get figured in. We have people where it's not unusual to see these percentages all added together amount to between 300 and 600 per cent the value of the original loan, and that's where there's a problem. I think it's more than fair for small businesses to make a good living at this, but I think we have to balance it with some kind of consumer protection.

Now, I know that the government has moved along approximately at the same rate as I did because this idea was originally submitted in September of '07. I know there have been consultations with the sector, and I think there has been some consultation with consumer advocacy groups, but I'm also aware that it takes quite a long time for government to work the regulations out and get the legislation proclaimed. So if I can encourage the government and members of the Assembly to support this motion and also to do anything they can to move the process along that they are involved with and to get legislation in place and get this proclaimed as quickly as possible.

I'm a little concerned, as I look at a lot of the economic indicators that are available today, that we may be experiencing – and there are all kinds of words for it – touching the brakes, slowing down, a pause. There are all kinds of euphemisms, but I have a concern that we could end up with a group of people who may end up using more of these payday loans, and I'd like to see legislation in place sooner rather than later.

Mr. Speaker, the people that this really affects the most according to StatsCan – and that's where I'm going to go as my sort of expert witness in this – the people who are most likely to benefit from legislation like this are young, small, middle- to low-income families. Those are the ones that tend to get a little loan to tide them over, perhaps to pay off a bit of a credit card debt, and they default on the loan. Now they are in the spiral, and it makes a huge difference to their lives. These are the people that are the security in our commu-

nities. We want them to stay. We want them to do well. We want them to buy a house. We want them to, you know, enrol their kids in the local community, recreation, and artistic programs. We don't want them out there working four jobs trying to pay off a loan and not being involved in their community and having a bad credit rating and not being able to qualify for a mortgage. That's not doing any of us any good.

I really urge my colleagues to take advantage of my Motion 511, to please support it, and to give support to the government to move through their legislative process and get legislation in front of us and proclaimed and the regs in place as soon as possible.

7:40

I think there is a role in government for consumer protection. Here is an opportunity for us to see that role and to follow through on it and to offer some protection to a lot of Albertans but also enable a group of businesspeople to continue to operate, albeit with some regulations but, I think, with regulations that are quite fair to put in front of them. I've talked about Manitoba as an example, but I think the need is for Alberta to develop our own. This is a mostly unregulated sector, and here is our opportunity to do it the way we'd like to see it done in Alberta.

Once again, I urge all of my colleagues to support Motion 511. Thank you very much, Mr. Speaker.

**The Deputy Speaker:** The hon. Minister of Service Alberta.

**Mrs. Klimchuk:** Thank you, Mr. Speaker. It's a pleasure to have this opportunity to rise and speak to Motion 511 tonight. First, I want to thank the hon. Member for Edmonton-Centre for bringing this motion forward and for her comments in the House last week on the payday loan industry in Alberta.

When I look around my constituency, even just looking out the window of my constituency office, I see payday loan companies on many street corners. They seem to be increasing in number, to say the least. It's clear that more and more people are taking out these types of loans, and it's important that we understand why and that we understand the nature of the industry. As the minister responsible for consumer protection I take my mandate very seriously. There is also an important role for government to play in ensuring that consumer protection laws are in place. Yes, these laws protect Alberta consumers, but they also support the business community by putting in place fair and consistent rules that level the playing field for good, honest businesses against the minority of businesses who may try to take advantage of people.

The bottom line, Mr. Speaker, is that I recognize the need for improvements in how the payday loan industry in Alberta is regulated. I appreciate the motivations behind this motion, and I will be voting in favour of it. However, while we do need to address the interest rates charged on payday loans, we also need to look more broadly at the payday lending industry. We need to develop comprehensive regulations that not only deal with interest rates charged on loans but the full cost of borrowing and the full range of different practices undertaken by the industry. That's what my ministry is currently working on, and we're taking the necessary time to get it right.

Mr. Speaker, the payday loan industry in Canada has grown significantly in the past 15 years. Currently there are more than 1,300 payday lending stores across the country. One hundred and seventy of them are in Alberta, and these 170 stores are owned by about 21 businesses. Today there are fewer and fewer mom-and-pop payday loan shops and more franchise operations with multiple locations. As well, some payday loan companies are conducting

their business entirely over the Internet. Clearly, there is a growing demand for the services provided by the payday loan industry. Many people in Canada and Alberta are unable to get loans from traditional banks and other financial institutions, and the payday loan industry has filled this need.

Generally, payday lenders charge interest, fees, or a combination of both. The rates are very high when converted to an annualized interest rate. Limiting or capping the interest rate is one step, but we need to go further. Companies can add additional fees or surcharges on top of the actual interest rates they charge, as the hon. member mentioned. As well, some companies charge extra fees for extending loans beyond the repayment date. These are called rollover loans, and they can lead to the borrower being stuck in a never-ending cycle of debt. Other companies will lend a sum of money lower than the principal amount stated in the loan agreement, which is called discounting. This allows the company to get more money from a client without increasing the interest rate it charges. It's a complex industry, and there are many issues to deal with.

Mr. Speaker, not only is the payday loan industry changing, but so are the demographics of its clients. The stereotype is that payday loan customers are low income, transient, and living a marginal existence. However, the research shows that this isn't the case. In fact, the typical payday loan customer is an average Albertan with a median household income. The average income level of payday loan customers has risen in recent years. This is probably due to an increasing level of consumer debt and the increasing number of consumers who have overextended their credit. Many don't qualify for conventional credit and need short-term financing on an ongoing basis to make ends meet. The fact that payday loans do not affect one's credit rating makes them attractive options to some people.

Mr. Speaker, given that the industry and its clients are changing so quickly, it's prudent to do careful research and analysis and to develop regulations best suited to our province. Part of our analysis is looking at what's being done in other provinces. As the hon. member indicated, there are jurisdictions that have passed payday loan legislation, all of them quite different. Some provinces, including B.C. and Ontario, are moving forward with plans to regulate their payday loan industry, as well.

Some jurisdictions set maximum limits on what their payday lending industry can charge, and there are different approaches to setting that amount. Some set the maximum as a percentage of the loan or a dollar amount per \$100 borrowed. Others use a tiered system where the maximum amount depends on the size of the loan. There are many different approaches being taken, and our goal is to put in place a system that works best for Albertans.

Mr. Speaker, when I became Minister of Service Alberta in March, the payday loan issue was one of the priorities I immediately began to look at. Some good research has been done by my department gathering input from consumer groups, community representatives, the payday loan industry, and other groups and individuals. In my mind, the next step was to gather information and opinions directly from the customers of payday loan companies. After all, those are the people who our regulations will impact the most, so we need to hear from them.

I instructed my department to develop a strategy for getting input directly from payday loan customers. However, research shows that payday loan customers increasingly come from a wide range of income levels and social backgrounds. This makes it a challenge to get a good cross-section of input from clients. That's why we plan to use a few different strategies to reach people. The details on our strategy are still being worked on, but it will involve several different approaches and tools designed to gather opinions directly from the consumers. No other jurisdiction that we're aware of has

taken this kind of comprehensive approach. I believe it's going to lead to Alberta creating an excellent set of rules for our province.

As I said, I will be voting in favour of this motion as it is one piece of the puzzle to solve this problem. My plan is to continue our careful research and analysis and then bring forth the best set of regulations possible that make sense for Alberta.

Thank you, Mr. Speaker.

**The Deputy Speaker:** The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you very much, Mr. Speaker. It gives me a great deal of pleasure to rise and speak in favour of Motion 511, interest charged on payday loans. When I actually reviewed the Member for Edmonton-Centre's motion as well as did a little bit of research on it myself, I couldn't help but be reminded a little bit about high school and my reading of the *Merchant of Venice* and, in fact, some of the usury charges that were available back then in the European countries many ages ago.

Of course, in that book we saw a capitalist who was really trying to get greedy, get four ships to go out. He was pretty sure that one of those ships would come in, and he'd be able to pay back Shylock all his money. Of course, we know from the story that that didn't quite work out. All four ships sunk. So there he was with the bargain he had created with Shylock. He had made a deal for a pound of flesh, which we all know is very dear and would have been quite an undertaking. Needless to say, the long and short of the story was that the greed of both Shylock as well as the corporate financier were both exposed.

If we look at this motion, it reminds me of sort of those old days of usury. Yes, a business need has arisen, I guess, for people to in fact get a payday loan, where the traditional banking system is somewhat outside of their reach, but that does not mean that the government would turn its back to these practices. If we look at the payday loan system and how it's evolved, really, some of the practices have become out of line with what we would call decent corporate citizens. If we look at that, we have many people who use the payday loan system. I heard what the minister said, that there are often varying incomes and different job descriptions that use those loans, some for convenience, some for speed. In all honesty, it's generally the working family who is probably attempting to either start out or running through a rough patch and have to get the bills paid, and this is their only means to do so. To have practices which sometimes can have the interest charges on these loans go to 500 and 600 per cent, I believe it would be unconscionable for us to ignore this motion here tonight. It sounds like the minister is moving her department in the correct direction, which I applaud her for.

7:50

Nevertheless, it is this type of consumer protection that is important not only for the people who are getting the loans but to regulate an industry that can lead to, I guess, the proverbial broken kneecaps. Somehow, how these loans are collected opens up a whole kettle of fish, so to speak, where some bad elements can get involved and things can happen. I don't think we as a legislative body should be promoting either that type of interest rate or that manner of collection. I'm not saying that it happens, but one could infer that there are some methods of collection that are being used out there that may not be the nicest.

Right now, if we look at sort of the criminal rate of interest as it's been defined by section 347 of the federal Criminal Code, what that act is saying is that it's illegal to charge more than 60 per cent annual interest on a loan. As has been alluded to in earlier debates,

by charging for things like rollovers, brokerage fees, and other creative financing mechanisms, these payday loan companies have managed to get around the spirit – well, not only the spirit – and the wording of the criminal annual interest and move into something that has been excessive.

As has been alluded to, if we look back, the concern with the payday loans has been what has been called rollovers. This is not normally a problem if the loan is paid back on time, but as Statistics Canada found – and I take their statistics probably to be the most valid out there – normally the low-income young families use these services very often, and getting a payday loan puts people into more financial straits than they were in before.

Now, I will give that they are not in quite the financial straits, possibly, of the gentleman from the *Merchant of Venice* who had to give the pound of flesh. Nevertheless, over some course of time if these bills are allowed to pile up and payday loan after payday loan is taken out and, you know, if they get behind, things can escalate out of hand in an awfully big hurry when people were just trying to I think do what they thought was best for their families. They may not have been totally aware of what they were getting involved in. We are perfectly correct that this is the type of consumer legislation or protectionism that we as government should be involved in. We should be protecting people who may and often do need our protection.

We see that other governments in Canada have moved down this path. The Member for Edmonton-Centre offers the Manitoba model, which has recently implemented a sort of payback scheme for loans of this nature. It would be like this: 17 per cent interest for loans up to \$500; 15 per cent for loans of \$501 to \$1,000; and 6 per cent for loans of \$1,000 to \$1,500. As alluded to earlier, these are not the mom-and-pop stores of the past who opened up on the corner and were trying to make a living. These are now often the big corporations who are involved in this that are well versed in the practices of making these loans and are well versed at actually making profits at doing so.

Interestingly, in the United States when many of the states have moved to this legislation, they found that these organizations have not gone out of business but have managed to continue to make a dollar, maybe not in the old-fashioned way like they were used to doing, but in a more sensible, more practical, more caring, more compassionate capitalistic kind of way, that we like to see here in Alberta. Yes, I know that can sometimes be an oxymoron; nevertheless, in this case I believe that government regulation can be accounted for here in Alberta.

I thank you very much, and I'd urge all my fellow members of this august Assembly to vote in favour of this motion.

**The Deputy Speaker:** The hon. Member for Cypress-Medicine Hat, followed by the leader of the third party.

**Mr. Mitzel:** Thank you, Mr. Speaker. It's my pleasure to rise and speak to Motion 511, payday loan interest rates, brought forward by the Member for Edmonton-Centre. This motion calls on the government to introduce legislation to limit the amount of interest that payday loan companies charge, specifically the daily accrual rate of interest. Given the significant growth in the payday loan industry and the increasing demand for the industry's services, I welcome the opportunity to join the debate on this topic.

Mr. Speaker, the payday loan business is a relatively new industry within Canada and one that has seen tremendous growth since the mid-1990s. Estimates show that more than 170 payday loan businesses are currently operating in Alberta. In fact, there's one I pass nearly every day just down the block from my office in

Cypress-Medicine Hat. These lenders who operate within this marketplace are not regulated under the federal Bank Act, unlike banks and credit unions. However, I do know that current regulation of consumer credit and finance falls under both provincial and federal jurisdictions. Some have suggested that this shared jurisdiction is, perhaps, the primary reason the industry has gone unregulated.

In order to respond to the possible need for regulation, I'm also aware that Service Alberta developed the payday loan business regulation proposal discussion paper in March of 2008. I understand that this discussion paper was intended to solicit feedback from lending companies, consumer groups, and representatives of low-income Albertans on whether the province should regulate the payday loan industry. The discussion paper, Mr. Speaker, took a holistic approach and included many points of consideration, including but not limited to interest rates alone. The paper asked stakeholders to consider and respond to several points of issue that would influence government regulation, if any, of this industry. I believe these points included the need for the industry, maximum rates and fees, loan rollovers, discounting, regulating the industry with or without federal legislation, and maintaining the status quo.

Mr. Speaker, the Canadian Payday Loan Association, CPLA, which represents members who operate payday loan retail outlets, submitted their responses to the considerations contained in the position paper. The association has recommended that the province regulate the industry with federally approved legislation and also that each payday loan company operating in Alberta be required to obtain a licence. They argued that with regulatory certainty larger and more stable operators would enter the market, and this would result in greater competition, lower costs, and also better service delivery to consumers.

In their presentation the CPLA believe that restrictions should be in place on lender fees that can be charged to clients who default on their loans. However, when determining the maximum default charges, they also believe the government needs to consider administrative time, charges, costs, and expenses incurred as a result of the defaulted loan. The association also recommends that rollover loans with their increasing fees be banned altogether. They also agree that there needs to be a maximum amount which payday lenders can charge to the consumer and that the regulated maximum amount could allow providers to offer the product at a price lower than the maximum in a competitive environment.

Mr. Speaker, I believe the government has recognized the need for regulation in this industry and has consulted with various stakeholders to ensure that any proposed regulation meets the needs of all groups. I'm confident that this government is going in the right direction with respect to payday loan regulations, and I commend Service Alberta for the actions taken so far.

8:00

Mr. Speaker, I'm going to support Motion 511, presented by the hon. Member for Edmonton-Centre, because it adds support to what Service Alberta is already doing. Motion 511 may in fact help speed up the process to have much-needed legislation passed to address this issue.

Thank you, Mr. Speaker.

**The Deputy Speaker:** The hon. leader of the third party, followed by the hon. Member for Leduc-Beaumont-Devon.

**Mr. Mason:** Thank you very much, Mr. Speaker. I'm pleased to speak to Motion 511 to limit interest on payday loans, put forward by the hon. Member for Edmonton-Centre. I congratulate her. She

indicated at the beginning of her remarks that this was the first motion that she'd had an opportunity to bring forward in this House, and I think very possibly it might also be the first motion that she's made that actually gets passed, so it would be a doubleheader for her if that was the case.

I just want to indicate that I'll be supporting this motion. You know, payday loan companies, Mr. Speaker, are part of a \$2 billion-a-year business. They're a major sector these days. They offer short-term loans to individuals who are short on cash. Now, some, not all but many, of these people are people who have relatively low incomes or work and live from paycheque to paycheque. These are people as well that aren't served by the major banks and other financial institutions in our country. I know very well that areas of Edmonton-Highlands-Norwood and other parts of the city, inner-city communities that have some low-income areas, as well as rural areas were long ago abandoned by the big banks in our country.

Similarly, individuals with low incomes who live from cheque to cheque do not qualify for loans from traditional financial institutions. It might be said that these payday loan companies offer a service that's necessary. But, Mr. Speaker, in many cases it has passed from the realm of trying to fulfill needs of low-income people that have not been met by our traditional financial institutions into a very exploitative situation where very, very large interest rates are charged, and people who do not have large financial resources and are dependent are caught in a trap where if they don't pay, then, of course, the amount that they have to pay goes up very, very quickly. So people can be placed in positions that are almost untenable financially for them. These are some of the lower income people in our society, but not exclusively so. There are indications that more and more people are making use of these.

Mr. Speaker, I just want to indicate that we are almost compelled to enter this field. The reason is this: in 2007 in May the federal government passed a bill that essentially passed on the responsibility, delegated the responsibility, to provinces and territories to regulate these payday moneylenders. That was previously the responsibility of the federal government. As has been made mention of, the Criminal Code states that loan interest cannot be more than 60 per cent. If it is, it's a criminal offence. But payday loans are exempt from the federal legislation under the Criminal Code, and the federal Parliament has passed legislation giving responsibility to provinces. That is relatively recent.

Manitoba and Nova Scotia have already passed legislation to regulate payday loans. Alberta was previously planning to follow suit in early 2007, but we're now at the point where that has not yet happened as we find ourselves nearing the end of 2008, so it's very timely. Of course, as a motion it's not binding on the government, but I'm pleased to hear that the minister has indicated this is a direction she wants to go in. I would hope that we could do so with some haste. It's fine to be very thoroughgoing and look very broadly and study every aspect, but timeliness and speed are also essential.

The province of Manitoba, which has become, I think, sort of a guru to some other provincial governments, a place where this government has repeatedly looked for ideas on everything from crime to community development and so on, has passed legislation, and it has some interesting aspects. It requires that the company be licensed and bonded and that borrowers receive warnings about the high cost of loans. The maximum cost that lenders can charge for payday loans is set by an order of their Public Utilities Board. Interestingly enough – and I hope that the minister will be open to this idea when she gets around to bringing forward the legislation – there is a regulatory process where people can make representations, where the public can make representations with respect to what the

regulations ought to be. I think that's a good idea. The legislation also prohibits additional fees when loans are renewed, extended, or replaced by new loans unless these additional fees are authorized, also through their Public Utilities Board. It prohibits the practice of signing over future wages and title loans, and it gives the right to cancel a loan without penalty within 48 hours.

Manitoba's approach also gives the Manitoba Consumers' Bureau the right to access licensed premises to inspect the operations and to make copies of records. If there is evidence that the payday loans are being offered through unlicensed premises, the Consumers' Bureau will also have the right to access and inspect those operations. So, Mr. Speaker, other provinces have moved, Manitoba particularly in this case. I would hope that when the minister brings forward her legislation, in fact, it includes some or all of these elements.

Mr. Speaker, just to conclude, I think we need to avoid the situation that has developed where individuals are trapped in spiralling debt as a result of the unregulated operation of these payday loan operations. I think that there is an element here of exploitation of vulnerable, low-income people that needs to be addressed. We need to place these operations under regulation. Let's not forget that the banks, the credit unions of the country are regulated by the federal government, and there are limitations and protections that are built in. Those serve most of us middle, higher income people. They don't generally serve the low-income individuals, and surely they are as deserving of protection as anyone else in our society from being exploited financially.

So I'm pleased to stand and rise in favour of Motion 511, and I wish the hon. Member for Edmonton-Centre the best of luck when the vote comes for this motion. I have a feeling that her timing is right, and perhaps it will pass. I hope it will.

Thank you.

**The Deputy Speaker:** According to the notes sent to me, the hon. Member for Leduc-Beaumont-Devon, followed by the hon. Member for Whitecourt-Ste. Anne.

8:10

**Mr. Rogers:** Thank you, Mr. Speaker. I'm very pleased to have the opportunity to rise and join the debate on Motion 511, the payday loan regulation, brought forward by the hon. Member for Edmonton-Centre. I want to congratulate her on her first motion, but I certainly won't be so presumptuous as to assume that I know how this Assembly is going to decide when it's over.

This motion urges the establishment of a ceiling for the accrual of interest on payday loans, and I certainly support any measure that would provide more protection for consumers. Mr. Speaker, this government recognizes the need for improvements in how the payday loan industry is regulated, but we must – must – take the time to review all aspects to develop the correct regulation for all Albertans. Mr. Speaker, we've heard the minister speak earlier of the efforts by Service Alberta in consulting with the payday loan industry, consumer groups, representatives of low-income Albertans, and other groups as well as individuals who have expressed concerns about the industry's lending practices.

Mr. Speaker, recent changes to the Criminal Code of Canada have given provinces the option of setting a maximum cost of borrowing, but it is vital that we determine the most practical and effective way to protect our consumers. Service Alberta is also working on a strategy to consult with Albertans, particularly those who use these payday loan services. There's a need to look beyond setting a maximum interest rate and instead consider a limit on the total cost of borrowing. A comprehensive approach, I believe, must be taken.

Mr. Speaker, the department has also been examining the viability of a number of practices, including rollovers, discount advancing, and cooling-off periods. Rollovers are the extending of an outstanding payday loan for a fee or the advancing of a new payday loan to pay off an existing one, using Peter to pay Paul. In addition, some lenders use the practice of discount advancing as an alternative source of loan revenue.

Regardless, Mr. Speaker, all policy recommendations, including any legislative changes, should be brought forward once the department has obtained all points of view – and I have to stress all points of view – and looked at all of the issues.

It's for the above reasons that I believe that this motion will in fact complement the very good work already in progress by the minister and Service Alberta. I thank the hon. member for bringing this forward, and I will be supporting it.

Thank you.

**The Deputy Speaker:** The hon. Member for Whitecourt-Ste. Anne, followed by the hon. Member for Calgary-Varsity.

**Mr. VanderBurg:** Thank you, Mr. Speaker. I listened with interest to this debate. I'm glad that the member has taken the time to do some research on this, and I'm glad to hear that the Minister of Service Alberta is also supporting this motion.

You know, in Whitecourt-Ste. Anne payday loan establishments offer good service, extended hours, and they allow a lot of nonresidents the ability to cash their paycheques. Those nonresidents come from all across Canada. We have oil field workers here from Prince Edward Island, from Ontario, from the Territories.

I found it strange. The federal government had the opportunity to offer an opportunity for all provinces through a regulated rate or some type of more cohesive piece of legislation that was initiated by the federal government that all provinces would adhere to. It would have made more sense. At the time I wrote the federal minister responsible, and I asked him to do that.

I support what the member is doing here tonight in her motion, and I will vote for it. I had the opportunity to go and visit a payday loan establishment. I wanted to find out how they operated. You know, the last thing I want to do is drive this industry underground. There are some provinces that have taken the point where they're saying: well, we really don't want payday loan businesses to operate. Instead they have pawnshops, where people go and hand in an item and get an exorbitant amount of money for a small item, and they find a way to collect. I don't want to have that type of industry, Mr. Speaker.

I found it very interesting that when I went into a payday loan establishment, you know, the rules were known up front to me. If I wanted to borrow money, they made it very clear that there was an application fee. They made it very clear what those fees would be. They made it very clear that there was no cash on the establishment and that I needed to have a bank card or a bank account that they'd transfer into once they'd done a credit check on me and made sure that I was worthy of the loan and paying it back. So people that think that these establishments in their neighbourhood support a criminal element that is out looking for cash are wrong. I mean, I don't know how many times I've heard that from people in the press. I'm surprised that these people haven't just taken the opportunity to walk into one of these establishments and find out how well they operate.

You know, I had the opportunity also to talk to some of the owners of these establishments. They would like to see some regulation built around it as well because, like any other industry, there are good members of that industry, and there are not so good.

I think the industry as a whole would like to operate under regulations that create a fair and even playing field and that create a good name for this industry.

One of the things that the motion may do is to spark the type of debate that we're having here tonight, and it may give the minister responsible, from Service Alberta, an idea that these instant loan and payday loan outfits do offer good service to our communities. I'm really surprised that the major banks haven't taken the opportunity to deliver that type of service to their customer – extend hours, operate on weekends, do small loans – and have that opportunity to grab customers and educate them and get them into their business, into the chartered banks. I guess they haven't figured that out in corporate headquarters.

These small businesses offer good services in my constituency. To build some rules and some regulation and to bring a little more guidance to the good industry: I support that. To the Member for Edmonton-Centre: I'm glad that you've raised this; I'll support your motion. I don't agree with the Member for Edmonton-Highlands-Norwood saying that this is your first motion and probably the only motion that would ever pass. I'm sure other motions that you've brought forward would have been passed, but like me – I haven't had the opportunity to bring a motion to the floor.

Anyway, thank you, Mr. Speaker. We'll listen to the next speaker.

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

**Mr. Chase:** Thank you very much, Mr. Speaker. At the heart of Motion 511, interest charged on payday loans, is a person's philosophy regarding the role of government. Is government a windsock that shows which way the wind is blowing but doesn't attempt to either harness its power or provide shelter from its force, or is it a traffic light that regulates direction, that determines traffic flow, that sets and enforces expectations?

I am extremely heartened by the Minister of Service Alberta, who set the standard tonight, who indicated the rationale behind her support for this motion, who saw this motion as an extremely important first step. It also heartens me to a great extent to see that the Member for Cypress-Medicine Hat, the hon. leader of the third party, the Member for Leduc-Beaumont-Devon, and the Member for Whitecourt-Ste. Anne have all expressed support for this motion and recognize the need to protect Alberta's most vulnerable citizens.

In terms of literary examples my hon. colleague from Calgary-Buffalo brought forward the example of William Shakespeare's the *Merchant of Venice* and the portrayal of Shylock, the moneylender. In the tragedy *Hamlet* Polonius' advice to Laertes went along this line: "Neither a borrower nor a lender be, for loan oft loses both itself and friend." Now, Polonius was better at giving advice than taking it, as we saw later with the suicide of Ophelia and him being at the wrong end of Hamlet's sword when hiding behind the curtain and then the faceoff at the end of the play between himself, Hamlet, and Laertes.

8:20

An example of literature that has affected my life in a large way since being a small child and having two grandmothers as Sunday school teachers, different Christian backgrounds but with similar messages, is the example of Christ, an example of a man who was the most pacifistic example in terms of history. He talked about turning the other cheek, he talked about laying out a table in the presence of his enemies, he talked about doing good to those who persecute you, yet he did not have sufficient patience to restrain himself when he saw moneylenders setting up in the temple. Here

was a man of peace who went in full speed ahead, threw over the tables of the moneylenders. He provided protection for the most vulnerable. That was extremely important.

Muhammad Yunus won the Nobel prize for introducing on a long-term basis the idea of microcredit. The Mennonite church also very similarly supports the idea microcredit, and in terms of banking institutions First Calgary financial is providing low-interest mortgage loans to individuals.

Motion 511 indicates that we have a role in protecting the most vulnerable. I am extremely pleased that there is unanimity within this House, which bodes well for Albertans regardless of their means. I'm proud to be a participant tonight, with Motion 511 being our point of discussion.

Thank you.

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

**Mr. Ouellette:** Mr. Speaker, I'd like to commend the hon. member for bringing this motion forward. There are just a few points that I'd like to get across without being fancy and bringing out all this fancy stuff. It's really simple. If there's a business out there that has a need – and I think what the hon. member was saying earlier about, yes, you could get a \$300 loan for a month for about a dollar-something on your credit card. But what if these people are unfortunate for some reason and don't have a credit card and don't have a rating that would allow them a bank? Here there's a company providing a need. We have to remember one thing: you can regulate yourself out of business, and then you don't have people to look after the needs of those unfortunates.

Yes, her motion is well intentioned, wanting to look after the people of Alberta, like all honourable members in this House. But just remember to be careful sometimes what you wish for because you will put certain people out of business, and then we don't have anybody to service those needs.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Any other hon. members who wish to speak on the motion?

Seeing none, I will call on the hon. Member for Edmonton-Centre to close the debate.

**Ms Blakeman:** Thank you very much, Mr. Speaker. Well, this has been a very interesting night in this Assembly. As I said when I started, clearly, this is an idea whose time is come. When you're getting agreement and essentially the same concerns and hopes and vision being expressed by all three sides of the House, then I would say that this is definitely an idea that we need to pursue and support in the Assembly.

I thank everyone who has spoken on the various issues that have been raised. I'm really delighted to hear from the minister that she is continuing to pursue legislation on this. I thank her for that and encourage her to move quickly as much as possible.

Just in response to the last speaker, I want to be clear that I think there is a role for payday loan companies and small, you know, cash loan companies. They do clearly serve a purpose. Some of the people representing rural areas have spoken about that. They serve a purpose in the cities as well. I have no interest in shutting them down or making them unprofitable. Downtown is served by a lot of small businesspeople, and I'm delighted to have them and their contribution to our city and to our province. But we also need to be able to make it possible for everyone to thrive here, and that was what was behind the intention of my motion.



Thank you very much to everyone that spoke tonight. I hope I can encourage all of you to vote in support of Motion 511.

[Motion Other than Government Motion 511 carried]

### Government Bills and Orders Committee of the Whole

[Mr. Cao in the chair]

**The Chair:** I'd like to call the Committee of the Whole to order.

#### Bill 18 Film and Video Classification Act

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

**Ms Blakeman:** Thanks very much, Mr. Chairman. I'm pleased to be able to rise in Committee of the Whole and speak again to Bill 18, the Film and Video Classification Act. I'll admit that I was going to bring forward a motion, and I've just decided to pull it. Let me talk a bit about that. It was a Hail Mary pass. I admit that. Sometimes I just go ahead and do those Hail Mary passes because they need to be done, but I don't think this is going to deal with the problem that I know exists.

Let me just outline that again. We have a situation here where ticket speculation has moved from what all of us know, and some people love, as scalping. That's where you would often see people selling tickets for a premium outside of, usually, sporting events. What's happened to ticket scalping is that it's moved high tech and electronic, and it's now known as ticket speculation.

My concerns around Bill 18 were that in repealing the Amusements Act, we were eliminating the one little bit of protection that we had there for anyone that was affected negatively by ticket speculation. At the same time, in reviewing what was out there to offer to replace that and offer protection for people, I was not satisfied with the protection that exists now. I still want to see the government complete a vigorous review and investigate the Ontario Ticket Speculation Act in putting in place protections.

Why do I care? I care because the people that are being negatively affected by this are working citizens in Alberta, and they're working citizens that are, particularly, either artists or they're cultural industry workers, so they get their paycheque from the arts.

8:30

As I explained in second reading, for people that are working generally in union houses but, really, in any theatrical venue in Alberta, their wage, the amount that they're paid, is based on what they call the house category, which is a fee structure that is arrived at by looking at the ticket price multiplied by the number of seats in the venue. That gives you a house category, which ranges from A to G. There was a G exception, I think, which was like a 50-seat theatre. It was really tiny. But essentially for all of your stagehands, your spot operators, your technicians that are working the deck of a rock concert or operating the follow spots for Bob Dylan or working the pin rails, which is what raises and lowers your scenery back-stage, all of the rates that they get paid are determined by this house category, which is based on the ticket price times the number of seats in the venue.

What's happening to us right now is that a number of the single ticket sales that are available on the Internet through major ticket sellers and distributors are being purchased and then resold at

significantly higher rates. The example I gave you in second reading was a \$90 ticket to Alberta Ballet that reappeared on a resale site for \$343. My issue with this is that that extra money is not going to Albertans. If citizens are willing to pay that much for it, then Albertans should have shared in that, and they're not right now. That money is being taken off by profit, and it's whisking across the electronic Internet lines and is benefiting a company out of Chicago. My concern as a legislator was for my constituents and for Albertans, who are not being paid what they should be paid if that's the ticket price that tickets are finally going to go for.

The truth is that not all the tickets get sold for that. They're picking off the single ticket prices in certain categories, and they're buying up all of them that they can in a category. This is for, as I said, rock concerts like Metallica, Bob Dylan, Alberta Ballet. Those tickets have all been involved recently in what I'm describing. So when you go to buy a ticket from one of those, the main ticket site will say, "Sorry, we're completely sold out," but then it will refer you to a number of other options. You can choose to try and find a ticket on an exchange site and a couple of other things and one of these resale sites. You go to the resale site, and there are the tickets.

Now, how serious is this? Well, Mr. Chairman, it's pretty serious. Since I've been raising this issue and it's been turning up in *Hansard*, the secondary ticket sellers have completely removed any connection between the main ticket sellers, and the secondary ticket sellers have completely removed those connections on the Internet sites. They're paying attention to what I'm saying on the Internet. It's enough for them to just tone it down, get it out of the way, draw any attention away from it, and wait for this to blow over, and then they'll be able to bring it back up again and continue doing what they were doing.

I was going to bring forward a motion to repeal everything in the Amusements Act except for the ticket resale section that had existed in that old legislation. The truth is that that old ticket resale provision or prohibition, let me put it that way, really didn't work very well. It was almost never enforced. You know, people know that it's there, and they laugh at it. You can go to any athletic event, and there are scalpers outside. It certainly didn't prevent them. It definitely wasn't preventing or even unnerving what was going on on the Internet. I was trying to save that protection, and really it's not a protection. As far as I know, there has never been any attempt to follow through on that and actually prosecute anybody under that – or not for a very long time.

It really wasn't protecting people, and I thought: well, I'm going to spend time in this Assembly trying to save something that hasn't really worked. I'd rather spend my time trying to encourage the minister – in this case it's the Minister of Service Alberta – to look seriously at what's being offered under the Ontario act and some of the others. It's not enough to say: well, you know, people aren't too upset about this. Well, actually they are. The more you look into it, the more concerned people are. I would always tend to say that if we have an opportunity to either protect our citizens or at least to do something so that they're not getting ripped off, then we should try and do that. These are our citizens. These people live in our major cities, but they also live in every small area, and their families live there.

It was very telling to me that this stuff got taken down off of these sites as soon as I started talking about it and it turned up in *Hansard*. Of course, I've got people watching these sites. I'm going to these sites and watching them. It told me a lot that they just quietly made it all disappear while we are still debating this bill.

I know that the staff from the minister's office came to the policy field committee that was looking at this and said: don't worry about it; it's all covered in the Fair Trading Act. But, Mr. Chairman, it's

not covered in the Fair Trading Act. What it says in the Fair Trading Act was allowing exactly what's going on to go on, so it's not protecting people. It's allowing that activity to go on completely unfettered.

What it says in the Fair Trading Act is that, you know, you can resell a ticket, but you have to tell people what the difference is between the original price and what it's being resold at. It doesn't prohibit at all. It says that you can do it; just make sure you tell people the final difference in the price as a sort of buyer beware – right? – that they know what they're getting. Except that the way it's actually working on the sites is that you don't find out what that original ticket was until you've already given them your credit card and you've bought the new ticket. Then it says: by the way, here was the difference. Comparable price, equal value: words like that they're using.

You know, the word is in the marketplace that if that's what you paid for the ticket, that's the value of the ticket. That's the argument, that's the philosophy that's coming into play here. If you paid \$343 for this ticket, that's the value of the ticket. Except that it wasn't. Everybody – the ballet dancers on the stage, the director who directed it, the choreographer who did the choreography, the designer who designed the ballet costumes, the person who designed the lighting and the sets, every single stagehand and technician that works on that – all got paid based on the \$90 ticket. They didn't get paid on the basis of that \$343 ticket. What's being allowed here is for our people to be treated unequally.

One of the arguments that I heard in the committee when I raised this was: well, you know, we shouldn't be stopping this because if Albertans are willing to pay that kind of money for the tickets, eventually they'll pay that kind of money for all the tickets. But we already know that isn't true. I come out of the cultural sector, and that's no surprise to anybody there. In my sector when we first started to see the big shows coming in – *The Phantom of the Opera*, *The Lion King*, *Cats*, all of those huge, huge, huge shows – people were saying: wow, an \$80 ticket. This was when people were paying under \$20 for tickets to most theatres. Wow, this will be great. Everybody will end up paying way more money. This will bring the level of all of the tickets up to what you're paying to see *The Phantom of the Opera*.

You know, sure enough, I took my dad. I wanted a good ticket. It's the only time he was going to be in that theatre and see something like this, so I forked out 80 bucks a ticket to take my dad to see *The Phantom of the Opera*. The thing is, we found in our sector that the prices did not go up for everybody else because people said: I'll pay 80 bucks for a show that's coming in in 16 tractor-trailer units with a big name that I recognize from Broadway or a television show singing the title; I'll pay 80 bucks for that, but I won't pay more than 20 to go to Theatre Network or Workshop West or Lunchbox or the Grand or Vertigo. So the ticket prices did not jump for our local producers up to that \$80 range from these big shows that were touring through.

**8:40**

We thought: well, you know, maybe this will bring a whole bunch of new people into our theatres. It didn't. People would go. They'd take their grandma. They'd fork out the big bucks. They'd go and see one of those shows a year, but it didn't mean that they would go and buy a subscription now to Theatre Calgary or ATP or Rosebud Theatre or anybody else. They didn't. It didn't cross-fertilize in any way, shape, or form. So when somebody says to me, "Well, that's okay; somebody paying \$343 means eventually everybody in that sector is going to be able to charge that kind of money," based on what we've already seen, that's not going to happen. Some people are willing to pay that for a special occasion, for a certain thing, to

go and see Metallica or whatever else they want to see, but it does not translate to the rest of our people, our citizens here in Alberta that are making their living in the cultural sector.

I don't understand why we would want to have a government that would let somebody essentially rip off our citizens, make enormous profits on the backs of people who are just making a decent living, who are just trying to do a good job in Alberta. That doesn't make sense to me, especially when we can identify it and we can see it. I've heard and we've talked about it a lot in this committee – and, in fact, I passed a motion, which was then repealed and watered down and a weaker version was brought in that's instructing the minister to have a look at the Fair Trading Act to see if it'll work. I'm pretty sure that when the minister looks at the Fair Trading Act, she will see that it does not cover these circumstances. It does not address what I've brought out.

If the minister would like to talk to some of the people that I've talked to and connect with them, I'm sure they would be very happy to come. They kept on top of this. They actually printed out the websites as we were going through this: smart move because the websites have now completely changed. But we have the printed-out versions of the websites as they were that showed the process, that it was sold out and then following through and how the tickets are available and for much more money on this secondary site.

I really want to urge the minister to follow through on this and to offer that protection because I don't think it's that complicated. If this can be happening in a sort of small way to Alberta Ballet, what else is going on out there through the Internet? It's very hard for us to control, but I think we've got to start somewhere, and somebody's got to do it, to be able to try and look after our people. Frankly, somebody based in Chicago doesn't give two hoots what a stagehand is being paid at the Jubilee Auditorium in Calgary. They don't. They're not going to take any less profit just because it's the right thing to do. They're not. They're going to keep taking every cent they can. I think the only way that we're going to be able to protect our people is to bring in something like that Ticket Speculation Act, which is very clearly trying to deal with the problem that we know is there, not to deal with other stuff.

Let me just take a step back and look at the entire act. I think that for the rest of what is being proposed in Bill 18, generally the public is very happy and satisfied and understands the classification process that we have in Alberta. You know, Albertans and particularly Edmontonians are astonishingly vigorous movie attenders. We are renowned for how many movies we go to. So the classification is important to us.

It's interesting because we do accept the classification that is in place. It is a classification system, not a censorship system, although interestingly we still tend to accept the classifications that are done elsewhere and just import them. One of the issues that we used to have was that Ontario would actually do the cuts. They would actually censor, and we got their cuts. We got the versions that they had already cut, so we were getting Ontario's censored versions here and thinking we were being, you know, so brave in doing our own. But we weren't; we were taking Ontario's censored versions. Now we're taking their classified versions, but people seem quite happy with that.

There is bit of an issue about how the classifications work for things outside the traditional movie theatres. So when you get into home movies, DVDs, movie videos, gaming, which is a whole other sector, there are classifications that have been developed by those sectors that seem to be quite well recognized by people that do that kind of thing. I've never played one of those games in my life; I wouldn't know where to start. But I would understand that there's a classification system in place there that people are fairly happy with.

The filmmakers I spoke to were happy with the way the classification was working for them. Their only thing was that they wanted to see more detailed classification around violence in films, which was what was offending the local filmmakers that I talked to. We're very strong on talking about and explaining the level of sex and nudity but not very much on the violence, and that's what was really offending the local filmmakers I talked to.

The rest of what has been brought forward in Bill 18 is working very well for people, but the section that really bothered me was this one tiny little section, and I've ended up spending all of my time on it because it affects working Albertans and Albertans working in the cultural sector, which doesn't get paid a lot to begin with, and there are not a lot of fringe benefits there. Most of them don't get their health care premiums paid for, which after January will not be a problem. They still don't get a lot out of that, and they sure as heck don't get any kind of pension plan. So to not be protecting them and what they're getting paid now is a real hardship for them, not only now but for their entire lives. They're working hard. I'd like to respect that work and make sure that they don't get ripped off and they get every cent that they've got coming to them.

That was my one big concern about Bill 18. There are people that I'm sure will be reviewing this *Hansard* and watching carefully. I'm looking to the government to take that leadership role they need to take to close that loophole where some of our citizens are not being treated fairly and, I would argue, are being ripped off by what's happening. The fact that the sites have been taken down and disguised right now tells me that I was right on the money.

Thank you very much, Mr. Chairman.

**The Chair:** The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you very much, Mr. Chair. I, too, would like to speak to Bill 18, the Film and Video Classification Act. I, too, took part in the all-party committee gathering that took place in reviewing this bill, which primarily replaced the old Amusements Act, which I think had been in existence for some 80 or 90 years in Alberta without an update. So it was time that bill actually was dusted off the counter and we tried to make it work better.

I, too, was present when the hon. Member for Edmonton-Centre brought up to the committee some of the strengths of the old Amusements Act and how that act had traditionally stood for the protection of Alberta workers and had recognized that sometimes the cultural industry and its workers needed some government regulation to ensure – I guess, in the old days and still in these modern times ticket scalping does happen. This old, ancient act recognized that at one time in Alberta there was a need to protect cultural workers.

I know from what the hon. Member for Edmonton-Centre brought up in committee as well as what she has spoken about tonight that it looks like we have lost that protection for the Alberta cultural worker, who can only be seen as people who are hard-working individuals involved in what can only be called an underappreciated segment of our economy, one that still produces great benefits not only to nurture our spirit, but it also increases our economic vibrancy as a community. She eloquently pointed out that much of this industry is now – I guess the ticket reselling is going down south for no other reason than that there are some operators out there who are involved in the ticket reselling game.

**8:50**

For instance, they will go to a high-level production of the Calgary Philharmonic Orchestra or a special presentation of a hot rock group that comes to town, Metallica or maybe Neil Diamond, that's selling out – who knows? – and that organization from Chicago, most likely a large corporation with some strong-reaching

tentacles into many marketplaces, can go out and buy a whole bunch of tickets and then resell them to Alberta citizens interested in going to the event. I guess that's all fair and well in that we want to see business opportunities out there for people. Nevertheless, the old Amusements Act at least had a place where if the government wanted to take action, it could.

I also appreciate the comments that this protection wasn't being used by either our police services or by our government in general in that I could go to a Flames game and not have a ticket, yet on a Friday night if I so choose to pay whatever the going rate was outside of the Calgary Saddledome or outside of a rock concert, most likely, if I had enough money in my wallet, I could buy a ticket to that event and go to it. Okay? Just because the government wasn't using its power, sort of like it was in those instances I am talking about, it was pretty much one of those things that, "Well, it happens in a modern society; it's much ado about nothing, and it's not really hurting anyone," and it would continue with the practice. I think that sometimes those decisions are made in society for one reason or another.

Nonetheless, we kept the law on the books. Just as a matter of course when individuals or government or communities thought they were getting too royally taken advantage of, those laws were on the books, and we could take action. I think that is more the point of this bill. This bill totally takes away a government's opportunity to enforce rules and regulations for Alberta workers, primarily cultural workers, if in situations it was deemed that they were being taken advantage of. We heard from the hon. Member for Edmonton-Centre that when a Metallica concert comes to town or a Neil Diamond concert comes to town or something to that effect, in some cases the cultural worker can and still is being taken advantage of because they are not receiving the full payment under either their union rates or their nonunion rates of what would be afforded them under the ticket sale price, which . . .

**Ms Blakeman:** Yeah, but it's covered under this act.

**Mr. Hehr:** I hear that. It's covered under the film act. It's covered under all cultural opportunities. It's the only place that this legislation was covered.

Nevertheless, that opportunity would still exist. If the government wished to take action, it could have under the old Amusements Act rounded up the posse and said: "We're going to protect Alberta workers. We're going to go down, and we're going to do a little thing with this Chicago company. We're going to get back those monies for Alberta citizens." Just because they chose not to do it doesn't mean they couldn't do it at some point in time. That's why this legislation, although in certain instances it is cleaning up some parts of an old act that had become redundant like some of the things talked about, the video classification system and the movie classification system, Albertans seemed to be fairly happy with.

But in other instances our cultural workers are being, I guess, left to hang out in the wind, so to speak. At one time their government could, if they deemed it necessary, go in and act on their behalf. I would have liked to see that amendment stay in the act, as the hon. Member for Edmonton-Centre tried to get through, actually, in the committee, but again through the committee process that was watered down. So I guess it's up to the minister. Hopefully, the minister in charge will look at this opportunity to protect cultural workers here in Alberta, and at a time of the government's choosing or the police's opportunity, or should it be necessary, they can go down and use some legislation to protect cultural workers.

Those are my comments. I thank you for giving me an opportunity to speak here this evening.

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

**Mr. Chase:** Thank you very much, Mr. Chair, for giving me an opportunity to participate in Committee of the Whole. Something that may come as a bit of a surprise for members of the Legislature is that the arts bring in more money than any sporting events combined. So Alberta does have a thriving arts and performance background, and we have some very talented individuals.

As the hon. Member for Edmonton-Centre pointed out, if tickets are artificially inflated, Albertans are the losers, and there's a variety of losers. In the same manner that we set budgets for car repairs and we set budgets for groceries, people set budgets for their arts and theatrical enjoyment, and if they are forced to pay an outrageous price for a single event because the price has been artificially inflated, then they'll not be able to attend a series of other performances, which is unfortunate because if the money that should be staying in Alberta, whether to support the performers or the stage crew, the people associated with putting on the production, is lost, basically, by price manipulation, then we're all losers for it because that money should stay in Alberta and support the creative individuals.

I had an opportunity to attend a ballet that was a collaboration – and this is the most recent ballet I've attended. I'm a perennial supporter of *The Nutcracker*, but this was a collaboration between the Alberta Ballet artistic director, whose last name is Grand-Maître, and Joni Mitchell. The performance was entitled *The Fiddle and The Drum*, and it was an artistic commentary on war in general but done through the arts. I noticed in some of the theatre and ballet reviews that it is going to be reperformed in Alberta. I would encourage people to get out and see it, but I would hope that the tickets prices that were being charged were reflective of the value of the production and that individual companies weren't given the opportunity to inflate the prices and, therefore, eliminate the potential of that enjoyment of the production for other Albertans.

I've had an opportunity to participate in theatrical productions in children's theatre, StoryBook Theatre specifically. I've had a chance to be a performer in three different plays, but one of the closest to Hollywood productions that I was involved in was as an extra in the Calgary Opera's production of *Nabucco*. I came by this opportunity thanks to a fellow teacher, a friend, Rolf Haensel, who was at that time a teacher of French and Spanish at Lester B. Pearson, but he also was the football coach. So what Rolf did was basically convince a number of his linebackers to portray themselves as biblical characters of physical stature in this *Nabucco*.

9:00

I'm also concerned that there are a number of young people who are up-and-coming artists. I would not want their prices inflated and the money to be taken from them. I've had an opportunity on numerous occasions with my wife to enjoy the artistry of Tim Huss. Tim is a young man who is following in the steps of Stompin' Tom. He writes about a variety of experiences, whether it be driving a Cat up in Fort McMurray, working on a lumber crew, working on a west coast fishing vessel. He's put his experiences, including the rodeo, into musical narratives that are extremely enjoyable.

Another young and up-and-coming couple is Troy Kokol and Joni Delaurier. Their song *Me and My Pick-up Truck* stayed at number one in the country awards song categories for a number of weeks and came narrowly in second place in the country music awards that took place last year in Regina.

Another up-and-coming young singer who I think is going to go far – and hopefully her value will be recognized and tickets for her productions will be sold in a fair manner – is Heather Blush, a very talented young songstress.

Another young couple that I had the good fortune to meet and then perform the marriage service for is Dale and Corry Ulan. They're both songwriters and musicians. Dale and Corry both sing and play a number of musical instruments, and they're very talented songwriters. In the case of Dale Ulan he's also a bass player in a band called Widow Maker. The thought that some company, by inflating the prices, would get the profits that should be going to these young and talented artists and members of their bands is a great concern of mine.

With regard to Bill 18 in general, it's important that the classifications that we require in Alberta parallel those across the nation and, of course, in the various other provinces. Bill 18 takes away the power of a committee of individuals involved in video and film classification and puts it in the hands of the minister, who then designates an individual to have that power. As I mentioned in second reading, a problem exists with the regulations surrounding the classifications.

I've also brought out a concern over the penalties associated with contravening the act. The penalty for an individual who is accused of selling a video that's classified as restricted or adult content to a youth is \$10,000, and then the fine for companies is \$100,000. It was pointed out by members of the film and video industry that there have been very few if any occasions where such large fines were deemed necessary.

In our committee we also discussed some of the problems associated with the censoring of materials, having different standards. For example, we could control what was coming into the theatres, we could add advice to parents as to the appropriateness of the film for various designated age groups, but we couldn't provide the same type of oversight for any of the movies, videos, games that came in through the Internet. So that was also a concern.

Bill 18 attempts to and does a good job of bringing the language up to a modern-day circumstance, but when it comes to the regulations, unless the minister shares those regulations with the Legislature, we will have no ability to judge the wisdom or the regulatory controls because we simply won't know what they are. So I would suggest that to make Bill 18 a little stronger, it's very important that we know not only what the classifications are but the regulations behind deciding upon those classifications.

I am pleased that the minister will not have a veto power over, basically, the Canadian federal government's decisions or the suggestions made by the industry itself. The role will be simply that of a recommendation as opposed to a usurping of the power. Therefore, that is important. Again, the underlying problem with Bill 18 is regulations versus legislation.

Thank you very much. Unless there are individuals who would like to participate further in the discussion, I would call upon the committee chair to consider the question.

**The Chair:** Are there any other hon. members who wish to speak on the bill?

Seeing none, then the chair will call the question.

[The clauses of Bill 18 agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Chair:** Opposed? Carried.

**Bill 27****Funeral Services Amendment Act, 2008**

**The Chair:** Are there any comments, questions, amendments to be offered on this bill? The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thanks very much, Mr. Chairman. Well, I'm just the luckiest critic in Alberta because I get all the best bills, and the Funeral Services Amendment Act, 2008, is another one that has come under my portfolio.

I had spoken quite a bit during second about the changes that were being brought in. Overwhelmingly, this is an administrative bill that is in fact offering quite a good number of protections and is also very clearly outlining what are deemed to be unfair practices. When I look at a sectional analysis here, which I did go through in a fair amount of detail the last time I spoke, what we're getting, particularly in section 14 of the amendment bill, which is amended section 13 of the original bill, are a number of things that they are spelling out as being unfair practices, which I think is really going to help us.

You know, this a respected sector. They are services that are offered that we all want to be able to make use of. We want to be able to understand what we're doing, yet for a number of reasons in the past we've ended up with some people really casting a pall upon the industry, and it's not fair. They sort of at one point ended up down near the bottom, near used car salesmen, for frightening people and for playing on their fears about their own death or a loved one's death and how they'd be looked after and respected in burial and memorial services.

**9:10**

That's awful, to prey on those kinds of fears and also pride, that somehow if you don't buy the most expensive casket for mom that you're not, you know, honouring her memory or respecting her, and that's, again, very unfair. I mean, people need to be able to work within their own budgets on that kind of thing, and just because you can't afford something far beyond your means doesn't make you any less loving of your mother. But that's the situation that we've gotten ourselves into with this sector, so I'm glad to see this bill come forward.

I'm glad to see what's been laid out here. It's very clear what's considered unfair practices that will not be tolerated, things like any representation that is likely to mislead or is not true. I mean, that's the kind of wording we need to really make this clear, that you can't do any representation in advertising unless you can actually support it with verifiable and accurate data. Excellent wording. You can't make an oral representation regarding a funeral services contract that is not contained in the written contract. So you can't sort of promise something outside of it, and then go: "Oh, well, sorry. It's not written here, so it's not there." You know, you can't use "undue, excessive or unreasonable pressure on an individual to enter into the funeral services contract." Then there were a number of other things that were allowed where you could get out of a contract or change a contract after the fact. So I really think this has been quite good work that has been put into this, and having had a couple of opportunities to go through it in depth, I'm very happy to support it.

Now, I had asked a couple of questions earlier and I didn't hear the responses, so I'll just put them on the record one more time. In section 10, the unclaimed trust funds, these have to be distributed according to the regulations, but of course I don't know what those regulations are, so I don't know what the intent is that the government was trying to achieve with this. I'd like to know what's being intended here. Ultimately, what I'd like to see is that any unclaimed trust funds could go into a provincial fund that could be drawn upon

by people that can't afford funeral costs or that could apply to have some of their expenses defrayed by any of the trust funds that have been reallocated into this particular fund. That's what I'd like to see. I don't know if that's what's being intended here, and I don't know if it's what's possible under the government's regulations because, of course, I can't see the regulations.

I also talked about the protections that are in section 14. Well, they're protections in that they are clearly setting out what's prohibited.

I don't have a lot to add to the discussion. I was quite happy to see what's being brought forward here, and I'm very happy to support it. Thank you.

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

**Mr. Zwozdesky:** Thank you, Mr. Chair. I just wanted to undertake in follow-up to the hon. member's questions that I will ensure she gets answers to those questions before we get into the third reading.

**The Chair:** The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you very much, Mr. Chair. It's a great pleasure for me to rise and speak to the Funeral Services Amendment Act. I, too, would like to say that for the most part this is a fairly good bill which cleans up a lot of situations and makes things easier for people who are no doubt going through a difficult time having to say goodbye to a loved one, whether it's a relative, a spouse, or significant other or something in that vein.

I know that some of the stuff in this bill would have actually applied to my grandfather L.F. Konynenbelt, who passed away a couple of years ago, and his wife, Margret Konynenbelt, a couple of years before that, both farmers from Nobleford, Alberta. They actually worked a homestead out there for many years. Anyway, how this refers to the Funeral Services Amendment Act is that my grandfather was very proud of paying his funeral bill some 20 years early. That man was prepared for his best-before date, as they so speak. He was always very proud of the fact that, no, no, no, his kids weren't going to pay for his funeral.

Nonetheless, we see that there's some legislation that will return some income earned on trust deposits. No doubt that could have maybe paid for some stuff for, you know, some members given that the contract was with one of the funeral homes for a long period of time in the Lethbridge area.

Also, I'd just like to reiterate some of the other changes to the act that are no doubt a good thing. For instance, section 14 clearly outlines sort of what is going to be tolerated from a person involved in, again, what I said was a difficult business, a trying business, and one that needs to be handled in many circumstances with kid gloves, remembering that people are often not at their best in this very difficult time.

I'm just pleased to be here and say that it's a good bill. It adds some more teeth to existing legislation and hopefully will allow people to face this time in their family's life with a little more ease, speed, and clarity.

I thank you very much for the opportunity of allowing me to speak to this bill.

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

**Mr. Mason:** Thank you very much, Mr. Chairman. I'd just like to supplement my remarks when this bill went through second reading. I want to reiterate that I think that the bill is a good one, that it takes many of the necessary steps to regulate this industry, and I think that it's worth supporting.

I think many people believe that the funeral industry consists of a large number of independent owner-operators based right in their own community, and quite frankly that doesn't represent the reality of the situation, Mr. Chairman. As I indicated at second reading, big corporations own many of the funeral homes right here in Alberta. Service Corporation International, which is based in Houston, is the largest funeral service provider in North America. It has 24 operations in Alberta. You wouldn't know that because each one has its own name. There's a Canadian company with 91 funeral homes, and eight of them are in Alberta. It's called Arbor Memorial Services. These are big, profit-oriented chains. They have a reputation of taking advantage of people at a time when they're most vulnerable, at a time when they are consumed by grief and sometimes by guilt.

The CBC program *Marketplace* found in 2002 that Service Corporation International used a sales manual which emphasized the need to maximize sales and that people who went to SCI funeral homes asking for a low-priced funeral faced pressure from the company, from its agents to pay for higher cost services and products which they may not have been able to afford. *Marketplace* also found that the SCI markup could be as high as 800 per cent above the wholesale price.

Mr. Chairman, I think this bill could go further than it does to protect consumers from being taken advantage of, but it does have many good steps that I think will improve the situation and protect people, and it's necessary because many Albertans are beginning to turn to nonprofit memorial societies, which will arrange minimal-cost funeral services. That's a good trend, but people wouldn't be doing that if they were well served by the industry, which I don't think they are in many respects. I think this debate has emphasized the importance of having laws that will protect consumers so that they are treated fairly by these big corporations.

9:20

Mr. Chairman, I just want to indicate once again that I think the bill will help consumers. It makes the language clearer, and it gives extra powers to the director of funeral services which may have the effect of assisting consumers. I believe that the bill could go much further to curb the corporatization of funeral services and the price gouging of grieving families, but we'll leave that debate for another day.

I want to indicate that we will be supporting this bill. Thank you.

**The Chair:** Any other hon. member wish to speak on the bill?

Seeing none, now the chair will call the question.

[The clauses of Bill 27 agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Chair:** Opposed? Carried.

### Bill 23 Weed Control Act

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

**Mr. Mitzel:** Thank you, Mr. Chairman. It's my pleasure to rise today in Committee of the Whole to present Bill 23, the Weed

Control Act. The Weed Control Act currently provides authority to deal with native and introduced weed species that impact agricultural production. The rewrite of the existing act provides cohesiveness to the legislation through reorganizing, updating, and clarifying provisions.

Clarity is provided in detailing the legal obligations, notice provisions, inspection powers, appeal mechanisms, and enforcement provisions. The bill is a product of an extensive stakeholder consultation with municipalities, cities, towns, producer groups, agriculture and rural development specialists, private consultants, and other agrologists impacted by the act. Four consultation meetings were also held with representatives of the Association of Alberta Agriculture Fieldmen.

Mr. Chairman, in summary, Bill 23 defines the legal and financial obligations of both landowners and occupants. The bill clarifies the inspector's right of entry for enforcement purposes. This authority may be needed when an owner or occupant fails to comply with a notice. Bill 23 provides for control measures by allowing inspectors to restrict the use and movement of items that pose a risk of spreading weed seeds. The bill authorizes the entry on land by inspectors for the purpose of monitoring compliance with the act. As well, the bill adjusts the timing and service of notices to individuals and allows for posting on-site and mailing of notices instead of using double registered mail or certified mail.

Mr. Chairman, I appreciate the support received at second reading of Bill 23. The bill was referred to the Standing Committee on Resources and Environment on June 2, 2008. The committee, chaired by the Member for Lacombe-Ponoka, has reviewed the bill and provided constructive suggestions for improvements in its final report, tabled in the Assembly.

At this time, Mr. Chairman, I would like to move an amendment.

**The Chair:** We'll have the pages distribute the amendment. We shall know this amendment as A1.

Seeing that the distribution of the amendment copies has been completed, continue, hon. member.

**Mr. Mitzel:** Mr. Chairman, at this time I'd like to move the amendment, and I'm proposing to amend Bill 23 to revise the wording as follows. In part A section 13(2) is struck out, and the following is substituted: "If an inspector finds prohibited noxious weeds that have not been destroyed, the inspector shall give an inspector's notice requiring the prohibited noxious weeds to be destroyed."

In part B section 18 is amended by adding "or any person authorized by an inspector," before "may take any action."

In part C section 19 is amended (a) in subsection (1) by striking out "inspector's notices and local authority's notices" and substituting "inspector's notices, local authority's notices and debt recovery notices" and (b) in subsections (2) and (3) by striking out "inspector's notice or local authority's notice" and substituting "inspector's notice, local authority's notice or debt recovery notice."

Section 21 is amended in subsection (2)(b) by striking out "object within 30 days of being given" and substituting "appeal," also by striking out subsections (3) to (5) and substituting the following:

(3) A local authority may recover the debt due in accordance with subsection (4) from any person who is given a debt recovery notice if

- (a) the person has agreed in writing to repay the debt due,
- (b) the person's rights of appeal and review of the debt recovery notice under sections 19 and 20 have expired, or
- (c) the appeal and review of the debt recovery notice have been determined.

(4) A local authority may recover the debt due from any person who is given a debt recovery notice in either or both of the following manners:

- (a) in the same manner as property taxes against land to which the inspector's notice or local authority's notice relates;
- (b) by filing a certificate with the clerk of the Court of Queen's Bench at any judicial district certifying the amount owing.

(5) A certificate filed under subsection (4)(b) becomes an order of the Court of Queen's Bench and may be enforced as a judgment of that court.

In part E section 25(3) is amended by adding "active" before "notices."

The amendments are a product of the standing committee review process, Mr. Chairman. The Standing Committee on Resources and Environment recommends to the Assembly that in subsection (13)(2) the words "growing or spreading" be removed because they are considered unnecessary.

Section 18 was amended to clarify that it includes any person directed by the inspector.

Sections 19 and 21 are amended to permit a person to appeal a debt recovery notice. The appeal panel referred to in section 19 could hear the appeal from a debt recovery notice. If a person does not appeal the debt recovery notice and fails to pay or loses an appeal of the notice and thereafter fails to pay, the local authority can recover the debt by having the amount owed added to the tax roll or by filing a certificate with the clerk of the Court of Queen's Bench certifying the amount owing.

Mr. Chairman, subsection 25(3) is to be amended to clarify that the reference to notices is only a reference to active notices and not all notices that have been issued.

The committee's constructive suggestions for improvement have strengthened Bill 23. That is the rationale for the amendment now before the House for consideration, and I encourage all members of this House to give their full support to the amendment and, subsequently, to the amended Bill 23.

Thanks, Mr. Chairman.

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

**Ms Blakeman:** Mr. Chairman, usually I would ask that this be severed so that we could vote separately on this, but I've talked to our critic on this area, and they were okay with what had come through the recommendations from the committee that had this under examination, that being the Standing Committee on Resources and Environment. The member has done a very clear and easy to follow walk-through, and I've been able to follow at the same time and verify that what is being brought forward in this amendment is exactly what was under the recommendations from the committee, so I won't ask that the votes be severed and voted on separately. I have the direction from our critic to support this bill. Sometimes you just appreciate the good work that somebody else has done. This one I'm not going to learn all about. I'm going to trust that they knew what they were doing and they did a good job and I don't have to learn this one. So good on you.

Thanks so much.

9:30

**The Chair:** The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you very much, Mr. Chairman. It gives me great pleasure to rise and speak to Bill 23, the Weed Control Act. I,

too, spent much of my summer in meetings learning about the Weed Control Act. To be honest with you, I never knew that it needed a full committee to debate many things on weeds. However, apparently many of my friends on the committee knew quite a bit about it, and I actually learned a little bit about weed control and its effect on many different things.

I don't know if it will register in my memory 20 years from now, but I did have the opportunity to learn through numerous meetings with 10 to 12 other individuals listening intently to presentations by individuals and discussion on weeds. Yeah, I spent a lot of time listening about weeds this summer. I'd just sort of like to point that out. Whether it needed a team of MLAs to go forward and find these amendments I'm not sure, but needless to say, I was impressed with some of the members who worked on this bill, who I learned from. I learned a little bit about something I didn't know.

Other than that, I am prepared to speak in favour of these amendments. I hope that there is less carnage caused by weeds in the province of Alberta. Thank you very much.

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

**Mr. Chase:** Yes. I'll be very, very quick. I have no problem with the amendment, nor do I have a problem with Bill 23. I would just hope that the government in terms of its weed control would go after drilling rigs that go onto Crown lands and onto private lands. The damage that's caused through invasive species was brought to my attention by the hon. Member for Calgary-Nose Hill. With his biology background he was explaining some of the damage that occurs to our native rough fescue from invasive species and spores.

It seems that we can put posters up for such things as Dutch elm disease, we can indicate to boaters coming back from B.C. to clean off their rudders for milfoil, but when it comes to seeds and grasses, spores and so on that affect our natural treasure of rough fescue that supported the buffalo of old and the cattle of now, we need to be doing a better job in terms of the invasive species that come in on the equipment designed for drilling.

Having raised that point and having thanked the Member for Calgary-Nose Hill for providing me with a lesson on invasive species, I will sit down. The chair is welcome to call for the question unless there's further debate.

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

**Mr. Prins:** Thank you very, Mr. Chairman. I want to thank the hon. Member for Cypress-Medicine Hat for bringing this bill and also the amendment forward. I'll speak to the amendment. You know, during the process of reviewing this bill, I chaired the policy field Committee on Resources and Environment. We had several meetings throughout the summer and into the fall, and we heard from a number of stakeholders. The ones that I would think were the most important were the agricultural fieldmen that actually have to deal with the Weed Control Act on a local level in their municipalities. When they looked at the act, they found that basically the act was what they wanted, but there were a few small issues that had to be fine-tuned and clarified, so they commented on this. During the process of the committee we recommended that the bill proceed but that some of these small amendments would be made, so I'm pleased that these amendments have been brought forward tonight. I'm not going to go through them one by one. They give the municipalities the ability to actually enforce their bylaws and look after the Weed Control Act.

I would ask all hon. members to support this, and we would go forward. Thank you.

**The Chair:** Does any other member wish to speak on amendment A1? Seeing none, I'll call the question on the amendment.

[Motion on amendment A1 carried]

**The Chair:** Does any hon. member wish to speak on the bill?

**Hon. Members:** Question.

[The clauses of Bill 23 as amended agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Chair:** Opposed? Carried.

The hon. Deputy Government House Leader.

**Mr. Zwozdesky:** Thank you very much, Mr. Chairman. I would move that the committee now rise and report Bill 18, the Film and Video Classification Act; Bill 27, the Funeral Services Amendment Act, 2008; and also Bill 23, the Weed Control Act.

[Motion carried]

[The Deputy Speaker in the chair]

**Mr. Mitzel:** Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following bills: Bill 18 and Bill 27. The committee reports the following bill with some amendments: Bill 23. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

**Hon. Members:** Concur.

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

### Government Bills and Orders Second Reading

#### Bill 39 Court Statutes Amendment Act, 2008

[Adjourned debate October 27: Mr. Chase]

**The Deputy Speaker:** The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you very much, Mr. Speaker. It again gives me great pleasure to rise and speak to the Court Statutes Amendment Act, 2008. If we look at this act, it essentially amends the Provincial Court Act and the Judicature Act in order to deal with the manner in which a judge may be dismissed or removed from the bench. It also makes slight changes in how default judgments are registered and the proper manner in which a pleading can be struck, and it provides a greater degree of protection against situations involving unjust enrichment.

9:40

If you look at these things – and it may be somewhat innocuous – it really supports things that are happening at some of our lower

levels of jurisdictional courts, the provincial court, where often there are many individuals who are not using legal counsel, who appear before the judge and are looking for, I guess, some assistance. At times they go overboard as to what, in fact, they should be actually doing and the bounds and limitations of what they are presenting to the court. I'm not saying that they are the only users of our provincial court. Many other individuals and practitioners use the provincial court as anything up to, I believe, \$25,000 can be sued for in our provincial courts. Also, many of our criminal element here in Alberta receive sentencing or are set free from our provincial courts.

Nevertheless, I'm supportive of the changes that have been brought forward here. I believe they make the bill a little bit more workable. It makes it easier for people to manage the court system, and that is one of the things we're always trying to do, especially in a court system that is increasingly being used by individuals who can't afford a lawyer and who are then proceeding to court, trying to do the best they can to enforce their civil and legal rights. That is continuing to be a difficulty not only in the province of Alberta but throughout Canada, and we should maybe try bouncing some ideas around. We're not going to solve that situation here in this bill or even tonight, but it's something we in this House should maybe put our minds to at some point in time: if there's some way we can alleviate the harshness of a system that's set up for people to fail in.

Nevertheless, those are my comments. Hopefully, this will ease the administration of justice in the province of Alberta.

Thank you very much.

**The Deputy Speaker:** Any other hon. member who wish to speak?

**Hon. Members:** Question.

[Motion carried; Bill 39 read a second time]

### Government Bills and Orders Third Reading

#### Bill 34 Employment Pension Plans Amendment Act, 2008

**The Deputy Speaker:** The hon. Member for Calgary-Nose Hill.

**Dr. Brown:** Thank you, Mr. Speaker. I would move third reading of Bill 34, the Employment Pension Plans Amendment Act, 2008.

Mr. Speaker, I want to thank my colleagues from the Official Opposition for their support of Bill 34, including the hon. members for Edmonton-Centre, Edmonton-Gold Bar, Calgary-Currie, Calgary-Mountain View, and Calgary-Varsity.

I would like to put on the record a response, which I previously sent in writing, to a question posed by the hon. Member for Edmonton-Centre in second reading. The hon. member had inquired as to whether there had been consultations with stakeholders, including unions, on this matter. I can advise the House that while the consultation to date has been limited to provincial and federal regulators of pensions, there are additional consultations with other stakeholders planned as the harmonization of the pension regulatory legislation moves forward. In fact, I can assure the House that until such time as there has been full consultation with all the stakeholders, Alberta will not enter into the agreement.

Further consultations are currently taking place. CAPSA is consulting with the stakeholders from October 21 to January 30 of this coming year. The agreement has been put on the CAPSA website, and stakeholders have been requested to make comments. CAPSA is also holding meetings across the country in November and December to meet with stakeholders. I can advise the House



that a meeting will be held in Calgary on December 5, 2008, for stakeholders to discuss aspects of the new agreement.

In addition, the superintendent of pensions for Alberta will be holding meetings with all of his advisory committees before the end of the year, and the agreement will be discussed there. The advisory committees of the Alberta superintendent of pension are the actuarial advisory committee, made up of actuaries from each of the major consulting firms in the province; the employee pension plan advisory committee, made up of plan sponsor representatives from several of the larger single employer pension plans in the province; the specified multiemployer pension plan advisory committee, which is made up of representatives from the union negotiated multiemployer pension plans in the province; and the defined contributions service providers advisory committee, which is made up of the key service providers to most of the smaller pension plans in the province.

Mr. Speaker, it should be noted that many of the changes in the interjurisdictional agreement were in direct response to requests from these stakeholders that I have just mentioned. I wish to note once more that there is no change from the member point of view in the framework of the legislation which is directed to protect the security of private-sector pensions. The change to the Employment Pension Plans Act simply enables the Minister of Finance and Enterprise to enter into a new agreement with the federal government and other provinces once consultations are complete and the terms of the agreement are finalized.

Mr. Speaker, I would submit that a new agreement, which this legislation will enable the minister to sign, will be beneficial to employers and employees in avoiding litigation as well as clarifying and simplifying the administration of private-sector pension plans in Alberta and throughout Canada.

Thank you.

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

**Ms Blakeman:** Thank you very much, Mr. Speaker, for the opportunity to speak in third reading to Bill 34, the Employment Pension Plans Amendment Act, 2008. My thanks to the Member for Calgary-Nose Hill for providing the additional information that I had requested.

The unions that are involved with multiemployer pension plans in Alberta that would be affected by this particular act include the board of trustees of the labourers pension fund of western Canada; the trustees of the UA Canadian Pipeline Industry national pension plan; General Teamsters, local 362; Bricklayers and Allied Craftworkers of Alberta and Saskatchewan; NDT Management Association, trustees of the boilermakers national pension plan, Canada; Bricklayers and Trowel Trades International. There has not specifically been consultation with them. But what's happening here in this act is not going to affect them from a member point of view, and it is to protect the security of their particular private-sector pension plan.

Essentially what we've got with this act is following with the recommendations from the Canadian Association of Pension Supervisory Authorities, who had developed a proposal to deal with the solution to the Leco case that had come up. These are Alberta's changes that help us line up with the Canadian Association of Pension Supervisory Authorities' suggestions. It allows that for a pension plan that's registered in another jurisdiction, only the administrative and day-to-day funding and investment laws of the jurisdiction will be applied. The laws of Alberta will apply in all other areas, which makes it simpler for our people.

My questions have been answered, and the issues I've raised have been addressed, so I'm happy on behalf of my caucus colleagues to recommend third reading for Bill 34. Thank you.

9:50

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

**Mr. Mason:** Thank you very much, Mr. Speaker. I'd like to speak to third reading of Bill 34, the Employment Pension Plans Amendment Act, 2008. This bill aims to simplify the administration of pension plans which have members in several provinces and territories. Currently such pension plans are administered in the jurisdiction where the majority of members reside; however, the plan has to be administered according to the rules of the various jurisdictions in which the members live. Bill 34 would simplify this by applying administrative rules for one province, the province where the majority of members live, for all plan members. It's hoped that this arrangement will not only simplify things for pension administrators but also avoid the kind of legal tangle which emerged from the Leco case, where changes to a trade union pension plan were rejected in Quebec after being accepted in Ontario.

Mr. Speaker, with the current crisis in financial markets the value of many pension plans, individual and group, public and private, have taken a hit. A proper system of financial maintenance for our senior citizens is an extremely important area of public policy. Reducing poverty among seniors must be a top priority, and ensuring their pension plans are reliable and able to support them in their retirement is a very important part of that.

So, Mr. Speaker, we have no objection to this new multi-jurisdictional agreement. However, I would like to note that the finance ministers of British Columbia and Alberta have established a Joint Expert Panel on Pension Standards, which is to report this month and which has a mandate to review the Employment Pension Plans Act and its parallel in B.C. I just wonder in passing why we would not wait until that panel has reported before bringing the bill forward. Nevertheless, the government has not done that, and we don't consider that to be an objection which would lead us to oppose the bill, so we will be supporting this bill in third reading.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Does any other hon. member wish to speak on the bill?

**Hon. Members:** Question.

[Motion carried; Bill 34 read a third time]

### Bill 36

#### Land Titles Amendment Act, 2008

**The Deputy Speaker:** The hon. Member for Calgary-Nose Hill.

**Dr. Brown:** Thank you, Mr. Speaker. I would like to thank the members of the House who have spoken to this bill at earlier stages, including the Member for Edmonton-Centre and the members for Calgary-Buffalo, Calgary-Varsity, Lethbridge-West, and St. Albert.

I would present a quick recap of Bill 36, the Land Titles Amendment Act, 2008, to the House. The land titles office has worked very hard to facilitate the quick and efficient handling of land titles over the past several years. This bill produces a pending registration queue which allows consumers to view the documents. This will indeed give consumers a complete picture of the title. It will allow the purchased transactions to be completed on the closing date regardless of any potential backlog at the land titles office.

With those remarks, Mr. Speaker, I would move third reading of Bill 36, the Land Titles Amendment Act, 2008.

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

**Ms Blakeman:** Thank you very much, Mr. Speaker. I'm pleased as the critic for this particular bill to recommend this to my colleagues in the Official Opposition caucus. This is essentially an administrative bill, but it does create this identification number that goes to – I love the language they use here – “every instrument and caveat” that's entered into the system, and this allows for an ordered examination and a sort of tracking like you get with UPS. So I think it's a great idea. Anything that's gonna make land titles move along smoother is wonderful, and I'm very happy to support it.

Thank you.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. I have a long speech on this one. Actually, not. This bill would create a searchable database of documents that are awaiting registration at the land titles office. The creation of such a database is being proposed because the land titles office currently has long turnaround times for registering submitted documents. This database would allow clients to see what documents are pending, which will help them in making decisions regarding real estate transactions they are involved in.

Mr. Speaker, Alberta has a highly efficient and accurate land titles system, and I'm happy to support any changes to the system which will improve service for the public. I'm pleased to support Bill 36 at third reading.

**The Deputy Speaker:** Any other hon. member who wishes to speak on the bill? Seeing none, the chair now shall call the question.

[Motion carried; Bill 36 read a third time]

### Bill 38 Securities Amendment Act, 2008

**The Deputy Speaker:** The hon. Member for Calgary-Foothills on behalf of the sponsor of the bill.

**Mr. Webber:** Thank you, Mr. Speaker. On behalf of the hon. Member for Calgary-North Hill I am pleased to rise this evening and move third reading of Bill 38.

Just to refresh our collective memories, Bill 38 will clear the way for Alberta to fully implement the passport system for securities regulation. The passport system is essentially a free trade, investment, and labour mobility agreement between participating provinces. It already allows issuers to clear a prospectus in their home province or territory and have that clearance apply automatically in the other passport jurisdictions. These amendments will expand the passport system to allow dealers or advisers to register in their home province or territory and have that registration automatically apply in the other passport jurisdictions. The passport system streamlines our regulatory system and helps reduce the regulatory burden for Alberta's securities industry.

During Committee of the Whole debate there were some thoughts expressed on whether the turmoil currently taking place in the markets can be addressed by provincial regulation. This amendment to the Securities Act is not designed to address the current turmoil, but it should be evident that Canada has fared far better than many jurisdictions with national securities regulators.

What Bill 38 does is continue to modernize our legislation and streamline the regulatory system that is already serving us well. Bill 38 makes the regulatory system more efficient while maintaining the balance between consumer protection and ease of doing business and raising capital. Raising capital is one of the linchpins of any

economy. Raising capital creates jobs, and it creates opportunity. This is especially important in our current economic climate, and it gives us a solid foundation for the future.

It was also suggested that perhaps Alberta and the other provinces should focus instead on forming a single regulator, headquartered in Calgary, overseen by the provinces and not the federal government. In reply I would say that it's hard to predict the future. Who knows how our financial markets and regulatory systems will evolve in the future? What I can say with certainty is that work on the passport system has been going on for several years and that it is a great example of collaboration and co-operation amongst our various governments.

Further, as the second-largest capital market in Canada it is important that Alberta continues to show leadership and keeps its legislation as up to date as possible. As such, Bill 38 is a significant step in the ongoing process of ensuring that our securities regulatory system remains one of the best in the world.

Mr. Speaker, I move third reading on Bill 38, the Securities Amendment Act, 2008.

Thank you.

10:00

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

**Ms Blakeman:** Thank you very much, Mr. Speaker. I'm pleased to speak in favour of Bill 38, the Securities Amendment Act, 2008. I'll be glad to see the passage of this. This is one of my heavier files. A lot of work went into making sure we were going to be okay with what's being proposed here.

I've talked about the arguments about whether this – well, it's not whether. This is a power struggle between the federal government and what they'd like to see as a national program and the provinces preferring to see this passport program in place. In the end I think this is going to be fine for Alberta. What it's going to mean is that we have less red tape for investors and those dealing in securities markets to deal with. It does set out the home dealer concept. It enshrines those principles that I was referring to earlier that are coming out of the International Organization of Securities Commissions, in which I'd been talking about the objectives: “the protection of investors; ensuring that markets are fair, efficient and transparent; [and] the reduction of systemic risk.” Then there were a number of principles that they go on to outline. The bottom line is that this is intended to protect investors and to instill and maintain confidence.

I think the passport system, I hope, is going to work for all of us, and at this point I'm willing to support third reading of Bill 38, the Securities Amendment Act, 2008.

**The Deputy Speaker:** Any other hon. member who wishes to speak? The hon. leader of the third party.

**Mr. Mason:** Thank you very much. Just briefly, Mr. Speaker, because I had spoken more at length on this Wednesday night in committee. I think it is interesting that this bill should come before us just at this point in history, when we're seeing the folly of decades of lax regulation of securities trading and corporate governance. Deregulation has now I believe been shown to be a tragic mistake with incalculable consequences. Effective reregulation in securities will require a single national securities regulator. The lack of a single national securities regulator in Canada has always been, I think, at odds with the interests of investors and with the economy, and I think our economy has paid for it in a number of ways. Let us not forget Bre-X.

A single regulator could ensure uniform standards are enforced and, I think, would be far cheaper. I don't support, as I indicated, a federally imposed regulation because I think, first of all, provincial

governments are not likely to surrender their right to regulate securities, as parochial as that system has turned out to be. The passport system that most provinces, with the exception of Ontario, have agreed to create and which this bill would allow is not going to solve the situation fundamentally. It is no longer reasonable or rational to have 13 little fiefdoms in the globalized economy. I think that it perhaps will improve some of the issues, but it won't get at the basic issue, which is that we need a single regulator. Mr. Speaker, I think that the regulator needs to be arrived at or organized by the provinces and territories acting jointly and not by the federal government.

I just want to reiterate that I support a single regulator, organized and operated through provincial and territorial governments, and that I believe that it should be located in the city of Calgary. I don't feel that this bill really deals with the issue as it leaves in place the multiple jurisdictions that I think are so obsolete in the modern world.

On that basis, Mr. Speaker, I will not be supporting Bill 38.

**The Deputy Speaker:** Standing Order 29(2)(a) allows for five minutes of comments or questions. Is anybody taking this opportunity?

Seeing none, any other hon. member wish to speak on the bill?

**Hon. Members:** Question.

[Motion carried; Bill 38 read a third time]

### Bill 35

#### Government Organization Amendment Act, 2008

**The Deputy Speaker:** I don't believe this has been moved yet. The hon. Deputy Government House Leader on behalf of the Minister of Infrastructure.

**Mr. Zwozdesky:** Yes. Mr. Speaker, thank you very much. It's my pleasure on behalf of the hon. Minister of Infrastructure to move third reading of Bill 35, the Government Organization Amendment Act, 2008.

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

**Ms Blakeman:** Thank you very much, Mr. Speaker. It is not my pleasure to speak in third reading to Bill 35, the Government Organization Amendment Act, 2008. I think this is a bad idea, and my caucus will not be supporting this bill. It just strikes me that in this time where we need to be putting more legislative controls on spending, we are systematically removing them, and part of that is being done through this bill. It's a bad idea. We are reverting to bad decisions that were made in the '80s, which we have paid for until a couple of years ago. I really don't want to see us go there again in this wonderful province of mine, but the government seems determined to take us there. The rest of the world is regulating more. We're regulating less here, and it's a bad idea.

I'm particularly offended by section 2, which is amending section (3)(c) where it allows for the minister "under circumstances authorized by the Lieutenant Governor in Council, subject to any conditions that may be imposed by the Lieutenant Governor in Council" – it basically allows them to wipe out everything else that's anticipated in the act.

I cannot support this. Our recommendation from our Official Opposition caucus is to not support it. We'll all be voting no. Thank you very much, Mr. Speaker.

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

**Mr. Mason:** Thank you, Mr. Speaker. Well, I regret to inform the House that we, too, will be opposing this bill. It's quite clear that Bill 35, the Government Organization Amendment Act, 2008, is a bad bill and is a bill that is designed to streamline the process for the transfer of public land to private contractors in P3 projects. Bill 35 would increase the power of the Minister of Infrastructure to dispose of Crown land. It would allow the minister to ignore the stipulations on the disposal of Crown land as specified in section 10(3) of the current act, which states that any such disposal of land must among other things be made "at not less than the market value of the land." This bill would add a subclause allowing such a sale to be made under any circumstances authorized by the cabinet and subject to any conditions. That's subclause (c) on page 2 of the bill.

Although it's not spelled out in the bill, it's clear to anyone who understands the misguided priorities of this government that these changes are aimed at making it easier for the government to pursue P3 projects. In such cases after the sale is made, the government will end up leasing the land back from its private partner. Can you imagine anything more absurd, Mr. Speaker? We already own the land, we're going to dispose of it to private bidders on P3s, and then we'll end up leasing back our own land. It's just ridiculous.

**10:10**

P3 projects represent an attempt by the government to hide some of the debt it incurs on infrastructure projects. In the long run the public will end up paying a higher price than if the project had been run as a public endeavour. By folding government land, public land, into these P3 projects, I think we are increasing the losses to the taxpayer, and it is, in fact, a very shortsighted approach.

The bill asks us to give the government a blank cheque on the disposal of Crown land. Mr. Speaker, I see no reason to put such a trust in this government. I would be supportive of a bill that restricts the power of the government by ensuring that the maintenance disposal of public land is always done in the public interest and through a tender process. Since this bill does just the opposite, we will be opposing it at third reading.

Thank you very much, Mr. Speaker.

**The Deputy Speaker:** Standing Order 29(2)(a) allows for five minutes of comments and questions. Does any member wish to take the opportunity?

Seeing none, does any other hon. member wish to speak on the bill?

Seeing none, the chair shall call the question.

[Motion carried; Bill 35 read a third time]

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

**Mr. Zwozdesky:** Thank you very much. Again, a very good evening of progress and even some co-operation and a historic moment for one of our members from the opposition, who is about to do a victory lap. So congratulations to her and to the House and to you, Mr. Speaker, for running an excellent session this evening. On that note I would move that we stand adjourned until 1:30 tomorrow afternoon.

[Motion carried; at 10:13 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]





**Table of Contents**

**Monday evening, November 3, 2008**

Motions Other than Government Motions	
Payday Loan Interest .....	1713
Government Bills and Orders	
Committee of the Whole	
Bill 18 Film and Video Classification Act .....	1719
Bill 27 Funeral Services Amendment Act, 2008 .....	1723
Bill 23 Weed Control Act .....	1724
Second Reading	
Bill 39 Court Statutes Amendment Act, 2008 .....	1726
Third Reading	
Bill 34 Employment Pension Plans Amendment Act, 2008 .....	1726
Bill 36 Land Titles Amendment Act, 2008 .....	1727
Bill 38 Securities Amendment Act, 2008 .....	1728
Bill 35 Government Organization Amendment Act, 2008 .....	1729

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