Province of Alberta

The 27th Legislature
First Session

Alberta Hansard

Monday evening, November 17, 2008

Issue 48e

The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta
The 27th Legislature

First Session

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[Errata, if any, appear inside back cover]

Legislative Assembly of Alberta

7:30 p.m. Monday, November 17, 2008

[Mr. Mitzel in the chair]

The Acting Speaker: Please be seated.

Motions Other than Government Motions

Surface Rights Compensation Review

512. Mr. Marz moved:
Be it resolved that the Legislative Assembly urge the government to establish a committee consisting of representatives from the provincial government, landowners, and the energy industry to review surface rights compensation.

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

Mr. Marz: Well, thank you very much, Mr. Speaker. It's my pleasure to rise in the House this evening to introduce Motion 512, which aims to establish a surface rights compensation committee. I'd like to point out that Motion 512 does not prescribe any specific solution to the problems that may exist regarding surface rights or surface rights compensation issues. Rather, this motion simply intends to recommend the creation of a mechanism for consulting stakeholders regarding surface rights. I don't think a week goes by, Mr. Speaker, that this issue hasn't been raised to me by constituents in my riding.

In order to ensure fairness, this proposed committee would be composed of members from the Alberta government, private landowners, and the energy sector. The intention of this committee would be to bring forward recommendations to resolve some of the issues that may exist between landowners and industry.

I've spoken to many of my constituents and their representatives over the past few years, and I'd like to highlight some potential questions that this committee would seek to answer. First, as Alberta continues to grow, so do our energy requirements. This has resulted in more transmission lines both above and below ground. One example of this would be the proposed AltaLink 500 kVa line west of the Edmonton-Calgary corridor. As you may know, Mr. Speaker, there have been some major concerns from Albertans regarding the development of this line. As I am to understand it, many landowners were offered roughly one-third of the compensation they would have received if it were an oil or gas site, and that's only after a lot of negotiations because they were initially offered much less than that. In addition to this, when the transmission towers are completed, the footprint on the owner's property will be greater on average than that of an oil or gas well site. This raises the questions: are Alberta landowners being adequately compensated for having these lines on their property, and should there be greater consistency with respect to surface rights compensation?

Secondly, leases between energy companies and landowners are typically for 25 years, renewable for another 25 years clearly and only at the discretion of the energy company. That's 50 years, which is basically the life of the landowner. In the case of pipelines landowners can never develop within a setback distance of 100 metres in any direction from these lines. Given this discretion, Mr. Speaker, is this equally fair for industry and private landowners? Many would argue it's not.

Thirdly, Mr. Speaker, our landowners are compensated for the loss of the use of their land based on the highest current use, which is usually agriculture. Then that land is immediately used for industrial purposes such as well sites or transmission lines. Now, in the real world if a developer were to access land from a private landowner, they wouldn't have the luxury of basing the price on what it's currently used for but what it's going to be used for. In my constituency, Mr. Speaker, quarters of land close to the town of Olds have typically been moving for a million dollars a quarter for development purposes. Energy companies wouldn't have to pay that same type of price for tying that land up for the next 50 years.

Considering that this land is being used for industrial purposes by energy companies, is the compensation given to the landowner based on agricultural values fair? Energy companies who seek to use private land to transport or extract resources do so because they require the use of the land. Many would be of the opinion that the demand for these areas of land, which would be of limited supply, should result in greater compensation for the use of that land. The question is commonly raised by private landowners because within the private sector land prices are based on what is satisfactory between a willing buyer and a willing seller, and many would argue that supply and demand and future value of the land should also be a consideration.

Lastly, Mr. Speaker, construction and development restrictions exist around pipelines and transmission lines and oil and gas well sites based on what is called a setback distance. As I said before, I believe that's a hundred metres in either direction of the transmission line or the well site. Nobody is arguing that these setbacks aren't necessary for the safety considerations of everybody around, but they also restrict the landowner's use of that land. Many landowners find themselves not only unable to develop their land where a well site, pipeline, or transmission tower may be located but also within that setback location of the 200 metres in total. Should the landowner be compensated for the loss of discretional use of the designated land within that setback? That's a question many ask.

Mr. Speaker, these are only a few of the questions this committee could seek to answer as it reviews surface rights compensation. There hasn't been a review of section 25 of the Surface Rights Act, determining compensation, since 1983. Considering it has been 25 years since its last review, I believe it's time for a comprehensive review of surface rights compensation.

As many of you know, Sustainable Resource Development is currently working on the land-use framework. Given that many of us in this Assembly meet with a number of concerned constituents regarding their land, I applaud the Minister of Sustainable Resource Development and his staff for taking on this significant initiative. The land-use framework commits to reviewing the process for identifying major surface concerns prior to public offerings of Crown mineral rights. I would contend that the committee which is being proposed by Motion 512 would aid and enhance the work of the land-use framework as it seeks to accomplish this objective.

In closing, Mr. Speaker, as the requirements for minerals and the need for pipelines and transmission lines continue to grow, inevitable pressures and conflicts will exist within the various stakeholder groups. These conflicts consume a lot of time in resolving, and that time results in a lot of money being spent. Motion 512 would create a mechanism to hear and consult with all concerned stakeholders pertaining to surface rights compensation and would bring forward recommendations for future government action.

Mr. Speaker, I look forward to hearing from other members of the Assembly regarding this motion. Thank you very much.

The Acting Speaker: Do any other members wish to speak? The hon. Member for Leduc-Beaumont-Devon.

Mr. Rogers: Thank you, Mr. Speaker. It's my pleasure to rise this evening to debate Motion 512, which proposes the establishment of a surface rights compensation committee. This temporary committee would review surface rights compensation offered to landowners and would make recommendations to the government for possible action.

Mr. Speaker, I'd like to just review some of the current process for determining compensation between industry and private landholders. Under the current lease process compensation given by a company to a private landowner has to be agreed upon by both parties; that is, a willing seller and a willing buyer. If a company has met the terms set out in the lease process but is not able to reach a settlement with the landowner, then the company may apply to the Surface Rights Board for a right-of-entry order. If granted by the board, this results in a hearing to decide the appropriate compensation as laid out within section 23 of the Surface Rights Act.

Mr. Speaker, section 25 of the Surface Rights Act requires the Surface Rights Board to consider a number of factors when determining compensation. These include an entry fee which is equal to $500 per acre to a maximum of $5,000 per acre, the value of the land considering if it were sold on the open market, the highest approved use of the land such as agricultural, industrial, or residential, and other factors such as the initial nuisance, inconvenience, and noise. The board must also consider the loss of the normal use of the lease area.

7:40

Mr. Speaker, this compensation for loss of normal use is paid to the landowner during the well or lease site's life and should approximate the value of the gross annual agricultural production reasonably expected from the area. Consideration is also given, Mr. Speaker, to the adverse effects and other relevant factors pertaining to the lease. The board has many factors to review as it determines appropriate compensation to give to the landowner. Each of these considerations is carefully weighed so that the fair value is given to both sides.

Mr. Speaker, the process and the valuation methodology has not changed in many years. While the Surface Rights Board does consider many factors when determining compensation, I believe that there is a need for further review of this process. Surface rights compensation has been made a priority under the land-use framework. The Land-use Framework MLA Committee has been tasked with reviewing the Surface Rights Act and the Expropriation Act. The proposed surface rights compensation committee may be able to provide assistance into this review.

Mr. Speaker, I look forward to further debate on this timely motion, and I would encourage all hon. members to support Motion 512. Thank you.

The Acting Speaker: Do any other members wish to speak? The hon. Member for Lacombe-Ponoka.

Mr. Prins: Thank you very much, Mr. Speaker. It's my pleasure to rise today and speak on Motion 512, sponsored by the hon. Member for Olds-Didsbury-Three Hills. This motion aims to establish a surface rights committee. Establishing this body responsible for addressing land-use compensation could ensure fair compensation for both industry and landowners.

There are many reasons that this committee should be set up, but I'll only speak on one, and that one issue is that we could review the setback requirements. Mr. Speaker, setback is a term used to describe the minimum distance that a structure must be away from an oil lease or pipeline or power line. There are good reasons to have setbacks. The setback distance is in existence to reduce the potential hazards from these sites. Pipelines and well sites could have potential hazards such as H_2S gas or striking power lines or gas lines or oil lines. These setback distances dramatically reduce the likelihood of harm to humans and to livestock in these areas.

Mr. Speaker, my farm covers about 600 acres. I live near Gull Lake, just west of Lacombe. I have three gas wells, each covering two and a half to four acres, two pipelines, a compressor station, one abandoned landfill site with a setback of a thousand feet. I have about a hundred houses within a hundred feet of my property. Gull Lake is less than a quarter of a mile away. I have a three-phase power line. I have telephone lines, power lines, and gas lines. You know what? My place is not unique. There are many, many places like this around the province that are covered with leases with setbacks.

You can see that even though setbacks are necessary, they do restrict the possibility of landowners to use their land as they would see fit. I would think that on my farm alone I probably have lost a hundred acres due to setbacks. Mr. Speaker, you can imagine that a farmer could be barred from building infrastructure needed for his operation such as a house or a barn or a silo because these buildings might fall within that setback limit. I'm not proposing that we eliminate or weaken the safety setbacks. Rather, we should recognize that these setbacks are a barrier to the landowner.

Again, like I said, my farm is not unique. There are many, many farms around the province. Farmers are bearing the burden of these regulations or setbacks. This proposed committee would seek to answer the question: are landowners being adequately compensated for these development restrictions?

As some of my colleagues have already mentioned, Mr. Speaker, the review of surface rights compensation has been made a priority under the land-use framework. A temporary surface rights committee may assist the land-use framework as it begins to do this. Motion 512 offers a multistakeholder approach that seeks to ensure a fair and balanced compensation framework. This government is committed to building a vibrant economy for current and future generations. This committee being proposed by Motion 512 will help accomplish this goal by facilitating fair compensation between the two industries vital to Alberta, and those are energy and farming.

I would like to thank the hon. Member for Olds-Didsbury-Three Hills for bringing this idea forward, and I would encourage all here to support Motion 512. Thank you, Mr. Speaker.

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

Mr. Mason: Thank you very much, Mr. Speaker. It's a pleasure to speak to Motion 512, sponsored by the hon. Member for Olds-Didsbury-Three Hills. I want to indicate that in principle I wholeheartedly support the direction this motion is taking. It seems to me that we have for many years in this province not struck the right balance between the rights of property owners on the one hand and the rights of the energy industry on the other. It seems to me that in this area, as in a number of other areas, we bend over backwards for the energy industry. They seem to have extraordinary rights in the province, and it's at the expense of the rights of other people.

We could go into different areas; for example, the whole question of sour gas and the location of sour gas wells. It seems to me that this is another area where we lack balance on the one hand between the rights of people and, in fact, their animals in many cases and the ability of the energy companies to extract gas when there is sour gas there as well. This has become a major issue, as we know, in many parts of the province.

I think that the whole question of royalties is another area where we don't have the right balance between the rights of the owners,

which are the people of the province, and the energy industry. Here again we've got a situation where there's not enough balance. You know, certainly, I think that the hon. member's constituents and the constituents of many other members of this House have been affected negatively by this lack of balance.

The hon. member talked about calculating compensation based on the present value of the land, which is based on agriculture, rather than what its use is intended for, and I think he has put his finger exactly on the issue. It has been 25 years, Mr. Speaker, since surface rights compensation has been reviewed, and I think it's high time that we took another look at it.

I don't know what result this will have, of course; private members' motions are not binding on the government. I would like to see some indication from the government that it is prepared to enter this field and review compensation to landowners. I'm not sure that a committee is exactly what's needed. I think it's an expression of the intent of the House, but again I would like to see a clear direction from the government. I also have concerns about being able to sort it out just because you put together the two sides with some government members on a committee, especially if the government has not indicated a change in its policy or position with respect to this.

I think the negotiation process for compensation is a problem. I think there are far too many negotiations that don't lead to where the company wants to go. Then it goes to the Surface Rights Board, which has a binding decision. If the landowner receives a decent compensation package from the Surface Rights Board, then the company can easily take the issue to the Court of Appeal, and that's an expensive and long time. So there is a process, but because of the superior financial resources of the oil companies over farmers, it is often hard, I think, for farmers to get a fair deal.

7:50

I'm going to be supporting this motion, and I encourage other members to do so as well. I think it is high time. This has been a very controversial issue and has been growing more and more controversial. I think it's clear that the balance we now have is no balance at all. It's time, in my view, that property owners in this province were accorded respect and reasonable process and, in fact, fair compensation for the use of their land by others. I think that this House should do the right thing for Alberta landowners and farmers and support the motion.

Thank you.

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

Mr. Allred: Thank you, Mr. Speaker. I understand that on a nongovernment motion we don't have the five-minute rule to ask a question. Therefore, I'll have to rephrase my question into a comment. It would seem to me, seeing that we have a duly appointed quasi-judicial Surface Rights Board with a mandate and, I presume, the expertise to establish compensation together with the right of each party to advocate their position, that we are expressing nonconfidence in this board and, in fact, are stepping outside of our mandate in proposing to review surface rights compensation.

I had the privilege or, perhaps, the duty of sitting on the Métis Settlements Appeal Tribunal for quite a number of years. The Métis Settlements Appeal Tribunal had a mandate to be the surface rights board on Métis settlements' land. I can attest to the fact that that's not an easy job. You have to balance the rights of, in fact, two landowners: the owner of the surface and the owner of the minerals. In most cases in surface rights hearings the owners of the minerals are the people of Alberta, the Crown, with a licence to the operator. Nevertheless, they have the right to those minerals and the right to work those minerals as well. There's a tough act to balance those rights against the rights of the surface landowner.

If we have a problem with the Surface Rights Act, we have a mandate to review the legislation, not to review compensation. We must stick to policy-making and not micromanagement. Now, I also understand that surface rights are being addressed by the land-use framework, so it seems to me that it's a bit of a duplication of effort, in any regard.

Mr. Speaker, unless I hear something further to change my mind, I'm not prepared to support this motion.

Mr. Chase: I'd like to think that I have the power to change the hon. member's mind. We'll see if that's possible.

I support the notion of this motion because the collaboration between the three levels – government, landowners, and the energy industry – I believe is very much lacking. The decision has frequently been taken out of the landowners' opportunities for discussion. If they're lucky, there is a hearing involved, but the hearing is limited to the individual who owns the land although the industrial activity, the drilling, et cetera, may directly affect the neighbours as well. The idea that it goes beyond just an ERCB or a hearing process and that potential difficulties could be resolved within a committee format I think is a very good suggestion. I don't believe it usurps the role of the ERCB, or the replacement to the utilities organization when the two were split. I think it's extremely important that everyone has a say.

One of the concerns I have, however, is how you get the right membership. Obviously, the provincial government is going to select individuals and the energy industry is going to select individuals, but who selects the landowners, and what is the process under which those participating in the committee are chosen? We have several examples in this province of people being appointed because of their past loyalties to the government, whether they're appointed to committees or whether they're appointed to boards. If there was any degree of partisanship to the appointment of landowners on this particular committee, then the whole point of transparency and accountability, the collaborative process, would be lost. So I hope the hon. mover of the motion will be able to address just how those landowners would be selected.

I have very little knowledge of rural circumstances other than attending a wide variety of forums. It seems that the greatest degree of controversy has been in the Ponoka area. I've been there twice with the hon. Member for Calgary-Mountain View over concerns about coal-bed methane and intrusion into the water. I was there with the hon. Member for Edmonton-Gold Bar most recently over the utilities discussions and the power lines that were to run from Wabamun eventually down to deliver power to Calgary.

There was tremendous controversy about landowners' rights at that time. I'm sure a number of members will remember sitting for several extended hours, beyond the 24, discussing the bill that dealt with landowners' rights. It seems to me, as I recall, that there were over 22 government amendments on that particular bill that had to do with landowners' rights. Those were just strictly government amendments. The members of the opposition, whether it be Liberal or NDP, were never afforded the opportunity to introduce amendments with regard to landowners' rights.

I think that, after a fashion, Motion 512 is not just something that resulted from the hon. mover of the motion's constituency. I think it's a wider concern that all Albertans face as to how they are fairly compensated for land.

We've had a number of bills go through this House where there was a form of reclamation, where the landowner whose property was

torn up in the first place for a variety of activities, such as drilling, then has to suffer the indignities of the same individuals who tore up the land in the first place coming back because they were ordered to reclaim the land. So the individual who didn't want them there in the first place has to suffer that added indignity of having them come back to clean up the mess that should never have been made in the first place.

Now, I know, for example, down in the area where I operated the Cataract Creek provincial park, in the eastern slopes area, there's a tremendous amount of controversy going on right now. A number of established ranching families – the Cartwrights, for example – are extremely concerned about 11 wells that are being drilled in that particular area. Of course, as we get closer to towns further along the eastern slopes, towns like Nanton that derive their water directly from underground streams and aquifers that have yet to be mapped, the townspeople have great concerns. Yes, their town boundaries don't extend, obviously, to the eastern slopes, but the effect on their population will be determined by the possibility of extraction practices.

Compton, fortunately, backed off on its idea of the explosive testing, the seismic testing, and it's a good thing they did because we have yet, as I say, to chart those underground aquifers. It's a large concern that hopefully Motion 512 begins to address because there are a number of ranchers in that area who expressed a great deal of concern about this style of testing. The idea of, you know, dropping down a stick of dynamite and seeing what it produces hopefully went out with underground nuclear testing years ago.

8:00

The surface owners have had very little say. If they don't own the mineral rights, they're basically subject to the rulings of the government and industry. As I said, I've been to Ponoka. I've been to Drayton Valley with the hon. Member for Calgary-Mountain View. Again, it was the coal-bed methane and the seepage concerns. I've been to Trochu. I mentioned Nanton. Again, in Nanton it was coal-bed methane exploration that the town was concerned about. At the majority of these local meetings there were in excess of 300 individuals who had driven miles and miles and miles to be heard and express their concerns about what was happening not only to the surface of their land but to the water running underneath it. Water was a major concern in every single one of these meetings. Even when it came to transmission lines, there were concerns about the crossings and so on.

Last week I asked questions in the House about the number of streams and surface water areas that were going to be crossed by the proposed pipeline that would connect the various wells to the plant further south in the eastern slopes area. There are certain pristine areas with the historic fescue grass which have become very, very limited. Larry Simpson, for example, of the Nature Conservancy has put out an excellent video: the last five miles. He basically urges the government to co-operate with landowners in setting aside no-go areas which will retain their historic, pristine function. Again, in the terms of the ranchers, that fescue grass is something that requires protection. I have seen examples. For example, when I worked in Cataract Creek and a decision was made to cut up the campground in order to have Bell Pole take what had been left by Spray Lakes . . . [Mr. Chase's speaking time expired] I'll look forward to further discussion.

The Acting Speaker: The hon. Member for Strathmore-Brooks.

Mr. Doerksen: Thank you, Mr. Speaker. I am also pleased this evening to rise and enter into the debate with regard to the motion put forward by the Member for Olds-Didsbury-Three Hills, Motion 512, on the establishment of a surface rights committee. I guess I observed by precedent that this motion welcomes a pretty broad range of discussion with regard to it, but I'll try to keep my discussion fairly focused.

I'm not one who has a particular bent on the imbalance that has surfaced between the parties involved with regard to surface rights compensation. While it's easy as a landowner to say that landowners from time to time are undercompensated, I think the balance in these issues has basically been found. As somebody who has been involved in negotiations with oil and gas companies, the whole matter of reasonableness, I think, is very often quite successful in arriving at reasonable settlements. However, with the discussion that has taken place around the land-use framework and the possibility of the Surface Rights Act being opened, the possibility or the usefulness of a committee, as is being proposed, could have quite a positive impact because I think there are a number of areas that should probably be discussed.

Certainly, time and the fact that this act hasn't been discussed or hasn't been opened for 25 years would suggest that it's reasonable to say that we may open it again. I will say that with regard to concerns of landowners there is recognized risk with regard to opening the act because what we have today is an understood set of boundaries that both sides operate under. However, I think the fact that it hasn't been opened for 25 years makes it reasonable. This committee could quite possibly identify issues that should be discussed.

I think there are a number of fronts in the current negotiations that take place between landowners and oil companies that are sometimes overlooked or not fully understood. The whole matter of negotiations, of the market price being arrived at by a willing buyer and a willing seller – that is, in fact, the market price. However, negotiations that take place between an oil and gas company and a landowner are really not a situation based on a willing buyer and a willing seller. It is an energy industry that is focused on a small acreage within an existing parcel, and compensation for that parcel is often possibly undervalued, particularly even by the landowner.

The matter of cumulative effects, I think, is another issue that is well understood, particularly in Alberta, with the number of quarter sections in this province that would be criss-crossed by pipelines and power lines. Whereas the first one wouldn't necessarily appear to have a negative effect, the effect of multiple installations on a particular land base is pretty significant.

One of the other concerns that I've experienced and seen with regard to negotiations between oil and gas companies and landowners and myself, for that matter, is the whole matter of precedent. I think a committee like this could identify a number of those types of issues that would be discussed were the act to be opened and possibly raise the bar in terms of the information sharing that happens between landowners and oil companies. Certainly, one of the challenges with regard to negotiating a fair settlement from the perspective of a landowner is the fact that most landowners are only involved in this kind of activity occasionally, you know, not necessarily annually, whereas the people negotiating for the oil companies do this on a day-to-day, full-time basis. That changes the balance of awareness of the situation at the very least.

In support of the Member for Olds-Didsbury-Three Hills I would suggest that this being a motion for consideration, it is a reasonable one and certainly raises the issue in an important way for us. Thank you.

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

Dr. Taft: Thank you, Mr. Speaker. I'll speak briefly to Motion 512, and like so many others this evening I speak in support of it. I've been listening to some of the information brought forward by various speakers, and I think many good points have been made, whether they refer to how long it's been since these processes have been reviewed or whether they refer to any number of the widespread conflicts between landowners and the oil industry concerning surface rights compensation. I think some legitimate concerns have been raised, for example, around how the committee will actually be named and how the individual members will be chosen because, obviously, that's key to having a well-informed and genuinely independent review of the surface rights issues.

I don't think I need to rehash everything that's been brought forward, Mr. Speaker, but I commend the Member for Olds-Didsbury-Three Hills for bringing this forward. Clearly, he's heard from many members of his constituency, some of whom I may know – I'm not sure – and I know we hear from people around this province about the struggles in negotiating these land deals. I might add that some of the frustrations are on the side of industry as well. Perhaps through better mechanisms and clearer understanding, frustrations on all sides can be reduced and a more fair sense of compensation can be established.

I'll be supporting this motion, and I hope that through the leverage of his position in caucus and the influence of all the other government caucus members the government will actually pay attention to this. Thank you.

8:10

The Acting Speaker: The hon. Member for Little Bow.

Mr. McFarland: Thank you, Mr. Speaker. It's a pleasure, as everyone else seems to indicate, to stand tonight and speak in support of a motion that our colleague from Olds-Didsbury-Three Hills has put on the table. A lot of the comments that have been made have talked about issues that probably many of us, as rural MLAs anyway, have heard on an ongoing basis, and it doesn't seem to matter on what side of the issue somebody's particular bent is. It always comes down or seems to always come down to money. I think it's very timely that our colleague would look at a temporary committee that would at least review.

I had the pleasure, Mr. Speaker, of working with this particular member on a farm assessment review committee a number of years ago, and although we probably did the best work that's ever been done, not everything always gets implemented. Of course, the main thing that has to be remembered, as I said before: depending on what side of the issue you're on, the committee is either really good or really bad. To get a group of people that is impartial, who can collect the facts, look at things like two-decade-old criteria that establish compensation: they couldn't do anything better than at least bring it up to current specs, criteria, and factors that affect today's industry. According to the research that I've been provided, in Alberta alone the number of pipelines that have been put in the ground has grown very substantially over the past 18 or 19 years. I believe there was something like 150,000 kilometres of pipeline in the province in 1990 or thereabouts, and even as recently as three years ago that number had over doubled to 377,000 kilometres.

Even if you looked at an average increase of 6 per cent or a little more per year, that has a significant impact on the people that own the land, and there aren't that many pipelines, gas lines, battery operations, compressor plants that are inside city limits or towns and villages. The fact is that most of them are placed on property that belongs to people in what we call rural Alberta, and they are proud of being good stewards. I don't think there have ever been too many that absolutely refused to deal with or to have an installation put in or on their property. They just want to be treated fairly and at a current rate of compensation. They're not looking to get rich quick. They realize that some things have to go across their land for the sake of public interest. In hindsight it is more than a little old to hear people talk about a tower that might go across their land that's going to get a compensation that's equivalent to something that was done in 1980 or 1970. That's just not reasonable in today's economy. So whatever this committee could do in light of bringing everything up to date I'd totally support.

I again want to compliment my colleague for bringing this particular motion forward. I don't think that I would add anything that hasn't already been spoken to before, but I thank my colleague and ask that everyone here give consideration to supporting Motion 512.

Thank you.

The Acting Speaker: The hon. Member for Rocky Mountain House.

Mr. Lund: Thank you, Mr. Speaker. I want to commend the hon. Member for Olds-Didsbury-Three Hills for bringing this forward. It's a very timely motion. I'm going to indicate right now that I'm very much in favour of this committee because I believe it could add a lot to a review that must occur as far as the lands compensation is concerned, and that, of course, is found under the Surface Rights Act.

The hon. member in his opening comments commented on the $500 an acre entry fee and the $5,000 that is the max for one parcel. There's also a minimum of $250 regardless of the size, the acres to be taken. Now, those numbers are found right within the act. I'm really curious why they're there. I don't know the purpose of it. For that matter, it certainly doesn't reflect the value. Then if you read on further in the act, there's a provision for paying for the time spent. I'm not sure what it's there for, but I can tell you that this was established back in about 1983. Values have gone up at least tenfold if not more. That's one issue that has to be updated. Quite frankly, I guess it really doesn't matter what that number is because further on in the compensation portion it could be addressed, so where that first number is at really is probably irrelevant.

The hon. Member for St. Albert made a good point about the fact that the committee would be setting up, maybe, some numbers that the Surface Rights/Land Compensation Board under the act could not agree with, and that's a good point. That's why I think it's very important that we look at the act.

One area, section 25, is the section that is somewhat problematic. It states in 25(1):

> The Board, in determining the amount of compensation payable, may consider
>
> (a) the amount the land granted to the operator might be expected to realize if sold in the open market by a willing seller to a willing buyer on the date the right of entry order was made.

Now, of course, this is not a willing seller if it has gone to the board to get the right of entry.

> (b) the per acre value, on the date the right of entry order was made, of the titled unit in which the land granted to the operator is located, based on the highest approved use of the land.

The way the board has been interpreting that is agriculture, and that's where it's really problematic. A number of us, including the sponsor of this motion, met with the Land Compensation Board, the Surface Rights Board, back about three years ago, when the 500 kVa line was being proposed. That's where we found it so problematic, in their interpretation of that very clause.

When you think about it, a power line, the restrictions that are put on it, you couldn't subdivide. Now, I don't agree with it, but the fact is that in the province of Alberta today you won't find many, if any, rural municipalities that don't allow for the first parcel out. As a matter of fact, back in the '80s that was a policy of the provincial government. Unfortunately, when we got it taken out of the government, lo and behold, it shows up in the land-use bylaws of the municipalities. So think about it. You get a power line that's coming through. You can't develop close to it even, but you get no compensation for that. Now it could be even taking away a subdivision.

8:20

There's another area that really bugs me on this assessment business. The three-acre parcel that we have for our farmsteads is valued in my municipality at around $25,000 an acre. The compensation that's being paid for an industrial parcel of the equivalent land base is about $2,500 an acre, so we're way out. I'd like to know how it is that government can assess at 10 times what is determined by the Land Compensation Board as being equivalent. As a matter of fact, when you go and check on three-acre parcels, you will find that industrial is more than residential. So I think there has to be a review of that whole area because currently it really doesn't make a lot of sense, and it's very unfair for the landowner.

> (c) The loss of use by the owner or occupant of the area granted to the operator,
>
> (d) the adverse effect of the area granted to the operator on the remaining land of the owner or occupant and the nuisance, inconvenience and noise that might be caused by or arise from or in connection with the operations of the operator.

Well, in the case, once again, of the setbacks from this power line, like I mentioned, the owner of the land gets nothing for it. Nothing. That also happens particularly with sour gas pipelines. You can get a very, very big setback going across your property. You can't do anything but farm over it. That's all you can do. You can't build. You can't do anything. That takes away the use of that land, but the only compensation you get is the bit that is the right-of-way. Basically, in most cases, unless it's a real big line, that's 15 metres. That's the width of the right-of-way.

Then it goes on in subsection (5): "In making a compensation order, the Board may also determine the amount of compensation payable by the operator." Once again we're getting into these wide setbacks, and it simply does not address those problems.

Another area that is of great concern – I got one right today – is where the well site is right across the road allowance from a residence. The resident over here gets absolutely nothing for the noise, the smell, the dust, and all of the things that are associated with it. Unfortunately for this poor resident, they got stuck in the hole with the drill. Instead of it being there for three weeks, it's been there for six weeks already, and they're still stuck there. Now, if you've ever been really close to a rig drilling , you recognize the noise, the vibration, all of the other good things that go with it. I really feel for those people in that residence because they're getting absolutely nothing out of it, yet it's causing a huge problem to those people.

With all of those things that probably weren't even contemplated back in '83 when this act was put together, I think that this committee, properly structured and doing its work, would quickly show that we must – must – look at this act and bring it up to date.

You get into the farming mechanisms as well. For example, one real progressive farmer that the power line was going to affect is even using an aircraft. When it looks like it's going to freeze at night, they'll go out and spray water on their crop. Well, just imagine, if you've got a power line in there, you can't do that.

Another thing that they do. They've found that in growing malt barley, a little bit of green will spoil the grading. You can easily lose the malt classification simply because of the green that's in it.

The Acting Speaker: Hon. members, 55 minutes of debate have passed. I hesitate to interrupt the hon. member, but under Standing Order 8(4), which provides up to five minutes for the sponsor of a motion other than a government motion to close debate, I'd like to invite the hon. Member for Olds-Didsbury-Three Hills to close debate on Motion 512.

Mr. Marz: Thank you very much, Mr. Speaker. I'd like to thank all the members of the Assembly who spoke to Motion 512, especially those who spoke in support of it.

There's one issue that was brought up regarding the question of confidence in the Surface Rights Board and that we shouldn't be doing this because it would show that we lack confidence in the Surface Rights Board. I don't see it as that at all, Mr. Speaker, because a large number of our constituents, a large number of Albertans out there, don't have confidence in the status quo. It's more a lack of confidence in the process rather than a lack of confidence in the Surface Rights Board.

To say that we can never change anything that involves a quasi-judicial body refuses to acknowledge that things change over time – we didn't always get everything right 25 years ago – and it refuses to acknowledge that things change and that the process that was laid out 25 years ago may not be as relevant today as it was then. I think we've got to look at it that way. The Surface Rights Board is only doing what the process allows them to do, and I can tell you that the landowners today aren't happy with the process. It's our responsibility as government to look at those processes and change them when they're no longer relevant. We do this quite frequently with other policies that we have. Some we review every five years. This one hasn't been touched for 25 years.

I thank all of the members for acknowledging that this should be done because it hasn't been done for such a long time. I thank you once again for your support on this. I urge all the members that didn't speak as well to vote in favour of this motion. Thank you.

[Motion Other than Government Motion 512 carried]

Government Bills and Orders
Second Reading

Bill 46
Health Professions Amendment Act, 2008

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

Mr. Anderson: Thank you, Mr. Speaker. I'm pleased to rise today to move second reading of Bill 46, the Health Professions Amendment Act, 2008.

The Health Professions Act was proclaimed in 1999, and 20 of 29 professions are now governed under the act. The proposed amendments facilitate the move of additional health profession regulatory bodies under the act and improve the regulatory framework.

I'll briefly outline the proposed changes. First, with regard to inspections, currently regulatory bodies cannot conduct inspections outside of complaints or professional development programs. These amendments enable health profession regulatory bodies to undertake inspections to ensure compliance with the Health Professions Act, regulations, and professional standards of practice. If inspections indicate unprofessional conduct, a minor infraction may be addressed by the registrar. In other cases referrals are made to the

complaints director. The complaints director can then undertake a full investigation and has the power to suspend, cancel, or put conditions on a regulated member's ability to practise. This is an important step toward improving the safety and quality of health care in Alberta.

With regard to patient records, the health information of Albertans is also important, and measures must be taken to ensure that it is appropriately managed and protected. The amendments address the issue of abandoned patient records, a concern that has been raised by the office of the Information and Privacy Commissioner of Alberta. Currently there are no provisions in the act allowing a college to address situations in which a professional leaves their practice without arranging for the transfer of their patient files. The amendments require that professions have standards of practice to prevent abandoned records and will both obligate and empower colleges to deal with patient records if these records are abandoned by the regulated members. Statutory powers and obligations have been added to the act along with regulation-making authority so that a flexible strategy to deal with abandoned records can be developed in consultation with health professions.

The act also contains a number of amendments ensuring that the College of Physicians and Surgeons of Alberta can be effectively transitioned from regulation under the Medical Profession Act to regulation under the Health Professions Act. Under the Medical Profession Act the medical facility advisory committee assesses medical facilities applying for accreditation by the college. It makes recommendations regarding accreditation to the college council, which then makes a decision. This process will be changed under the Health Professions Act. The committee will continue as the medical facilities accreditation committee, and that committee will be empowered to make the initial accreditation decision. Any appeals from decisions of the committee will be heard by council. This adds transparency and fairness to the facility accreditation process.

8:30

Schedule 21 has also been amended to update reference to the Performance Committee of the College of Physicians and Surgeons of Alberta. When the regulation of physicians moves under the Health Professions Act, they will comply with a continuing competence program that is enabled by the act.

The schedule pertaining to physicians in the Health Professions Act also includes podiatrists as it was originally thought that these professions would be governed under one schedule. Podiatrists are currently governed by a separate college and want to maintain that separate status. As such, a new schedule for podiatrists has been created. Schedule 21.1 sets out their scope of practice, protected titles, and the necessary transitional provisions.

Amendments are also included that will allow pharmacy technicians to be regulated by the Alberta College of Pharmacists. Pharmacy technicians will practise under the direction of a pharmacist, and a scope of practice and protected titles have been added to schedule 19 for this purpose. Regulation of pharmacy technicians by the Alberta College of Pharmacists will provide technicians with professional standards of competence and practice and strengthen governance in the drug delivery system.

Section 126 has been amended to expand the act's liability protection. Liability protection is extended to the minister and employees and agents in the Department of Health and Wellness. This type of liability protection is consistent with what is extended to the minister and department officials under other health legislation.

Finally, there are a number of housekeeping and other amendments that update the statutory language, keep the protected titles of various professions current, and ensure that amendments to other acts are accurate. We anticipate that in the future more schedules of the act will be brought into force. Collectively these amendments facilitate the effective regulation of health professions in this province.

I'm asking for the support of the House and move second reading of Bill 46.

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

[Motion to adjourn debate carried]

Bill 47
Mines and Minerals (New Royalty Framework) Amendment Act, 2008

The Acting Speaker: The hon. Minister of Energy.

Mr. Knight: Well, thank you very much, Mr. Speaker. On behalf of the MLA for Calgary-Foothills, the parliamentary assistant for Energy, I'm pleased to rise this evening and move second reading of Bill 47, the Mines and Minerals (New Royalty Framework) Amendment Act, 2008.

The amendments proposed in the act will expand the ability of government under the existing legislation to respond to the rapidly changing circumstances in the energy sector. Obviously, there is a lot of attention being paid to the implementation of regulation for the new price- and production-sensitive royalties that are included in the new royalty framework. Specifically, these are the royalty scales that take into account fluctuating commodity prices by providing increased returns for Albertans when prices are high while offering lower royalty rates when prices are low to promote continued investment and development. Keep in mind, Mr. Speaker, that the legislation is to amend an existing act. It does not set out the royalty rates but authorizes cabinet to set out royalty rates for oil sands projects as it does now for conventional oil and gas.

This represents the most significant change to Alberta's royalty structure since 1997, when a generic oil sands regime and changes to the federal capital cost allowance encouraged new development when prices were much lower than they are today. But it would be a mistake, Mr. Speaker, to think of this act only in terms of royalty. An effective royalty regime is only one of the ways that Albertans benefit from the energy development in our province. Economic activity, jobs, and tax revenue generated from the energy sector are also important and are part of the broader considerations that government has taken into account.

Mr. Speaker, as well as royalties, of course, we know that the wealth generation piece of the energy industry is extremely important to all Albertans and, in fact, to Canadians and beyond. The mines and minerals amendment act contains other important provisions which will give Alberta new tools to create opportunities for investment and job creation. For instance, there are amendments which will enable shallow rights reversion to encourage development of shallow resource pools previously frozen out by deeper production. This not only creates new opportunities for development and for jobs, but it will allow industry to make more efficient use of infrastructure, such as roads and pipelines, that are already in place.

Probably most important of all in the act will be a provision for administrative tools to support the Crown's option of taking bitumen royalty in kind. This gives the province the ability to create a strategic feedstock supply of bitumen for Alberta's value-based industry. What is most interesting about this provision is that it will allow the government to take raw bitumen or products from bitumen in lieu of cash royalty. In other words, the government can decide

what product to resell into the market that will promote the development of our value-added industry.

Finally, the act gives cabinet the authority to pass regulations to strengthen the accountability systems necessary to ensure complete and timely reporting on royalties owed to the province. Mr. Speaker, this responds to recommendations made by the Auditor General and by Peter Valentine in his report Building Confidence: Improving Accountability and Transparency in Alberta's Royalty System.

In fact, Mr. Speaker, I would categorize this act overall as responsive to changing circumstances, and I urge all members to give it full support.

Mr. Speaker, I move adjournment of debate.

[Motion to adjourn debate carried]

Bill 48
Alberta Corporate Tax Amendment Act, 2008

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

Mr. Renner: Thank you, Mr. Speaker. Before we consider the motion for second reading of Bill 48, I would like to rise and seek unanimous consent of the House to waive Standing Order 29(1)(d) in order to permit the third speaker on Bill 48 to speak for 20 minutes. I've had discussions with both the Official Opposition and the third party, and I understand that there is agreement to unanimous consent for this motion. It will allow a private member from the government side to address a money bill and still allow the opposition critic the full 20 minutes to speak to the bill when it next comes up.

[Unanimous consent granted]

The Acting Speaker: The hon. Minister of Finance and Enterprise.

Ms Evans: Thank you, Mr. Speaker. I am pleased to rise today to move second reading of the Alberta Corporate Tax Amendment Act, 2008, and call upon my colleague the hon. Member for Athabasca-Redwater to speak to this bill.

The Acting Speaker: The hon. Member for Athabasca-Redwater.

Mr. Johnson: Thank you. Mr. Speaker and hon. members, this act is generally amended every year, and this year sees the introduction of a refundable tax credit for scientific research and experimental development for Alberta companies. The scientific research and experimental development tax credit will encourage companies to do more research and development here in Alberta and help foster a local knowledge-based economy.

To qualify for the Alberta credit, expenditures must also qualify for the federal investment tax credit for research and development. The maximum credit will be $400,000, 10 per cent of the eligible expenses up to $4 million, and will be effective with respect to expenditures made after January 1, 2008. To prevent potential abuse, the credit will have to be shared among associated corporations.

The proposed legislation also makes changes to ensure that employment income and active small business income are ultimately taxed at the same rate. Because the province's small business threshold is higher than the federal government's, some small businesses will generate income that is taxed at the small business rate provincially but eligible for the higher dividend tax credit when withdrawn from the business for personal use. The result without the proposed amendment would be that personal income tax is taxed at an effective rate of 3 per cent instead of the 10 per cent rate that would normally apply to personal income. The proposed legislation implements an additional tax to address this inequity and ensures that employment income and active small business income are taxed at the same rate.

8:40

Finally, Mr. Speaker, this bill includes measures to strengthen government's ability to fight tax avoidance schemes. These include the introduction of a third-party penalty to parallel the federal penalty for aggressive tax planning and a three-year extension to the reassessment period when the general anti-avoidance rule is invoked. Definitions of what constitutes an offence will be broadened under the proposed legislation, as will the range of fines and penalties to match federal policies.

Additionally, this bill includes a number of small amendments to correct minor technical deficiencies and errors and to parallel other federal changes. This bill helps foster a local knowledge-based economy and promotes a fair and equitable tax regime in Alberta.

I urge all members to support this bill. Thank you.

I move to adjourn debate.

[Motion to adjourn debate carried]

Bill 49
Traffic Safety Amendment Act, 2008

The Acting Speaker: The hon. Member for Livingstone-Macleod.

Mr. Berger: Thank you. Mr. Speaker and hon. members, it's a privilege to rise this evening to move second reading of Bill 49 to amend the Traffic Safety Act.

The Traffic Safety Amendment Act, 2008, will authorize the use of Alberta administrative licence suspension for drivers charged with drug-related impairments. Impaired driving is a serious matter that threatens the health and safety of Albertans and all users of our roads and highways. It is irrelevant whether the cause of impairment is alcohol or a drug. What is important is to take steps to deal with impaired driving. This bill does that by putting alcohol and drug impairment on the same level and giving our police officers the ability to suspend a licence to deal with either type of impairment.

The bill also puts Alberta legislation in sync with recent changes to the Criminal Code that also put the two types of impairment on equal footing. The bill covers a loophole in existing legislation and allows the Alberta administrative licence suspension provisions to be applied to drivers impaired by drugs. This provision is being included as a consequential amendment, ensuring consistency with the drug and the drug/alcohol combination impairment suspensions. As members of this Assembly may know, the administrative suspension was put in place in 1999 and has been very effective in ensuring that impaired drivers are kept off our streets and highways. The administrative suspension also sends a very important message that government takes impaired driving seriously and that there are consequences for this behaviour.

Both this bill and the Criminal Code changes I mentioned earlier give our law enforcement people the tools they need to deal with all impaired drivers, whatever the source of impairment. The Criminal Code changes will allow officers to conduct sobriety testing on drivers suspected of being impaired by a drug, just as they are able to do with drivers impaired by alcohol. This bill allows licence suspensions to follow. Suspected drug-impaired drivers also can't refuse testing without sanction, which is another loophole this bill

and the Criminal Code close. These two measures improve the ability to get a conviction for drug-impaired driving. High drivers, who pose just as much danger to the public as drunk drivers, will have a lot tougher time beating the rap.

Mr. Speaker, the victims of impaired driving are impacted the same no matter the cause of impairment. That's why our laws should not favour one type of impairment over the other. That's why I support these amendments to the Traffic Safety Act and encourage my fellow members to vote in favour of them as well.

With that, I would like to adjourn debate. Thank you.

[Motion to adjourn debate carried]

Bill 50
Victims Restitution and Compensation Payment Amendment Act, 2008

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

Mr. Renner: Well, thank you, Mr. Speaker. As with Bill 48, it's the government's intention to seek unanimous consent of the House to allow a government member to be the second speaker on this bill and still preserve the 20-minute speaking period for the opposition critic, who would now move to third speaker. To that extent, having discussed it with the opposition and received their concurrence, I request unanimous consent from the Assembly to waive Standing Order 29(1)(d) in order to permit the third speaker on Bill 50 to speak for 20 minutes.

[Unanimous consent granted]

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

Ms Redford: Thank you, Mr. Speaker. It is my pleasure to rise today to move second reading of Bill 50, the Victims Restitution and Compensation Payment Amendment Act, 2008.

We as a government are committed to finding ways to help make Alberta communities safer. Bill 50 will help us disrupt and dismantle the business of criminal organizations and give us the tools we need to make a meaningful impact in the area and help compensate victims.

With that, I would ask to refer the floor to my hon. friend the Member for Strathcona.

The Acting Speaker: The hon. Member for Strathcona.

Mr. Quest: Thank you, Mr. Speaker. It's my pleasure to rise tonight to speak to Bill 50, the Victims Restitution and Compensation Payment Amendment Act, 2008. I would also like to take a moment to thank the Minister of Justice and Attorney General for the opportunity to work on this bill. This is important legislation that will greatly increase our ability to reduce crime. Allowing us to seize property or instruments of crime will have a great impact on the pocketbooks of criminals. This act will allow restraint and forfeiture of instruments and property from all illegal acts, allowing us to compensate more victims and victimized communities.

In addition, Mr. Speaker – and I will get to a little more detail about these in a minute – this legislation will remove the reference to the Attorney General of Canada, allow disclosure of information to the minister consistent with the Freedom of Information and Protection of Privacy Act, and provide a 10-year limitation period for commencing legal action under the act. The proposed amendments in Bill 50 will improve the Victims Restitution and Compensation Payment Act, allowing it to better serve the justice system and the needs of Albertans.

The face of crime in Alberta is often drug related, particularly with the actions of organized and gang-related crime. The amendment removing the reference to the Attorney General of Canada will allow Alberta's Minister of Justice to take action in cases involving proceeds from and instruments of drug crimes. This amendment will allow us to take the proceeds from the forfeiture of this property and return them to the communities and victims that are victimized by the drug trade.

For many years the provincial ministers of justice in Ontario and British Columbia have been able to pursue these proceeds and instruments, and this amendment will give Alberta the same powers. The addition of instruments that are used or are likely to be used in the commission of all offences will allow us to compensate victims and victims' groups. This property is better in the hands of victims than being at large in our communities.

The amendment will allow police to restrain property that is likely in the future to be used in offences. This wording has been in the public arena for many years. For example, the Criminal Code and Controlled Drugs and Substances Act have allowed police to seize property that is intended to commit offences. Although this power already exists, using it in the criminal process can be lengthy and complicated. Victims and victims' groups are prejudiced by this delay. This amendment will allow the police to have the same power with respect to the use of our act and give them access to the speedier and simpler process through a civil court process.

However, this power is not unrestricted. The amendment only allows it to be used with respect to urgent cases where bodily harm or further illegal property gain is likely to occur. Additional safeguards exist in the act. Every restraint will be court approved from the outset or, in the case of seizures made in emergency cases by police, court reviewed within 72 hours.

The combined effect of these amendments will greatly expand the range of cases where the victims can be compensated. Now not only will the proceeds of all crimes be returned to victims, but also the instruments used against them will be forfeited and the revenues used to compensate those hurt in the course of all offences.

8:50

Our act is unique in Canada for its focus on identifying and compensating individual victims. The purpose of the instruments amendment is to ensure that the proceeds are seized for the purpose of repaying victims, not punishing wrongdoers. The amendment is designed to prevent citizens and communities from becoming victims, to compensate them if they do, and not to add additional criminal law punishments after the fact. The act is designed in this way to implement Alberta's right as a province in Canada to legislate in the area of property and civil rights.

Another important amendment relates to the Minister of Justice in the course of implementing the act being able to access and share private information. This, of course, is necessary for police agencies and other regulatory enforcement groups to bring cases to us so that we can take action and benefit victims.

The amendment allowing for a 10-year limitation is important in that it removes any questions about being able to seize and sell proceeds and instruments that have been used to commit offences in the last 10 years. Many investigations are lengthy, and often information about this kind of property does not come to light for many years. Also, many victims are not aware that they've been victimized. Offenders can often take great pains to conceal crimes from vulnerable victims like the elderly and those who employ

persons in positions of trust. With this amendment victims can be compensated even if offences were concealed for lengthy periods. For example, if a common limitations period of two years was to apply, it would present a serious obstacle to investigators and could work a serious harm to victims.

Mr. Speaker, this legislation is important and will increase the effectiveness of our justice system. We will be able to better fight crime and be better able to help those affected by crime.

Mr. Speaker, I thank the hon. members for the debate on Bill 50 and look forward to hearing their feedback.

With that, I move to adjourn debate.

[Motion to adjourn debate carried]

Bill 43
Emergency Health Services Act

[Adjourned debate November 6: Ms Blakeman]

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

Mr. Chase: Thank you very much. This, basically, just transfers the responsibility for ambulance services from cities to health regions. My experience is that over the last three years this transition had been intended, but there was quite a bit of, I guess you'd call it, almost blowback from a number of the municipalities about the funding and the subsidizing of the service.

I know it was a problem in Calgary. The paramedics were very concerned. I've talked to a number of paramedics both in Calgary and in Edmonton about this transference of the services. It also involved collective bargaining, but they were concerned about the smooth transition of services. For example, in Calgary the same radio code frequencies are used between the police and the ambulance services. There was some concern about recreating the wheel, that if the health districts took over the ambulance, the equipment that the city had paid for, the radio frequency monitoring, the close association between police, ambulance, and fire might somehow be lost, and the infrastructure that the cities had built up over the years would be lost in this transfer to the health region. Hopefully, Bill 43 ensures that this transition is going to be a smooth one.

Calgary was very wise three years ago in keeping funding for ambulance services. A number of municipalities were caught unprepared because they had made the assumption that the province was going to take over the responsibility and transfer that responsibility to the health region. Now, the province did provide some bailout money for the municipalities that were affected. In fact, after a fashion their trust in the province ended up with them being in a better financial position than cities such as Calgary who had questioned how smooth the transition was going to be. So Calgary didn't receive any bonus money, but a number of municipalities were sort of dug out of the financial hole they found themselves in by not setting aside money for the transference.

The concerns I have have to do with the transitions. There are a number of districts, for example, where firemen and ambulance personnel share the same duties, and the clarification of those duties and the clarification of who has access under what circumstances to the equipment that both the firefighters and the paramedics or the ambulance drivers operate has to be clarified. I don't think it's the intent of Bill 43 to transfer both the fire services and the ambulance. They're attempting to try and separate the two, and that separation, as I say, because of the jointly owned equipment and functioning agreements between different municipalities that have that co-ordinated service – hopefully, Bill 43 addresses those concerns because, as I say, this was something that came up three years ago in the discussions as to who had the proprietary and the costing and funding support for these services.

I look forward to the hon. health minister or a designate explaining how this transfer, which fell apart, basically, three years ago, will be handled in a smooth transition without municipalities either losing services or losing the functions that the emergency services have been providing. We've got a patchwork of services across the province. I understand the motivation behind 43 in terms of laying out the ground rules that all municipalities and rural districts will follow. I wish the minister well in this transition because it has been a problem in the past.

Thank you, Mr. Speaker.

The Acting Speaker: Under Standing Order 29(2)(a) five minutes are available for comments or questions.

Hearing none, the hon. Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Speaker. It's my pleasure to get up to speak to Bill 43, the Emergency Health Services Act. I certainly have a few concerns with this bill that's coming forward, and it has been on the table for probably three or four years now, with many discussions that still haven't, in my mind, received satisfactory answers or debate. I believe that this act must include the flexibility to address what my colleague has called patchwork, the different way that ambulance services are delivered in this province.

One of the things that concerns me is the extent to which the province's emergency health services could be privatized and that many municipalities would contract out their ambulance services to a private, for-profit operator. One of the other things that would be included – I'm going to backtrack for a moment if I might and speak about Lethbridge because we, like seven other service providers in Alberta, have a very highly successful and efficient integrated service between our police and our fire.

Our firefighters are trained as paramedics, and the paramedics are trained as firefighters, so when there is an incident, either fire or an emergent issue, they can go out and they can do two jobs. It really is very efficient. No one's worrying about who's supposed to be doing what and which is their area. They're all trained to be able to work together so that if we actually had even a code red, where all of our ambulances and our staff were out, we wouldn't have it that often because they don't have to come in waves of how they're being called in to whatever the emergency might be. It also gives our municipality the flexibility that's needed to address the concerns of the region. Our police force is a regional police force and works with Coaldale, and our ambulance is also that way.

9:00

One of the main things that happens – again, this is a public system, and it's the public that benefits from this – is that our integrated services also allow the municipality to offset some of the costs of the fire service by the funds recouped through ambulance transport, creating efficiencies in the system. But, more importantly, the dollars stay within the public realm, and the public is served. I believe that it is an excellent use of tax dollars.

At this point in time the city of Lethbridge is still in talks with the government concerning what will happen. My understanding is that there is some kind of an agreement, perhaps up to two years, but I think when you look at the amount of equipment that is required for fire and ambulance, there are millions and millions of dollars that would have to be either paid for or bought by the province or switched over to whomever. I don't believe that two years is long enough. I think that they need a much longer time. In fact, I would

like to see that the two years is dropped in favour of actually having the flexibility to be able to make contracts with the seven integrated service providers in Alberta.

The main concern is that the integrated services will continue to deliver what best serves that community. Certainly, in Lethbridge the community has been served with this system for over 100 years, and it works just fine. That's one of my main concerns. I realize that that has, certainly, a local flavour to it, but there are seven other integrated services, and I'm sure that they feel very strongly about that as well.

One of the other things is that the government says that once the transfer is complete, ambulance users will still have to cover some of the cost, but it will not be as much as they have to pay currently. I would like someone to explain to me how this would work if this has been contracted out to a private, for-profit company, because the profit has to be included in that.

Then they talk about insurance. Well, I would suspect that this insurance would operate, probably, not unlike car insurance, where if you claim, your premiums go up. The segment of society that does use ambulances, perhaps, a fair amount would be our elderly. They're more likely to use it more than once in, say, four or five months, and if they know that they can't afford it or their premiums are going to go up, they probably wouldn't call that ambulance. I really can see some problems with that kind of thinking.

One of the things that I do like is that this bill would allow emergency health service providers to decide whether patients should be transferred to emergency rooms or to other health providers. That, I think, is one of the main things that should be changed with how we transport people. I'd like to use two examples, one I know from Paris and one I know from New Orleans. We know that our emergency wards in this province are almost beyond being able to cope with the number of people that are going into the emergency wards. In Paris they have small, little – I guess it's sort of like a Smart car, but it's a tiny bit bigger. In those Smart cars they actually have a doctor and a nurse. They are dispatched, as our police and our firemen are dispatched, to wherever an incident is. That doctor diagnoses on the spot and decides at that point where that person would be taken or what kind of treatment they need, and then that is called in at that point. It keeps people out of emergency, and it sends them where they should be going. They're not even triaged in emergency. They're triaged right on the spot. I think it's a wonderful idea.

I also saw in New Orleans, when I was there this summer, on Bourbon Street, which is probably one of the more notorious and famous streets: a lot of action, a lot of fun. However, they had that same idea although the van that they used was bigger than what they used in Paris. They could triage. Someone who probably had just a few more libations than they probably should have fell down and whacked their head, and there was a bit of blood and guts all over the place, but they triaged them right on the spot. They had the basics to look after them, as I say, right on the spot. This person was looked after. They had a little gurney that they could lie on in there. They made sure that they checked pupils, checked reactions, and decided that they probably could keep him for a while and then be able to let him go and that there were no further injuries, but they also put him on an EKG so they could check cardiac action.

I really support that kind of thinking. I think that we can keep people out of emergency. There are many that go there that don't need to go. I guess the other thing I'd like to see is that besides emergency maybe we should have a 24-hour clinic where if people do manage to get to emerg, they can be triaged instantly. They're either kept or they're sent to someplace else where they can get that service.

There certainly are some emergency services that have no complaints with this and think that it is a good idea, particularly in smaller areas where it becomes more and more expensive. However, in fairness to them a lot of them have saved up and used good municipal money to buy their ambulances, and they would have to be recompensed for that. At least, in my mind that would only be fair.

For some in this province this is going to be a great bill, but I think for some it's going to not be fair. I would like to see flexibility in this bill that would allow for those that want to keep their integrated, highly efficient and effective services and for those that don't, to have that choice. This government is noted for the word choice, so this is one where I would challenge them to make sure that this bill has choices in it.

Thank you.

The Acting Speaker: Under Standing Order 29(2)(a) provision is available for five minutes for questions and comments.

Mr. Chase: Just a question to my hon. Member for Lethbridge-East. She mentioned the potential of private ambulance and private billing. I seem to recall you telling me about sort of an ambulance system for seniors in Lethbridge that was being run almost like a private ambulance/taxi service, and you had some concerns about that service. I wonder if you wanted to elaborate on it as to whether it was meeting patients' needs or it was more of a revenue generating activity as opposed to a health activity.

Ms Pastoor: Well, thank you for that question. Yes. I'm sure it is a revenue creating activity. Where it's mainly used is for people who are leaving the hospital and don't want to call an ambulance to take them home, and they probably should be escorted or helped back to their homes by someone that at least has some basic first aid training. I can't speak to the exact training of the people that operate this particular ambulance service. It's not that well known through the city. There are a few people that know about it. Certainly, within the hospitals community it is. Basically, what it is is a Dodge van. The back part is open, and they can help people.

Often my concern with that, though, is that it does serve sometimes as a taxi. They take older people and get them into their homes, and then they're left alone. Not that an ambulance service would be required or expected to do anything more than that, but the people in the ambulances are trained to be able to observe and actually assess the behaviour of the person that they're transporting. Sometimes just the stress of moving seniors in particular can cause problems that won't manifest themselves until perhaps they're inside the house, but they would be noticed by someone who was trained to observe.

So, yes, this kind of thing is going on already in a small way, and I think that these are the types of operations that have to be brought out into the open.

9:10

The Acting Speaker: Any other members wish to speak under 29(2)(a)? The hon. Member for St. Albert under 29(2)(a).

Mr. Allred: Thank you, Mr. Speaker. I'm pleased to rise and speak on Bill 43.

The Acting Speaker: Excuse me. This was under 29(2)(a).

Mr. Allred: Oh. I'm sorry.

The Acting Speaker: The time has elapsed now.

I recognize the hon. leader of the third party.

Mr. Mason: Thank you very much, Mr. Speaker. I'd like to join in the debate on Bill 43, the Emergency Health Services Act, which will replace the Ambulance Services Act and transfer responsibility for emergency health services, particularly ambulance and first response services, from the municipality to the provincial health care board.

Now, I know that when I was involved at the municipal order of government in the city of Edmonton, there was a strong view there that ambulance services really were not a municipal responsibility but, in fact, were a provincial responsibility because they rightly belonged in health services, which is, of course, as we know, the responsibility of the provincial government. So from that perspective, I think municipal governments in the province in principle have generally supported this direction. There are complications, of course, since different municipalities have different degrees of integration of their fire with their ambulance emergency services. It's a bit of a patchwork across the province, but I think that the bill deals reasonably well with that.

The government has indicated that they believe these changes would make emergency health services more efficient in our province. For example, they say that there are problems with trying to send an ambulance over the border into another jurisdiction, and that problem would be eliminated if ambulances were co-ordinated provincially. I think that that's an interesting point. When we talked to some of the organizations representing ambulance workers, they expressed a concern about what would happen when they transported a patient from a rural area to a large urban municipality. The concern on the part of many ambulance employees was that while now they transport the patient and then return to their community, under this act once they arrive in the municipality, they may be required to stay and work in the urban area for the rest of the day because of the higher demand for ambulance services there.

Now, Mr. Speaker, at one point when I served with the city of Edmonton, I chaired their Ambulance Authority, which was a board that operated the ambulance system for the city of Edmonton at that time. There was an ongoing concern – and this is common, I think, to most larger municipalities – where they tried to station ambulances right around the city, but the highest demand is in the urban core and the neighbourhoods surrounding the urban core. When ambulances get busy and when there's a shortage of ambulances, they bring the ambulances from the less utilized areas in the suburbs or in the outer part of the city, and they get drawn into the centre, leaving large areas of the city without coverage. I think that there is a real risk here of the same thing happening on a regional basis, so I think the government needs to look at that.

I think it's quite possible that an ambulance, for example, that might be operating in, say, Vegreville or Redwater might be asked to transport a patient to Edmonton. The same thing could happen in southern Alberta with Calgary or with Lethbridge or Red Deer. Because of a shortage there, they may end up operating in that area instead of returning to their own community, and that leaves their own communities without coverage. I think that that's something the government needs to pay some attention to.

The government also claims that the fees for ambulance trips would be closer to equal around the province if the bill is passed whereas right now there is a great deal of variance, but we haven't heard from the government that the fees across the province will be standardized, and this promise of increased equity in fees is not actually specified in this bill. Perhaps it should be.

The government said back in May that once the transition has taken place, the province will pay for 90 per cent of total ambulance costs compared to the 67 per cent they cover today. Mr. Speaker, I think that's a healthy change. It guarantees more consistent funding across the province and takes the financial onus off municipalities, which, of course, have varying financial capacities and ought not to be paying for medical services in the first place.

Now, just looking back a little bit, Mr. Speaker, the government promised to make this change back in 2005, and many municipalities were very upset when the government backed out a mere month before the transfer was to take place. The problem is that many municipalities have put off investing in emergency health services infrastructure because of uncertainty over how long the service would still be under their jurisdiction and part of their responsibilities. Given that this state of limbo has lasted now for three years, I think that the government will need to address this question, and there may be some significant expenditures that are required once the government takes control. I think that members, you know, ought to be aware of that.

Earlier this year the mayor of Calgary, someone who always waxes eloquent about the virtues of the provincial government, expressed concern that the transfer of emergency health services needs to be handled very carefully so that there is no interruption of service. I think that there needs to be a proper plan in place to ensure a smooth and safe transition.

The bill allows the province to either provide emergency health services directly to an area or to contract with a municipality to provide the service. We think, Mr. Speaker, that's a positive feature in this bill as it allows municipal services that are well managed and effective to continue to be operated in essentially the same way.

Now, there is an expanded scope of responsibility for ambulance attendants which is implied but is not specified in the bill, and I think that we need to give the ambulance workers the appropriate training if they're going to be asked to make additional decisions.

9:20

The bill would allow the Minister of Health and Wellness to restrict or broaden the definitions of ambulance and emergency health services. Since the services ambulances provide are extremely important, it would be important that the minister not restrict the services ambulances provide as just a cost-cutting measure. This clause does give the bill quite significant authority in that area, and we think that that may be cause for some concern.

Mr. Speaker, overall, it does make sense to co-ordinate ambulance service provincially, and it does make sense for the provincial government to shoulder the burden of providing ambulance services since it should be considered an essential component of the health system and not a municipal service.

I think that the bill, with those provisos, moves towards a type of system that is more appropriate for the province and for which the government has been promising action for some time. This bill will in fact put that in place.

In a broad sense we support the bill and will be voting for it. Thank you.

The Acting Speaker: Standing Order 29(2)(a) provisions allow for five minutes of questions or comments.

Seeing none, the hon. Member for St. Albert.

Mr. Allred: Thank you, Mr. Speaker. I'm pleased to rise and speak really briefly on Bill 43, the Emergency Health Services Act. Certainly, as one member pointed out, there are going to be some concerns with transition, and I think that's normal, but in the end I think this legislation is going to create a much better system.

I think it makes sense for the ambulance service to be patient focused. There are, however, some major efficiencies in the

integrated fire-ambulance service delivery in several centres in Alberta, including St. Albert and, I understand, Lethbridge as well and, I believe, Red Deer. I don't know what other centres have that service. Certainly, in St. Albert we have found it to be a very efficient service, working in co-operation with the fire department and the joint training. My understanding is that this legislation will provide enough flexibility to maintain these efficiencies whereby municipalities can contract to the health authorities. I think this flexibility is important, particularly in the transition period, and that should avoid some of the problems.

I think the major thrust of this legislation is to create some major efficiencies in health care delivery. I understand that paramedics will have much more discretion so that they can actually treat patients on the spot or deliver them to alternate facilities or maybe even ask them to take a taxi or even maybe just give them an aspirin and tell them to sleep it off. I think this will create a lot of efficiencies in the whole health care system and remove some of the bottlenecks in the emergency departments.

One of my sons recently took his practicum for the paramedic training in Calgary. He commented that 10 per cent of the patients take up 90 per cent of their time. Some would be waiting at the door every Friday night, suitcase in hand, ready for the ambulance. Needless to say, he was very disappointed.

Mr. Speaker, I am confident that even though there may be some transitional concerns, the entire health care system will be the better for this legislation. One concern specific to St. Albert – I guess it's not specific to St. Albert because the hon. Member for Edmonton-Highlands-Norwood related a very similar concern. There's a possibility that the response time in St. Albert, which is very low, may be compromised by other diversions, being adjacent to the city of Edmonton and other municipalities that may have higher demands on ambulance services. The hon. Member for Edmonton-Highlands-Norwood indicated that the urban core is a major user of ambulance services, and certainly when they get busy, I'm sure they're going to try and draw on as many services around as they can. That may very well have a detrimental effect on the response times in some of the surrounding communities as well as perhaps, as was indicated, the periphery of the city of Edmonton.

Mr. Speaker, just to conclude, I think this is good legislation. There certainly will be some growing pains in adapting to it, but I think that overall our health care system in its totality will be improved by this legislation.

Thank you.

The Acting Speaker: Standing Order 29(2)(a) is available for question or comment.

Seeing none, do any other members wish to speak?

The hon. Member for Airdrie-Chestermere to close debate.

Mr. Anderson: Thank you, Mr. Speaker. I'm pleased to rise and close debate on Bill 43, the Emergency Health Services Act. A lot of good discussions in this debate tonight. I hope that I can resolve any questions that might still be out there with a brief overview of the legislation in closing.

This legislation enables government to transfer the governance of ambulance services to the provincial health authority. It recognizes that ambulance services are health services and allows government to integrate these services into our provincial health care system. The proposed legislation, as has been talked about today by several members, provides for a co-ordinated yet flexible system which can evolve over time from our current ambulance transportation model to new models of emergency health service delivery.

Bill 43 will replace the Ambulance Services Act. Currently ambulance services are provided by municipalities under the authority of the Municipal Government Act. Under the new structure ambulance services may only be provided by a health authority or by third parties through contracts with a health authority. This requirement is essential to developing a co-ordinated system of emergency health services in the province.

To ensure a smooth transition and provide for provincial oversight, the act requires the health authority to develop a plan for establishing an emergency health services system. This plan may be amended and must be approved by the minister. The health authority becomes responsible for the system on the date the minister approves that particular plan. The minister currently has the authority to do what's required to promote, facilitate, and ensure the provision of emergency health services in Alberta. This authority will continue and will apply to the new scope of emergency health services.

The act also includes transitional provisions and regulation-making authority to ensure the proper transfer of emergency health services to the health authority and the continued operation of ambulance services with minimal disruption. Because of the scope and because of the magnitude of this transition, the act includes tools for implementing services through a number of means and the flexibility to respond to issues that may arise once the act is implemented.

An integral part of this new service delivery model is a system of co-ordinated dispatch. This becomes a requirement under the act. While some flexibility is provided, how the health authority plans to establish this system will be defined in an emergency health services plan that must be approved by the minister. Additional requirements for dispatch centres will be set out in regulation.

All ambulances will continue to require a licence. A provincial registrar currently licenses ambulances, and this will continue. The registrar may also suspend, revoke, or impose conditions on a licence. Inspection authority will be clarified and enhanced so that inspectors can carry out their responsibilities effectively and efficiently without affecting private business interests. In addition to conducting routine inspections to ensure compliance with the act and regulations, inspectors may also conduct investigations in response to complaints or at the minister's request.

The professional requirements of paramedics will continue to be established in professional legislation. However, the act will prohibit a person from acting as an ambulance attendant or employing a person as an ambulance attendant unless they are a member of a category of qualified ambulance attendants established in regulation. This will allow the province to ensure that those providing services are qualified. Ambulance operators and ambulance attendants will be brought under the Health Information Act and be subject to the same privileges and responsibilities as other health service providers.

Finally, Mr. Speaker, on a personal note, as the Member for Airdrie-Chestermere I know that Airdrie's mayor, Mayor Linda Bruce, from the very get-go, on my first day as an MLA, came to me and said: we've got to make sure we get this new ambulance system right because we have an integrated system that we're proud of in Airdrie, and we want to keep that. I'm absolutely confident that this legislation is flexible enough to make sure that such integrated systems that are working very well will be kept for as long as the municipalities that need them want them. That is the reason that I agreed to bring this legislation forward in the Legislature, and I'm asking for support of the House.

I move to close debate on second reading of Bill 43. Thank you, Mr. Speaker.

[Motion carried; Bill 43 read a second time]

9:30 **Bill 44**
Pharmacy and Drug Amendment Act, 2008

[Adjourned debate November 6: Ms Blakeman]

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

Dr. Taft: Yes. Thank you. I'll just speak briefly to it. This bill clarifies the obligations of the pharmacy proprietors and pharmacists, and it also clarifies the authority of the Alberta College of Pharmacists.

We're seeing tremendous change in the pharmaceutical industry in terms of prescription practices. This province in some ways has led the way in allowing pharmacists to be much more active in prescribing medications, and of course Canada as a whole has become wrapped up in the whole business of mail-order prescriptions as well over the last number of years. This bill addresses some of those issues. It also is working to keep up to date on the matters of information and what can be shared with regulatory bodies and with governments and with law enforcement agencies and so on. So this bill is making an effort to keep Alberta's pharmaceutical businesses and practices and regulations up to date with a rapidly changing industry.

I expect as we go through, there'll be a range of issues raised on it. I think probably the main sticking point will be regarding the way that pharmacies are to collect clients' personal and health information. Obviously, this is information that could at times be very intimate to a particular customer or client or patient, whatever you want to call them. What happens to that information will be of real concern to the customer or to the patient, so I think a great deal of attention needs to be paid to how we regulate information that's collected for the purposes of pharmacies and pharmacists. You can well imagine people getting prescriptions for medications to treat conditions that they don't necessarily want anybody else to know about, so I can see that that could be a point of some discussion in this legislation.

This bill, as we're reading it, would give not only pharmacies and pharmacists in other jurisdictions access to client information, in other words in other provinces – and that's an interesting matter to consider right there – but it also gives law enforcement agencies and provincial governments and the federal government access to this kind of information. So I think we need to hash these matters out, Mr. Speaker, and figure out if we're actually doing the right thing. The pressures across the board to have people's private information just kind of spread all over the place are unrelenting, whether it's in commercial exchanges or police and legal work, medical records, now in pharmaceutical records, and I think we're seeing shifts in attitudes towards personal information that not very many years ago would be really alarming to people.

I believe that we need to proceed with the utmost caution. These are decisions that can be made really in only one direction. In other words, once we allow personal information to go, there's really no way to bring it back, so I think there's wisdom in following the cautionary principle here and being conservative, being very cautious with how we distribute access to information on individuals and in this case information on pharmaceutical products and pharmaceutical uses.

I think that as we go through the discussion on this bill, we need to be very thorough in thinking that through. How does the Alberta College of Pharmacists manage information? Why do they have to share information they collect with, say, police forces or jurisdictions in other provinces or with the federal government? What will those agencies have to provide to the Alberta College of Pharmacists or to others to obtain this information? How do they demonstrate that they will handle it responsibly, for example, so that we can have confidence that an agency in another province, a law enforcement agency or something, will actually treat with great care information obtained?

I find myself wondering, Mr. Speaker, what reasons law enforcement agencies will have to give to obtain pharmacies' information of client's personal health information. Do they have to go to a judge to get a warrant? Can they just fill out a form? Can they make a phone call? Do they access a database? That's information that would be very useful to know. What need does the law enforcement agency have to demonstrate in order to get this information? How high is the standard of protection? How high is the bar that these agencies have to go over before they can get access to information? That's always a delicate balancing act. If it's crucial information, maybe for addressing matters of drug abuse or drug smuggling or illegal activities, clearly we want a system in place that allows that information to be available, but we don't want the system to be abused. I expect that as we go through this bill, one of the key issues will be protecting people's privacy while allowing crucial information to be made available to those who genuinely need it.

I also hope there's some discussion in this bill around mail-order pharmacies because I have some real questions around how pharmacists can actually fulfill their professional obligations when they're getting orders from e-mail or through the mail, sometimes from long distances away and sometimes, despite what's required in professional practices, I expect, without ever seeing the patient. So there are some real questions around ensuring that our drug dispensary systems are not abused through long-distance procurement of drugs.

Again, I look forward to the discussion and debate on this bill and perhaps some information from the minister answering those questions, which I'm sure will weigh on everybody's minds.

With those comments, Mr. Speaker, I would like to move adjournment of Bill 44.

[Motion to adjourn debate carried]

Bill 45
Statistics Bureau Amendment Act, 2008

[Adjourned debate November 5: Mr. MacDonald]

Mr. Chase: The concern that I have with Bill 45 deals with the collection of information and the use of that information and who controls it and for what purpose. It's similar to some of the concerns brought up about Bill 44 and the collection of information.

We have some serious concerns with this bill because it overrules several sections of the Freedom of Information and Protection of Privacy Act and adds sweeping regulatory powers, one of which states: "governing any matter the Lieutenant Governor in Council considers necessary to carry out the purposes of this Act." This is assuming omniscient, omnipotent power for the Lieutenant Governor in Council.

9:40

As we have so often stated, in order to have transparency and accountability, moving things from legislation into regulation and behind the closed door of a specific individual who is supposed to have these God-like powers is a great concern. The fact that access to information is basically buried behind the door of this individual causes great concern. We have trouble understanding why such power to have this information is necessary.

Now, part of what the bill does is that it renames the statistics bureau to the OSI, Office of Statistics and Information. My concern, to use the Orwellian terms in *Nineteen Eighty-four*: what's to keep

this office from being named the ministry of truth? Who determines what that truth is and under what circumstance people have access to that truth?

The whole business of collecting and distributing information, information being power, is of great concern. There is nothing in the amendment act, for example, which sets out another concern about rules around selling the information collected by the office. Without the ability to discuss in legislation rather than at the whim of the Lieutenant Governor in Council, there are no safeguards. There's no oversight. As I say, the power that is given to this individual brings back memories of Louis XIV, the Sun King: the idea that the person can do no wrong.

Any kind of stifling of information access and putting it behind the closed doors of the Lieutenant Governor in Council does not serve Albertans well. There is a growing trend that we're seeing in a series of pieces of legislation that have been brought forward this fall where there is a movement out of legislation and into regulation. At the same time our Premier has run twice now, first in the leadership race and then on March 3, hoping to have the majority, which he was successful in achieving, on the notion of transparency and accountability.

Bill 45, the Statistics Bureau Amendment Act, 2008, does an about-face. Instead of making information more available, it locks it in a vault and denies access to individuals who have a right to have that information. It makes the Lieutenant Governor in Council basically a gatekeeper, and that gate is frequently closed to individuals who have a right to that information, including members of the opposition that have been elected to represent their constituencies.

It is for this reason that I cannot support Bill 45 and will be encouraging my colleagues to vote against it.

The Acting Speaker: Hon. members, Standing Order 29(2)(a) is available for all members who wish to comment or question.

Dr. Taft: My question is to the Member for Calgary-Varsity. Would he like to move adjournment of this particular bill?

Mr. Chase: Yes. I would very much appreciate the opportunity to redeem myself and call for an adjournment.

[Motion to adjourn debate carried]

Government Bills and Orders
Committee of the Whole

[Mr. Mitzel in the chair]

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

Bill 42
Health Governance Transition Act

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

Mr. Chase: Thank you very much, Mr. Chair. At this point I would like to move an amendment. I will pass that amendment, that has been approved, to the pages for distribution, and then I will gladly speak to the amendment.

The Deputy Chair: Thank you, hon. member. We will take a moment to pass out the amendment.

Hon. members, the amendment is out of order. I'll have the pages pick up the amendment, please. Hon. members, we've just gotten a little bit ahead of ourselves. I'll wait for a moment.

Hon. members, we'll be speaking in Committee of the Whole, and the hon. Member for Calgary-Varsity has the floor.

Mr. Chase: Thank you very much. I appreciated Parliamentary Counsel's ruling that this motion is out of order at this particular time; therefore, it will be reintroduced during the third portion. I will sit down and wait for us to move from committee to third, at which time I will reintroduce the motion.

Thank you.

The Deputy Chair: Any other members wish to speak in Committee of the Whole? The hon. leader of the third party.

9:50

Mr. Mason: Thank you very much, Mr. Chairman. I'd like to talk a little bit about the Health Governance Transition Act. You know, Mr. Chairman, since I've been here, I guess going on eight years now, I've seen the government take several stabs at what they like to call health care reform. We've seen the Mazankowski report, the MLA Task Force on Health Care Funding and Revenue Generation, and the third way. All of those are just a few of the reports that we've seen that are recommending changes to our health care system.

The key changes that we have actually seen carried out have to do with the centralization of the administration of the health care system, and that's a process, Mr. Chairman, that goes back to the early 1990s. The government consolidated the various hospital boards – some were organized by churches and by towns and cities and so on – and they rolled them all in and replaced them with 17 health care regions. The government at the time suggested that this was going to be a democratic system and that the various boards were going to be elected. In fact, the commitment that the government made at the time was that these health boards would all be elected.

Then they began to realize that they would have to give up control to local boards representing local people, and they began to renege on the promise. What they moved then was that only a portion of the boards would be elected. Then when the people elected representatives that they didn't like, that they didn't agree with, they got rid of those and decided that they were going to appoint them all.

Then they decided that 17 regions was too much, so they were going to go down to nine regions.

Now we've come to the conclusion, one would hope, of this government's process of less democracy and more centralization with one big superboard that's entirely appointed by the government.

Along this path, Mr. Chairman, are littered health care workers who've had their wages cut, others who've left the province in search of work, privatization of badly needed facilities, and the blowing up of the Calgary General hospital in Calgary, where former Premier Klein and I were both born and probably lots of other members in this House, leaving the city of Calgary, the largest and most rapidly growing city in our province, with a chronic shortage of hospital beds and a chronic shortage of hospital facilities, something that the government is only now getting around to fixing.

Mr. Chairman, what we have seen is an ad hoc approach to health care, constant tinkering and experimenting, and the government clearly not really knowing where they're going. The result has been longer waiting times for surgeries, code reds and code burgundies at emergency rooms, thousands and thousands of Alberta families without a family doctor.

In other words, Mr. Chairman, the government's record when it comes to health care in this province is abysmal. They've taken a good, working system that provided good health care for people, and they've experimented and tinkered, trying to put together something with, you know, sometimes it looks like baling wire and chewing gum. The result has been that patient care has suffered.

This is now compounded by a growing crisis in our public health system. Now, public health is the division of medicine that has produced the most dramatic results. Historically it is responsible for more saved lives by a wide margin than all the rest of the fields of health care and medicine put together. Things like sanitation, clean water, measures to prevent epidemics, inoculations against disease: all of these things have been successfully combatted by public health.

It is disturbing to me, very disturbing to me, to see recent trends in health care in this province. We've seen a syphilis outbreak which was not adequately dealt with. Pretty clear there's been political interference with the doctors who were responsible for managing that crisis. The result, Mr. Chairman, is that we've had an outbreak of congenital syphilis, which is unheard of in an advanced, industrialized society, very rare indeed, usually confined to countries that are considerably less developed and have far fewer resources than we have in Alberta.

Nevertheless, congenital syphilis has now killed five babies in this province, and the government will not let us talk to the doctors about what went on. We have four senior people in the public health field who have left the employment of Alberta Health under murky circumstances, and they are not allowed to speak about the reasons for their departure because they're tied up with gag clauses in their contracts, from which the minister will not release them.

We've seen now several times inadequate procedures in hospitals, leading to hundreds and thousands of Albertans needing to be tested for life-threatening diseases like hepatitis and HIV. The government took responsibility after the St. Joseph's hospital situation in Vegreville to make sure it didn't happen again, but it did happen again, Mr. Chairman, and the government has not accepted its responsibility for making sure that people, when they go into a hospital, go there to get better and not to be infected with additional diseases as potentially may have happened.

Of course, we also have a very serious doctor shortage, and this has very serious repercussions. It's not right that in this province in this day and age you can no longer get a family doctor. The government is supposed to make the health care system better, not worse, but it's making it worse by constantly experimenting, tinkering, and operating without a coherent plan.

One of the interesting things that occurred, I think, as part of the third way – because we certainly paid a great deal of attention to the third way when it was brought forward. As inadequate as it was – and we saw the government clearly heading towards a two-tier, private health care system – there was at least a component of public education about the government's plans and public consultation. We don't see that anymore. We saw that in the third way. And you know what, Mr. Chairman? It led to the defeat of the third way because the minister of the day actually went out and listened to the people of the province, and she heard and I think we all heard loud and clear that people did not want privatized health care in this province. That message came in particular, I think, from rural Albertans, who were very concerned about losing the health facilities that they did have and very concerned about lack of access to doctors.

Which brings us to today, where we have the minister of health talking about major reforms to the health care system. This was not something that the government talked about in the recent election, where it won a renewed majority government. In fact, I looked at their website on health care before the election, and it had two very minor points. There was no mention about yet again revisiting this so-called reform of the health care system.

One thing that the minister has learned from that situation is to not discuss his plans with the public in advance. What we've seen is the rolling out of significant changes to our health care system without the public being consulted or even knowing what the government has in mind. They talk about wide-reaching changes, they talk about so-called reform of the health care system, yet they won't share with the people of Alberta what they're doing and where they're going. I think that's just completely wrong. I think it's dishonest, Mr. Chairman, for the government to run in a campaign and not say a word about health care and as soon as they get elected, say that there are going to be major changes, perhaps based on the Mazankowski report, not tell the public anything and roll it out piece by piece with a minimum of discussion and a minimum of opportunity for the public to even know what's going on.

10:00

Let's take a look at what Mazankowski said, Mr. Chairman. He had some good recommendations: more fitness, more wellness, that sort of thing. But he had three major proposals, which were at the time rejected by the people of this province: more user fees, delisting of services, and increased private delivery of health care. None of those things the people of Alberta support. Don't just take my word for it. You can look at the polling data that has been done over the years. Of course, the Mazankowski report, once its recommendations were made known, also faced rising public concern and was rightfully put on the shelf. Unfortunately, the minister found it on the shelf, dusted it off, and is apparently using it as his guidebook for the changes that we're beginning to see.

Mr. Chairman, as I've said previously in the House, when the third way was being considered, there was a symposium organized by Alberta Health in Calgary of leading experts from around the world on health care. There was a consensus that developed among those experts at the various sessions that the degree to which you have more private delivery in your health care system is the degree to which the costs to the public increase.

Now, the Premier is always very careful to say that we'll have a publicly funded system. What that could mean and what I believe it does mean is that there'll be more private delivery, which you will be using taxpayers' dollars to pay for, including the profits of health care corporations, and that is going to drive up the costs if that's, in fact, where the government goes.

Mr. Chairman, I just want to indicate that we do not support this bill. We expect that it is just laying the groundwork for a direction the government has repeatedly attempted to take, and that is more privatization of our health care system, more private delivery, reducing the services that are covered by our health care system, and putting more onus on individuals not just for their own health but to pay for their own health. That's a direction that we categorically reject and will fight as long as we have breath.

Thank you very much, Mr. Chairman.

With that, I'd like to move to adjourn debate.

[Motion to adjourn debate carried]

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

Mr. Renner: Thank you, Mr. Chairman. I move that the committee now rise and report progress on Bill 42.

[Motion carried]

[Mr. Mitzel in the chair]

Mr. Berger: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports progress on the following bill: Bill 42.

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

Hon. Members: Concur.

The Acting Speaker: Opposed? So ordered.

The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Speaker. Well, given the hour and the fact that we've made some good progress on a number of fronts this evening, I move that we do now adjourn until 1:30 tomorrow afternoon.

[Motion carried; at 10:05 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]

Table of Contents

Monday evening, November 17, 2008

Standing Committee on the Alberta Heritage Savings Trust Fund
Chair: Mrs. Forsyth
Deputy Chair: Mr. Elniski

Blakeman	Denis	Kang	Olson
DeLong	Johnston	Notley	

Standing Committee on Community Services
Chair: Mr. Rodney
Deputy Chair: Mr. Hehr

Benito	Doerksen	Johnston	Notley
Bhardwaj	Johnson	Lukaszuk	Sarich
Chase			

Standing Committee on the Economy
Chair: Mr. Allred
Deputy Chair: Mr. Taylor

Amery	Campbell	Mason	Weadick
Bhullar	Marz	McFarland	Xiao
Blakeman			

Select Special Ethics Commissioner Search Committee
Chair: Mr. Campbell
Deputy Chair: Mr. Marz

Blakeman	Lund	Mitzel	Webber
Lukaszuk	MacDonald	Notley	

Standing Committee on Health
Chair: Mr. Horne
Deputy Chair: Ms Pastoor

Dallas	Notley	Quest	Swann
Denis	Olson	Sherman	Vandermeer
Fawcett			

Standing Committee on Legislative Offices
Chair: Mr. Mitzel
Deputy Chair: Mr. Lund

Bhullar	Horne	MacDonald	Notley
Blakeman	Lukaszuk	Marz	Webber
Campbell			

Special Standing Committee on Members' Services
Chair: Mr. Kowalski
Deputy Chair: Mr. Oberle

Elniski	Mason	Snelgrove	VanderBurg
Hehr	Rodney	Taylor	Weadick
Leskiw			

Standing Committee on Private Bills
Chair: Dr. Brown
Deputy Chair: Ms Woo-Paw

Allred	Calahasen	Jacobs	Sandhu
Amery	Dallas	MacDonald	Sarich
Anderson	Doerksen	McQueen	Swann
Benito	Fawcett	Olson	Xiao
Boutilier	Forsyth	Quest	

Standing Committee on Privileges and Elections, Standing Orders and Printing
Chair: Mr. Prins
Deputy Chair: Mr. Hancock

Amery	Doerksen	McFarland	Sherman
Berger	Forsyth	Notley	Stevens
Bhardwaj	Johnson	Oberle	Taylor
Calahasen	Leskiw	Pastoor	Zwozdesky
DeLong	Liepert	Rogers	

Standing Committee on Public Accounts
Chair: Mr. MacDonald
Deputy Chair: Mr. Griffiths

Benito	Denis	Johnson	Sandhu
Bhardwaj	Drysdale	Kang	Vandermeer
Chase	Fawcett	Mason	Woo-Paw
Dallas	Jacobs	Quest	

Standing Committee on Public Safety and Services
Chair: Mr. VanderBurg
Deputy Chair: Mr. Kang

Anderson	Cao	MacDonald	Sandhu
Brown	Jacobs	Notley	Woo-Paw
Calahasen			

Standing Committee on Resources and Environment
Chair: Mr. Prins
Deputy Chair: Dr. Swann

Berger	Griffiths	Mason	Oberle
Boutilier	Hehr	McQueen	Webber
Drysdale			

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Published under the Authority of the Speaker
of the Legislative Assembly of Alberta

ISSN 0383-3623