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First Session

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The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta

The 27th Legislature

First Session

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[Errata, if any, appear inside back cover]

Legislative Assembly of Alberta

7:30 p.m.

Wednesday, November 19, 2008

[The Deputy Speaker in the chair]

The Deputy Speaker: Please be seated.
Can I have a moment for an introduction?

Hon. Members: Agreed.

Introduction of Guests

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

Mr. Weadick: Thank you, Mr. Speaker, and thank you to the other members of the House for this. It's indeed my pleasure to introduce to you and through you to the members of this Assembly on behalf of my colleague Fred Horne, MLA for Edmonton-Rutherford, a group of Cubs from the 166 Blue Quill Cubs group. The Cubs are here tonight to tour the Legislature and see the democratic process in action. I would like to wish Mr. Ron Boehm and his Cubs a great experience here tonight, and I would ask them to please rise and receive the warm welcome of this Assembly.

Government Bills and Orders Third Reading

Bill 42 Health Governance Transition Act

[Debate adjourned November 19: Ms Blakeman speaking]

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

Mr. MacDonald: Yes. Thank you, Mr. Speaker.

Some Hon. Members: Question.

Mr. MacDonald: There are reasons why the hon. minister of health is so anxious to have this bill passed through the Assembly. He certainly doesn't need to listen to me; he can exit the Chamber if he so chooses. But in a democracy everyone, hon. member, has their opinion, and they are certainly entitled to it.

Now, when we look at Bill 42 and the fact that we're repealing the Alberta Alcohol and Drug Abuse Act, the Cancer Programs Act, and we're amending 20 other pieces of legislation, we have to wonder why this process is necessary in the first place. We had a couple of chances to speak on this earlier and got our comments on the record. I just can't understand why, and there are numerous stakeholders throughout the province who have the same questions regarding why it is necessary at this time to take the legislative eraser to the Alberta Cancer Board and to AADAC, the Alberta Alcohol and Drug Abuse Commission.

We know – and it's been outlined here in the past, Mr. Speaker – the good work that both organizations do. AADAC and, certainly, the Cancer Board, if they were stand-alone government ministries, would have larger budgets than a lot of the cabinet positions that are in place at this time. They're important. I am afraid they're going to get lost in this new structure that the minister is so proud of.

Mr. Liepert: Why don't you give it a chance?

Mr. MacDonald: I would give it a chance, hon. minister, but people's lives are at stake here, people who have an addiction, whether it be to alcohol, whether it be to drugs, or whether it be to

gambling. I don't think we can leave their treatment programs to chance. I just don't.

Now, if there had been a cost-benefit analysis done in advance, hon. minister – this government is the only organization I know that would make changes to a \$10 billion organization without first doing a cost-benefit analysis to see if it's going to work.

Mr. Liepert: It's been studied to death. You know it.

Mr. MacDonald: It has not been studied to death. Now that you have the 72-seat majority, what you have admired from afar and you didn't have the political will to implement was privatization of our health care system. This big majority you've got has gone to your heads. You see this as the opportune time to privatize health care, so you're going ahead with it, and this is the first stage of this.

I did look at some of the studies – I wouldn't call them studies; some of the field trips that have been done going back a number of years. I was looking in particular at a couple last night, one from Sweden and one from Switzerland. I tabled the respective documents earlier today. Certainly, those field trips wouldn't give people on this side of the House reason to completely change a \$10 billion outfit and call that sufficient study.

Mr. Liepert: That's why you're on that side.

Mr. MacDonald: I'm proud to be on this side, hon. member, trust me.

Mr. Liepert: You never want to change. Same old same old.

Mr. MacDonald: No, that's not true. We wanted to change, for instance, the fiscal system.

Mr. Liepert: You want to spend more.

Mr. MacDonald: No, no.

The sustainability fund. Now, the sustainability fund is good change, progressive change that we initiated on this side of the House. There are lots of changes that this government has made that originated on this side of the House, and it's interesting.

Mr. Liepert: Name one.

Mr. MacDonald: Name one? This afternoon in question period an hon. member from your caucus was talking about a strategic oil reserve. That's an idea that has been brought to the public by this caucus. Carbon capture and sequestration. We have been talking about this. We were asking Murray Smith before you gave him the patronage appointment to Washington. [interjection] Mr. Speaker, the hon. minister is distracting me from my remarks, and I don't know what we can do about that gentleman.

One thing we certainly can do, Mr. Speaker, is convince him of the errors in his judgment toward privatization of our public health care system. It's going to be a tough job, but we've got to try it.

Given that there has not been a cost-benefit analysis to show how Bill 42 will improve the delivery of services through AADAC or through the Alberta Cancer Board, I think it's time to give this bill a rest. Mr. Speaker, I would like to circulate an amendment that has been signed by Parliamentary Counsel on November 6, 2008, and it's in order. I have enough copies for everyone. I'll just take my seat while the page delivers it, and hopefully the minister of health will get his first.

Some Hon. Members: Question.

Mr. Liepert: Point of order. I'm sorry. We don't do amendments in third reading. It's out of order. We called the question. I'd ask you to call the question.

Mr. MacDonald: On that point of order, it's not really a point of order because the hon. minister of health never gave us a citation.

The Deputy Speaker: There is a reasoned amendment on the floor through the table officer, so the member has the floor to talk about the amendment.

7:40

Mr. MacDonald: Thank you very much, Mr. Speaker. I certainly appreciate that.

The minister of health is asking for the question. Well, the question I have at the moment is: where did the government caucus go for dinner, and what did they have to eat this evening?

An Hon. Member: Beef.

Mr. MacDonald: Beef? They must have been into the Red Bull, too, Mr. Speaker, because they're certainly alert over there.

This amendment to Bill 42 reads:

Bill 42, Health Governance Transition Act, be not now read a third time because the Assembly is of the view that the changes in governance to and the restructuring of the Alberta Alcohol and Drug Abuse Commission and the Alberta Cancer Board will adversely affect the health services available to Albertans.

That is the amendment. I would encourage all hon. members of the House to consider this in light of the information that I have provided through debate at second reading, and other members have also made good suggestions through committee.

The former deputy minister of health, Paddy Meade, admitted in Public Accounts in the spring that there was no cost-benefit analysis done on this to see how we would reduce wait times, improve service, or control costs. So in light of that alone, I think this amendment is very important, and I would urge all hon. members to support it because we need to go back and review this decision.

Ms Pastoor: It has already cost \$80 million.

Mr. MacDonald: The Member for Lethbridge-East brings up a very, very good point. It's already cost us \$80 million in what are so-called transition costs, and there was an additional amount that totalled \$143 million in the second-quarter update yesterday, so this is certainly a costly endeavour. I think that money would be better spent on front-line services, on getting more doctors and getting more nurses trained and set up for practice. It's an expensive deal. We haven't even seen yet what the severance costs will be or the termination costs for the Peace Country health region. I'm sure the minister has been busy trying to negotiate that. I can't understand why we would have all of them settled but not that one, and perhaps he can enlighten us on that in the course of the evening.

This is a good solid amendment, and I would urge, in conclusion, Mr. Speaker, all hon. members to vote in favour of this amendment to punt this bill. Let's have a second chance.

Thank you.

Hon. Members: Question.

[Motion on amendment to third reading of Bill 42 lost]

Hon. Members: Question.

[Motion carried; Bill 42 read a third time]

Bill 43 Emergency Health Services Act

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

Mr. Anderson: Thank you, Mr. Speaker. I'm pleased to rise and move third reading of Bill 43, the Emergency Health Services Act.

This is an important piece of legislation and an important part of government's agenda to improve the delivery of and access to health services across the province. I am pleased to note that there has been strong support for this bill within the Assembly and from stakeholders across the province. The Department of Health and Wellness and Alberta Health Services will continue to work with municipalities and other stakeholders to build on the excellent services already in place. Together they will ensure a smooth transition to a seamless, efficient, and patient-focused emergency health services system. This evolution will not take place overnight, of course, but over time. I am very pleased that we are well under way.

I ask for House support for Bill 43, the Emergency Health Services Act. Thank you very much.

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

Ms Pastoor: Thank you very much, Mr. Speaker. I will be brief. I will support this bill; however, I did listen to my colleague from Airdrie-Chestermere, who I think when we were discussing it in committee assured the House that those of us who, like him, have integrated services will have the flexibility within this bill to be able to keep them, and we won't be losing them further down the road.

Thank you.

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

Mr. MacDonald: Yes. Thank you very much. I'll be quite brief, Mr. Speaker, but I would like to say that we've had a look at Bill 43, and we've had a consultation with various groups across the province. There has been contact with various municipalities and the individuals that manage and organize them. Unlike Bill 42, this bill is needed, and many of the people who we have talked to have suggested that it's an excellent idea.

It is very similar, Mr. Speaker, to one of the ideas that our party circulated throughout the province going back to 1997 and had wide support but no support in the government. It's another example of an excellent idea from the Official Opposition regarding the consolidation of the ambulance services. Hon. Minister of Transportation, you're welcome to look up our campaign policies from 1996-97.

Thank you.

The Deputy Speaker: The hon. Member for Airdrie-Chestermere to close the debate.

Mr. Anderson: I would like to close the debate on Bill 43.

[Motion carried; Bill 43 read a third time]

Government Bills and Orders Second Reading

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

[Adjourned debate November 19: Ms Blakeman]

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

Mr. Mason: Thank you very much, Mr. Speaker. I'm pleased to rise in second reading of Bill 47, the Mines and Minerals (New Royalty Framework) Amendment Act, 2008, which encompasses the new royalty framework. This bill will allow for the government's new royalty framework to be implemented through regulations in the Mines and Minerals Act.

Mr. Speaker, we've seen some very interesting developments just in the last couple of days which suggest to me that the new royalty framework already has more holes in it than Swiss cheese. Just yesterday – just yesterday – the government announced that a new deal had been reached with Syncrude. They've been promising this, of course, for months and months and had promised it a long time ago parallel to the agreement with Suncor.

Now, it's interesting, for a review of that, because the government promised that they would bring Syncrude and Suncor, which have their own special arrangements going way back, into the same framework so that all tar sands production plants would be based on the same royalties. These special agreements with Suncor and Syncrude allowed both of those companies to switch to bitumen as the basis of their royalty starting next year. This, Mr. Speaker, would result automatically in a reduction of the royalties payable by these two companies by 50 per cent. The government promised to renegotiate both of those agreements to bring them into line with the royalties paid by all other plants in the tar sands. They failed to do that. In fact, the arrangement announced yesterday with Syncrude shows that Syncrude stared down this government. This government was basically ignored by Syncrude.

7:50

The difference between the flow that we would have got of cash in royalties from Syncrude before the deal and this one is very small. Before the deal, by going to bitumen as a basis of evaluation, the royalties of the government would have been cut in half, in other words 50 per cent. With the deal that this Premier has negotiated, it's cut to 55 per cent. So we're still going to see a 45 per cent reduction in the actual flow of royalty money from Syncrude to the government starting with the implementation of this agreement. That's a terrible deal, Mr. Speaker, and for the government to present it as an increase is completely wrong. It's a huge drop. It's one of the things, frankly, that is leading to the difficulties facing this province that were outlined in the Mintz report.

This province is facing a substantial drop in royalties. Most of our royalties revenue, Mr. Speaker, now comes from natural gas, which is rapidly depleting because we're pumping the province dry very quickly, especially through the Alliance pipeline going down to the United States. That period of high royalties from natural gas is coming to an end. Overall royalty revenue in this province is predicted to drop very substantially over the next 10 years. The government's failure to deal with royalties on tar sands oil and get a full value for those royalties is going to lead to a very significant financial problem for this province going forward even if oil and gas prices return to the levels of about a year ago.

Now, Mr. Speaker, this royalty agreement took another hit today when the government announced an additional exception to what they had promised the people of Alberta for people drilling shallow wells. That'll cost us another \$1.8 billion over a period of time. The government says this is necessary because we have very low prices right now and the industry is threatened. Well, I can sympathize with that except for one thing. The number of rigs that are active in the province today is the same as the number of rigs active in the province a year ago. We have not seen that drop-off of activity. Not only that, but the royalty arrangement that's being proposed now by the government basically will stay in effect for five years. So if oil

returns to a hundred dollars a barrel or more, say, a couple of years from now, which is I think fairly reasonable, this royalty holiday will stay in place for five full years even if the price of oil exceeds a hundred dollars or even a hundred and thirty dollars a barrel.

Mr. Speaker, it's pretty clear that this government is backing away from even the modest changes to royalties in this province that they promised before the last election. Again, it's promising one thing before the election and doing another after.

Mr. Speaker, I just want to indicate that Alberta continues to have some of the lowest royalties in the world. If this government has its way, we're going to continue to have very, very low royalties. There is a temporary period now where resource prices are very low, but I think it's reasonable to assume that oil prices and gas prices will again rise, and I think it's very reasonable to assume that prices over a hundred dollars a barrel are going to be in place within a fairly short period of time.

What have we paid for from this, Mr. Speaker? What has been the benefit of low royalties? Surely, the government will argue that low royalties have led to a tremendous boom in economic activity in our province, a tremendous increase in activity in the oil and gas sector, but we've seen the same kind of thing in other jurisdictions where royalties are very much higher. Take, for example, Alaska. Alaska at a hundred dollars a barrel will get 60 per cent more per barrel than Alberta will. Other countries, including Angola, who was present today in the form of their ambassador, charge much higher royalties than Alberta's. As well, as we've pointed out, Norway and many other countries get far more for the value of their commodities than Alberta.

What should we do with that? The savings, the extra money from royalties have been used to fund programs in this province, to fund health care and fund education. Why is that necessary in our province, to pay for those services to a significant degree from royalty revenue? The reason, Mr. Speaker, is so the government can give tax breaks to the corporate sector.

When Steve West was the minister of finance, when I was first elected, he announced a program of reducing the corporate income tax from 15 per cent to 8 per cent. The government has followed through on that fairly systematically. I don't think they're quite at 8 per cent just yet – they're around 10 per cent – but there has been a very dramatic reduction in corporate income tax in Alberta, which has not been matched in other provinces, this at a time when the corporations were earning record profits.

The government has paid for corporate tax cuts and tax cuts for the wealthiest individuals in this province through the so-called flat tax by spending royalty money instead of saving royalty money and instead of investing it in long-term economic development. I think it's pretty clear, Mr. Speaker, that this government has squandered a tremendous opportunity. It's not too late. I think we could begin to capture some of the revenue. I do believe that oil and gas prices will rebound, as I have said.

What should we do with it, then? I think the suggestion that there should be a \$100 billion fund, which was put forward by Professor Mintz, has some merit. Let's not forget, for example, that Norway's fund is nearly \$400 billion. They do not fund their government expenditures from their royalty income, but they have a very substantial fund, as does the state of Alaska.

Just investing in the stock market is not enough, as we've seen. The current stock market crisis has cut the value of those funds that are exclusively invested in equities. I think that we need to do more. I think, Mr. Speaker, we need to invest a substantial portion of the additional revenues from a reasonable royalty regime in creating green energy for the province of Alberta. In other words, we need to continue as the energy centre and engine of this country, but we need to use this opportunity to bridge towards renewable energy.

That's the plan that the Alberta New Democrats have put forward, to build a \$20 billion fund to transition the province's economy to renewable and green energy forms so that we can continue to lead the country as the energy engine. We can provide not only a green future but a continuing prosperous future for our children and our grandchildren. It's that kind of investment, that kind of vision and foresight that this province needs.

Unfortunately, Mr. Speaker, this government is driving this province right for the ditch because they haven't captured the value in royalties, because they haven't saved for a rainy day, and in particular because they have allowed one of the most serious ecological disasters on the planet up in Fort McMurray. The world's attention is increasingly focused on Alberta and on the dirty oil that is produced by this province. There is increasing resistance to the purchase of that oil. If the government had simply taken steps to clean up the tar ponds, to reduce emissions, to pace the growth and the construction of these plants in a reasonable way, and brought in some real hard targets for CO₂ emissions, the world's attitude towards our oil would have been much different. Instead, the government has risked our entire economic future by behaving in an irresponsible fashion towards the environment and towards people who live downstream of Fort McMurray, ignoring very serious health and environmental impacts on the people in Fort Chipewyan and other parts of the province.

8:00

The government's answer is to invest \$2 billion in carbon capture. Now, Mr. Speaker, anybody that knows anything about this, that's researched or talked to people in the industry, will tell you that \$2 billion is a drop in the bucket. It's barely enough money to do some pilot projects and do some of the research that's eventually going to be necessary. This is a multibillion-dollar strategy which simply landfills carbon and does nothing to reduce emissions. It's unproven in its technology, and it's going to be enormously expensive. The fact that this government thinks that the taxpayer should be paying for the polluters to landfill carbon is evidence, if any more were needed, that this government is thoroughly in the pockets of the big oil companies and is acting in their interests and not in the interests of the people of this province.

Mr. Speaker, I just want to indicate that we believe a real royalty framework that is very elastic, that captures a lot of the additional value when oil prices are high and less when they're low, is what is needed. That's similar to what's happened in Alaska. They've taken a baby step in that respect. But here they've capped the price at which the rate increases at \$120 a barrel. I think most experts would agree that in the next 10 years we're going to see oil approaching \$200 a barrel, so we will get no additional increase in the royalties for the resources, which the people of Alberta own.

I want to just close by saying, Mr. Speaker, that the provisions of the bill that provide blanket exemption from freedom of information legislation are abhorrent and completely unacceptable. In fact, in the freedom of information legislation, provisions for protection of the private proprietary information of various companies already exist. What this is really for is so that the government can hide the terrible inequities that they've created in terms of different rates. It's so that we can't actually figure out how much Syncrude is actually going to pay. We have heard the Premier and the Energy minister talk about this in the House just in the last week, where they've said: you know, we'll tell you overall how much we get from royalties, but we won't tell you how much comes from any individual company. Pedro van Meurs, who was the consultant . . . [Mr. Mason's speaking time expired]

The Deputy Speaker: Standing Order 29(2)(a) allows five minutes for comments or questions. The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. Pedro van Meurs points out that at U.S. \$60 a barrel west Texas intermediate or higher, "oil sands projects generate unusually high total profits for investors per project." I was wondering if the hon. member agrees with that or not.

Mr. Mason: Well, he is an internationally recognized expert, hon. member. Thank you for the question. What I was about to say is that he has identified Syncrude and Suncor as two of the most profitable enterprises on the entire planet. These projects are profitable for \$60 a barrel and up, and they have a ticket to print money. Most of the value of the resources, which belong to the people of Alberta, is flowing south to the United States either in the form of bitumen exports or in terms of profits from some of these large projects that are given such favourable treatment by the government in exchange for the fact that these very same petroleum companies bankroll the Progressive Conservative Party from election to election, giving it a massive \$2 million campaign budget. So there's a very symbiotic relationship between the big-oil industry and the government opposite, and that's why they continue to receive outrageously beneficial and preferential treatment in terms of royalties and in terms of income tax.

Mr. Speaker, I would like to thank the hon. Member for Edmonton-Gold Bar and just indicate that we will certainly not be supporting Bill 47, which we believe just enables the continuing sellout of our resources to the international oil companies and the ability of the government to cover their tracks in doing so.

Thank you very much.

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

Mr. MacDonald: Yes. Thank you, Mr. Speaker. I have another question for the hon. member. I understand that just about this time last year you went on a fact-finding mission to Alaska to compare the Alaska royalty regime to the Alberta royalty regime. Can you tell us, please, for the benefit of Albertans, what you discovered on that fact-finding trip to Alaska?

Mr. Mason: Thank you very much, hon. member. Well, I did have the opportunity to meet with both sides of the House and the Senate in Alaska, with the minority leader, as well as briefly met with Governor Sarah Palin, and I can say to you, hon. member, that if a gun-toting, Bible-thumping, right-wing Republican can get a better deal on oil royalties than this government, then there's something wrong with this government. That Republican Governor got a far better deal than this Conservative Premier did.

Mr. MacDonald: I have another question for the hon. member. When you were in Alaska, you had an opportunity to compare the royalty rates that are collected on behalf of the citizens and compare them to what we get in Alberta. Did you notice any differences in the openness and transparency of the Alaska government in the reports to their citizens regarding what they collect, where, and from whom?

Mr. Mason: Absolutely, hon. Member for Edmonton-Gold Bar. They put a priority on getting good intelligence from the oil companies and hired auditors away from the oil companies so that they would know in depth what the oil companies' costs were for their projects, what their profits were, and so on. They looked at

Alberta because they were going through the process at the same time as we were here, and one of the things that they found is that Alberta did a very poor job in obtaining really clear intelligence and also in terms of communicating clearly and transparently with the citizens of this province. Alaska is miles ahead in terms of openness and transparency. They don't deliberately try to hide what they're doing on royalties from their own people, as this government does.

Mr. VanderBurg: I wonder if the member could tell us whether he flew there on solar power or on fuel that was delivered and derived and manufactured here in Alberta.

The Deputy Speaker: The hon. member.

Mr. Mason: Thank you very much, Mr. Speaker. I rode a bike and swam.

The Deputy Speaker: The chair shall now call the question.

[Motion carried; Bill 47 read a second time]

8:10 **Bill 49**
Traffic Safety Amendment Act, 2008

[Adjourned debate November 18: Ms Notley]

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

Ms Pastoor: Thank you, Mr. Speaker. [interjections] I can see that some of my colleagues on this side of the table are encouraging me to speak. How nice of them.

I think there are some very good things in this bill. Part of what I really support is the idea that property can be seized in the act of performing any kind of a criminal action. I certainly know I witnessed in Europe a number of years ago that when I went out with some people – and this was in Holland – they absolutely wouldn't leave the house until they had the designated driver clearly identified because they knew that if they got picked up, they would be walking home, that their car was gone on the spot.

I appreciated the fact that they actually responded to that kind of enforcement, and I think we should be doing exactly the same in this country. I think we should be tougher. I think we'd only have to do it four or five or 10 or 20 times before the word would get out amongst the party animals that this is what's going to happen to you. You're going to lose your car, and if you have to get up in the morning and go to work, you're still going to have to work or take a taxi. I don't think it would take long before we could adjust some of the drinking and driving behaviours.

Also, this talks about an instrument with which they can actually identify people that are high on dope, drugs, and whatever else they might choose to help them stay high. I just think that a few strong enforcements of that nature would help us. It can also be extended to similar property related to civic remedies against impaired operators, as I've mentioned. It would allow the Attorney General to seize and sell the property tied to a criminal transaction or classified as an instrument of crime through the legal basis – certainly, my colleague from Calgary-Buffalo has personal experience – and anybody caught with unregistered guns certainly should also lose any mode of transportation that they are transporting those illegal arms in.

The concern would be how to adequately identify drug impairment and find a manner in which blood tests will either be less necessary or can be established on the spot. I know that there certainly are some manners in which that can be done. I think it's a question of legalizing rather than having the opportunity to have it

thrown out in court, that it wasn't done correctly or that it wasn't done by someone who was properly trained to be able to do those tests.

I think those are just the small details that could be worked out well ahead of time and even add further emphasis that this bill should go forward. I'm going to repeat myself: I found how successful it was in Europe when they knew that if they got picked up, they would lose their car and they'd be walking home. If I recall, I don't think the police offered to drive them. I think they had to walk.

Thank you, Mr. Speaker.

The Deputy Speaker: The hon. Member for Whitecourt-Ste. Anne.

Mr. VanderBurg: Thank you, Mr. Speaker. I'd like to speak in favour of Bill 49, the Traffic Safety Amendment Act, 2008. The bill would establish an important enforcement tool to get drug-impaired drivers off Alberta roads. In Whitecourt-Ste. Anne, on both highways 43 and 16 and many of the other highways that intertwine in my constituency, our police officers and other enforcement people have had many issues with impaired drivers. This bill would establish an important enforcement tool to get impaired drivers off Alberta roads.

The proposed amendments would bring Alberta's Traffic Safety Act in alignment with recent changes to the Criminal Code of Canada. We can all recall that Bill C-2 established parity between drug- and alcohol-impaired driving offences, Mr. Speaker. Bill 49 would amend the Traffic Safety Act to authorize use of the Alberta administrative licence suspension for drivers charged with drug-related impairments.

Mr. Speaker, currently police officers have only the authority to administer a suspension for drivers charged with alcohol-related driving offences. A minimum three-month suspension or disqualification is imposed on drivers who are charged with an alcohol-related offence. If the alcohol offence results in bodily harm or death, the term increases to six months. Under the proposed amendments the same licence suspension would apply to those convicted of driving under the influence of drugs. Many drugs can cause impairment, whether they are illegal, prescription, or over-the-counter drugs. Let's not kid ourselves. In today's society drugs are not hard to get, and drivers on drugs are adding to the high number of traffic collisions in Alberta.

Through the amendment police officers would have the authority to demand a sample of a suspected driver's blood, urine, or saliva for analysis. Currently drivers suspected of drug-related impairment can refuse to provide a sample of their blood, saliva, or urine. This gets them off the hook for the drug impairment conviction, Mr. Speaker, so the amendment would give officers the tool they need to help improve traffic safety for all Albertans.

There's no reason why the lives of innocent people should be at risk from drivers who are impaired by alcohol or drugs. The proposed legislative changes are an important way to increase safety for all drivers and passengers. The bill would ensure that drug-impaired and alcohol-impaired drivers are treated equally, with equal severity. Let's keep all impaired drivers off our roads and increase traffic safety for all Albertans.

I ask the members of the House to support this important amendment in Bill 49. Mr. Speaker, thank you so much for letting me speak tonight.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes.

The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. Certainly, I listened with interest to the comments from the hon. Member for Whitecourt-St. Anne on Bill 49, the Traffic Safety Amendment Act. I, too, would be of the view that public safety on the roads would override my issues around privacy regarding a sample to determine whether or not one was under the influence of drugs while operating a motor vehicle.

I think that if civil liberties are respected and baseline testing and standards are available to determine whether I'm impaired through the use of drugs, that impairment can be clearly established, then this is certainly good legislation. In my view it's not a right to operate a motor vehicle; it's a privilege. There is no reason in the world why, if I am under suspicion, I should not be subjected to a test to determine whether I am impaired or not through the use of a drug. So in this case, with this bill, public safety overrides my personal privacy.

With that, I would take my seat and urge all hon. members to give this bill consideration. Thank you.

The Deputy Speaker: There's five minutes for comments or questions. The hon. leader of the third party.

Mr. Mason: Well, thank you very much, Mr. Speaker. To the hon. Member for Edmonton-Gold Bar. I actually would have preferred to ask this of a government member. Maybe I missed the opportunity with the Member for Whitecourt-St. Anne, but I'll ask you the question because I think it's a question that needs to be asked. What are the allowable limits for impairment for the various drugs? We know what it is with respect to alcohol. What is it for the various other drugs, and how would this testing determine impairment beyond the ability to operate a motor vehicle safely?

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar.
8:20

Mr. MacDonald: Yes. That's a very good question. This is where we get back to the standards of the testing that are to be implemented. How exactly is this going to work? Certainly, we all know what a driver's blood alcohol limit is, and a police officer must have reasonable and probable grounds to believe that I'm under the influence of alcohol while I'm operating a motor vehicle. I think that if we work this out, it will certainly be similar to that for cannabis impairment.

There are a number of things we can do. There certainly are tests done in other jurisdictions where the influence of cannabis and alcohol while driving are determined through an assessment. I would think that the hon. Minister of Transportation is on top of all that, and maybe he can enlighten us during committee as to what exactly he has planned for this.

Mr. Ouellette: I can enlighten them right now, Mr. Chairman. Impaired is impaired. They're confusing .08. That's what the court or someone has established as impairment. That doesn't mean it's impaired. They're actually charging you with being over .08 on alcohol.

What we're saying on drugs is that if you're impaired, you're impaired. There doesn't have to be a level of impairment. We're just saying that if you're under any type of mind-altering drug, whether it's a legal, over-the-counter prescription drug, an illegal substance, whatever, you're impaired, and you shouldn't be driving a vehicle on the road.

Mr. Mason: Under 29(2)(a) I'd like to ask the Minister of Transportation a couple more questions with respect to that. The .08 is an

enactment in the Criminal Code, as far as I understand, and it's set as an arbitrary measure so that you can use a blood test to determine if impairment has actually occurred. It doesn't mean that impairment always occurs. In fact, a lot of people think impairment occurs below .08. It's an arbitrary benchmark that makes the test useful in a legal sense. My question is: what do these tests prove? How do they prove impairment if there's no level associated in the Criminal Code of Canada or in this act? What does the blood test prove?

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

Mr. MacDonald: Thank you very much. The research that we have completed, hon. member, indicates through a blood test whether or not cannabis or traces of cannabis are in the bloodstream. Now, studies compare the effects of high doses of alcohol with medium to low doses of the active ingredient in cannabis, THC. It has been, we are told, well established that alcohol, which we all know has severe impairing effects at high blood alcohol concentrations – well, it has been researched, and the conclusion is that concentrations as low as 30 milligrams per 100 millilitres of blood can be detected for what we consider to be cannabis intoxication. These are the numbers that we have.

The U.K. have limits, and they have studies. They have looked at this, from what I can gather, quite extensively. It's a blood test that seems to be the most reliable means of detecting.

[Motion carried; Bill 49 read a second time]

Bill 48

Alberta Corporate Tax Amendment Act, 2008

[Adjourned debate November 19: Ms Redford]

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

Mr. MacDonald: Yes. Thank you. This Alberta Corporate Tax Amendment Act, 2008, as sponsored by the minister of finance, is certainly interesting at this time. The big tax cut that is going to be coming in the new year is going to be welcome. It's another idea from this side of the House, the elimination of the health care premiums.

Mr. Mason: And where did you get that idea?

Mr. Vandermeer: Me.

Mr. MacDonald: From the Member for Edmonton-Beverly-Clareview. He's claiming credit for it.

Now, that's a considerable tax reduction for families, for businesses, for each and every organization in the province that would pay all or some of health care premiums, and it certainly is welcome at this time. I was sitting down in the media room there this afternoon, listening to the hon. Premier and the Deputy Premier and the Minister of Energy. They were talking about the economic times and how they are changing. I was sitting there, and the thought occurred to me that I hope they're not going to renege on that promise for that tax cut. They didn't. They decided to make changes to the royalty structure.

However, this bill, Mr. Speaker, introduces a 10 per cent refundable scientific research and experimental development tax credit for corporations effective in the new year, 2009. The maximum credit is \$400,000, calculated as 10 per cent of the eligible expenses, and I think this is capped at \$4 million. This was an initiative from the budget earlier this year.

We're also considering with this bill an additional tax for small businesses to compensate for the gap between the federal income threshold of \$400,000 and Alberta's threshold of half a million dollars, which saw businesses with income between these two marks paying less than a combined corporate personal tax rate of 10 per cent when flowed out as dividends.

The definition of an offence of the general antiavoidance rule is broadened to match the federal definition. Penalties and fines for these offences are extended to match federal policies, and there are other amendments which I've been told are housekeeping in nature to parallel some of the other changes.

Certainly, there are questions around this bill, but overall it brings the legislation in line with the federal Income Tax Act. We are establishing, as I said, a research and development tax incentive for corporations and correcting a taxation loophole.

We look at this tax incentive, and I'm sure the hon. member from Highlands-Norwood – I always want to reverse them and go to Norwood. I can understand why I do that because the area that the hon. member represents includes some of the old constituency of Edmonton-Norwood, and we all have a fondness for Edmonton-Norwood even though this massive Conservative majority saw fit to erase it from the electoral map. It's a reflection of this government's callous disregard for the city of Edmonton. Hon. member, I apologize for that, but it's Edmonton-Highlands-Norwood.

Now, we look at this tax incentive that's discussed here as a positive step, and we on this side of the House called for a similar tax credit in the 2004 election policy platform. Certainly, whenever you look at our economic and fiscal policy and our research and development tax incentive from the 2004 election, this is what we proposed. It took the government – fair enough – four years to take this on, and when you look at some of our past ideas and what they have accepted, four years is not a very long time, Mr. Speaker.

8:30

Now, Alberta is a province rich in ideas, people, and resources. Albertans in the next century should only be limited by the extent of their imagination and their willingness to work. We look at the economy now and how we're going to have to change and how we're going to have to stay competitive with other jurisdictions. Many have introduced tax incentives for research and development. We realized here that Alberta is falling behind and quickly being placed at a disadvantage as far as research and development is concerned. You go to any event. There are always people that would be reminding us of this. So we took this into consideration in our policy. We were quite willing to establish a 10 per cent provincial scientific research and experimental development tax credit for eligible expenditures in research and development.

Now, a provincial research and development tax credit, certainly, I'm confident will boost research investment in this province even at this time. What it means is that in the future I think we will have a good chance of being competitive globally. Supporting research into emerging technologies will enrich the economic health and social lives of all Albertans. One would only think of energy conservation and self-sufficiency measures around wind power, solar power, renewable sources of energy. I could include geothermal heating. There are a number of things that we could work on in this province regarding those measures, and hopefully if this bill were to become law, it would see to that.

With that, Mr. Speaker, certainly, I think there are questions still around the implementation of this Corporate Tax Amendment Act, but overall it's an acceptable proposal. It's slightly different than what we had anticipated in 2004, but certainly at this time it's a step in the right direction. I'm pleased to see that it's another initiative

from this side of the Assembly that the government is finally adopting.

Thank you.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of comments and questions. The hon. leader of the third party.

Mr. Mason: Thank you very much, Mr. Speaker. I just want to clarify the hon. Member for Edmonton-Gold Bar's claim to the fatherhood of a couple of ideas. One is the question of eliminating health care premiums. I think it's been well established by my colleague the Member for Edmonton-Strathcona that this idea was first raised by her father in this House many years ago.

With respect to the parentage of the second idea, which is more corporate tax cuts, in this case for scientific research, I think there's no question that the Liberal opposition is the father of that thought and not the NDP.

Mr. MacDonald: In response to the hon. member's questions, certainly the New Democrats in the past brought that issue up, but in their absence in this House for a number of years, certainly someone was going to have to bring that forward. The party that I'm proud to be a member of was capable of bringing that idea forward.

Now, the member should be very careful with his second question, and he should look very carefully at what the New Democrats did, when they held power in British Columbia, with some of their research and development tax credits, which are ironically very similar to what is being proposed in this bill.

I was astonished to find out about this, Mr. Speaker, but I would also at this time remind the hon. member that the New Democrats in British Columbia – and I hope the government members are listening – were one of the first jurisdictions in Canada if not in North America to adopt P3s for school construction in 1999. Yes. It's a fact. A person by the name of Joy McPhail announced with a great deal of fanfare a P3 project when the New Democrats were in power.

The hon. Minister of Infrastructure is probably quite aware of this and very much on top of it because the P3 proposal has turned into a financial nightmare because the roof on the school – we do know that in Vancouver they get slightly more rain than we do in Edmonton. That school could be located in the Sahara Desert, and the rain would still come through that roof. It's a mess, and it has cost megabucks to fix. That's an example of good New Democrat policy and suggestions and also an example of bad New Democrat policies and suggestions.

Thank you.

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

Mr. Mason: Thank you very much, Mr. Speaker. Well, I will look forward to getting a little bit more information about that school, perhaps, from the hon. Member for Edmonton-Gold Bar. I don't know whether or not the New Democrats did have a P3 project in British Columbia, but I can certainly tell you that the concept has been considerably enlarged and widened by the current Liberal government of British Columbia.

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

Mr. MacDonald: Thank you, Mr. Speaker. I will certainly table that document for the hon. member's benefit. I would caution the hon. member about who he calls a Liberal.

Mr. Mason: I'm sorry, Mr. Speaker. I can't resist. Surely, they call themselves Liberals.

Mr. MacDonald: That is very, very true, Mr. Speaker. Some Social Crediters can become Liberals, just the same as some British Columbia New Democrats, including a former New Democrat Premier, who has finally come to his senses and joined the federal Liberals.

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

Ms Pastoor: Thank you, Mr. Speaker. That was just too enjoyable.

I just wanted to make a few comments on this bill, that is good, but I'm concerned about a paragraph here that I've got in my notes that says that the following activities are not eligible for benefits under the program, and one of them is social science and humanities research. To me, under the humanities research would come health sciences. I'm not entirely sure how the humanities got left out of this, particularly with this business of changing the way we want to deliver health care in this province. That's where the science should be. Megadollars should be going into that, not only from the viewpoint of efficiency but also from the viewpoint of the public health sector and the safety of the actual citizens in this province in terms of health.

One of the things that's been drawn to mind: my understanding is that Lyme disease doesn't exist in Alberta; however, a young person in Alberta actually had to send their blood to California to be in fact diagnosed as having Lyme disease. These are the kind of things that I think should be coming under research and development.

One of the other things is the quality control or routine testing of materials, devices, products, or processes. I would like to see under that particular heading—I know that part of this is a federal responsibility and jurisdiction, but the products that are coming into this country and into this province I think should have a routine testing of exactly what is particularly in our food products but, even more importantly, in toys. My understanding is that they are still finding high levels of lead in children's toys.

8:40

Market research or sales promotion. Again, I think that market research is very important. One of the products that we have that we're proud of here in Alberta is our beef, and one of the things that is a problem for the cow-calf producers at this point in time is having to age verify the animals that they produce. But I think that some solid market research could be done with dollars under this bill. There is certainly some concrete proof out there that the markets outside of Canada, particularly in Asia, which is going to be huge—and India is another one that will be a huge market as time goes on—are demanding the age verification or at least to be able to identify where the animal came from, and they want to know the lineage. Market research on that type of issue I think is of paramount importance.

I'm not really sure why these are not eligible under this particular bill. I'm not sure if the minister could answer that or somebody could answer that, but certainly I hope that it would be answered in committee.

Thank you.

The Deputy Speaker: Seeing no other member who wishes to speak on this bill, the chair shall now call the question.

[Motion carried; Bill 48 read a second time]

Bill 50

Victims Restitution and Compensation Payment Amendment Act, 2008

[Adjourned debate November 18: Mr. Chase]

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

Mr. MacDonald: Thank you very much, Mr. Speaker. Bill 50, the Victims Restitution and Compensation Payment Amendment Act, is sponsored by the hon. Minister of Justice and Attorney General. These amendments to the current act are proposed to increase the ability of the Attorney General to proceed in civil court against, in most cases, known criminals. It gives the Attorney General the ability to seize and sell property known to issue from the proceeds of crime or tied into criminal transaction, allows for less restrictive standards of evidence to be applied to situations where routine police work brings about specific property-related issues.

Certainly, when we look at this bill, the main issue here concerns the constitutionality of these legislative measures. Currently, as I understand it, this issue is before the Supreme Court of Canada, and I understand our government, the government of Alberta, was granted intervenor status in this case because of the issue of it being a test case. I don't know when that will be concluded, but obviously the government members would have more information on that than I.

There are a number of ideas why this bill should be supported. Of course, the hon. Member for Calgary-Buffalo has been pressing for exactly these same sort of measures to control guns and gangs and the use of guns by gangs and gang members. I think the issues here in this bill and what the hon. Member for Calgary-Buffalo has been suggesting all fall are related.

Now, I think this bill should be supported. It's an effort to strike a blow or to try to control those who are making their living from crime and criminal activities. I think that this would provide another measure for officials to control gangs and their activities, but it will be interesting to see how this legislation will be affected by the Supreme Court's decision. I think that overall it's an opportunity to finally stand up and say "enough is enough" as far as criminals and their actions are concerned.

It is interesting to follow what this government is doing in regard to trying to reduce criminal activity and gangs, but there's one thing that I'm surprised the government doesn't consider. The hon. minister of health is drinking his coffee there, and he stopped. So I'm going to give him another suggestion, and that is that there should be some thought as a next measure in the government's crime reduction and prevention strategy to check out how much money is being laundered through our casinos and what effective measures we could do to stop the gangs and their members from laundering their gains from criminal activity through our casinos. There are means to do this. The first place I would suggest to the hon. minister of health—and I don't know why we're talking to the hon. minister of health. He's just the most popular fellow there.

It's a measure that, I think, should be considered. [interjections] Oh, I'm in trouble. However, it is a good start. I've been told by law enforcement officials that we need to have a look at this in this province. We have expanded, certainly, the number of casinos. One doesn't have to go too far. You can have two or three dollars' worth of gas in your car, and I'm confident you're going to get to the casino before you run out of gas. That's for sure. They're everywhere. The criminals know that, and they're using them as a source to launder their gains from criminal activities. I think we should have a careful look at how we allow money to exchange hands in casinos. I would love to be proven wrong on this, that gangs and

their members are not using that as a means of laundering their ill-gotten cash. So that's one example of how we could improve further the laws of this province to restrict and limit the influence gangs and their members can have.

Now, with that, I think there certainly are questions about this bill. We can go back to the case before the Ontario superior court and what has followed through. Hopefully, this law, if it is passed, will not be affected by the Supreme Court decision that will be eventually rendered, probably by the spring.

Thank you.

8:50

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of comments and questions.

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

Ms Pastoor: Thank you, Mr. Speaker. I would like to get a few thoughts on the record about this bill because it sort of is following in on some of the comments that I'd made earlier about taking cars, et cetera, and property away from – we were speaking about the traffic act – certainly those that would be drinking or under the influence of drugs. The way it appears to be going to operate is that in the case of the proceeds of the unlawful activity, the court inquires into the origin of the property. If the provenance of the title lies in an unlawful activity and is proven in court, then the court is empowered to transfer title to the government of Alberta. At this stage the property would be auctioned and proceeds would go to the community.

I'm not sure that the community is defined. It may be further on, and I haven't seen it. But one of the concerns might be – and this was a concern that was raised by the Canadian Civil Liberties Association, particularly in Ontario – that the drafting may not be clear enough in terms of community and that the proceeds of the forfeiture and the auction could well end up in the police budget, and I think that that would be a clear conflict of interest.

I can speak for some of the experience that I've had in the Caribbean. Certainly, there were some wonderful yachts up for sale that had been used for drug trafficking, and the police definitely were going to benefit from the sale of those yachts. I think that if community means victim restitution, then that is what it was meant to be and as long as it stays that way.

I think that this strikes a blow to those who make their living off the misery of others. I just think that we have to be more diligent in our enforcement and be able to create these legislations where, in fact, we can take stuff. I can assure you that some of those people that came off of those yachts were most disappointed to see them sail off into the sunset, and they were definitely left high and dry on the dock. If more people in our northern climes would be left high and dry on the dock, so to speak, they may lose their houses if drug activities are going on, lose their cars if they're driving under the influence.

I know the court systems work slowly, but if we could somehow make these particular activities go quicker so that we could sell faster and so that we could auction off from the proceeds of their crime, we could actually put it to help the victims.

We could also support it provided that the Attorney General could assure us that the money would pass smoothly into public coffers, as I've mentioned, without probably ending up as a revenue stream for the police. Again, I don't even like the words "public coffers." I would like it specifically to state that it goes into victim restitution and compensation.

It has already been alluded to that the Supreme Court of Canada may have some comments to make on this, but I think this is a really

good start. We have to stand up, and we have to really enforce the fact that if you do the crime, you do the time and you also do the punishment that goes along with it. For any of the property that has been used in the perpetration of any kind of a crime, you lose it and we get it.

Thank you, Mr. Speaker.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes. The hon. leader of the third party.

Mr. Mason: Thank you very much, Mr. Speaker. I would just like to ask the hon. Member for Lethbridge-East, based on her last statement, what she thinks might happen if the bill was not used in the way that it was intended. Let me just sketch a hypothetical. Suppose that some parents are away for the weekend or on a vacation and one of their children has a party and at the party they consume some illegal drug and there's a police raid and people are arrested. Would people be protected, in her view, from the seizure of the entire house in a situation like that? Would that be justified? What kind of reasonable limits ought to be put on the utilization of this kind of legislation?

Ms Pastoor: Thank you for that question. It certainly is a good hypothetical, and I'm not even sure that it is hypothetical. I think those kinds of situations do occur.

I guess I'm going to probably come across really right wing here, but if those kids are under age, perhaps they shouldn't seize the house, but certainly there should be very strong fines. The parents are, basically, still responsible for kids under age. If something happened to that child in an accident, that parent would be responsible to make the decision for their health care, so I think that they should also be responsible for their behaviour. I realize that that's a tall order. If they're over 18, I guess then the parents would be off the hook. Yeah. It would be a hard call.

I'd like to see something very strong towards that, but I guess there are degrees of crime. If someone was killed in that house as a result of physical assault, then it turns it into a whole different thing than just some kids sitting around smoking pot. Probably the only reason it would come to the attention of the police or whomever would be if somebody lodged a complaint.

It's a very good question. Thank you. Certainly, it's something that would be up for discussion in terms of, I'm sure, human rights and all the rest of those sorts of things. If something has been used in the perpetration of a violent crime or however we could define crime, then, yes, I think they should lose it.

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

Mr. Mason: Thank you very much, Mr. Speaker. The hon. Member for Lethbridge-East raised something in her comments earlier about police use of this, I think in the Caribbean with connection to yachts. Does the hon. member think that there is an opportunity for abuse of this legislation by police given that they don't require a conviction of any kind in order to seize property and that an individual whose property has been seized – say it was a parent's house after the party I referred to earlier – has to go back to court to get their property back?

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

Ms Pastoor: Thank you. I think that, with anything, when someone has authority over other people, there's always an opportunity and always the possibility that it would be misused, and people in power

positions often do misuse their power. I guess I'm not really sure of what the answer would be. I would hope that these kinds of things could be solved. Say they seized the house. They would take the house if it was criminal, somebody was killed or something of that stronger nature. In terms of a car being taken and they can't get to work because their car has been taken, well, then they should have thought about that before they, you know, either drank or did the drugs. I just think that people have to be responsible before something happens and not after. And I'm not talking about those that are addicted. I'm just talking about the average, everyday kid that may get high on whatever.

9:00

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

Seeing none, the chair shall now call the question.

[Motion carried; Bill 50 read a second time]

The Deputy Speaker: I'll take this moment just to make a clarification about the motion on the amendment when we debated Bill 42. It's in third reading, but the amendment is about the motion, not about the bill itself.

Government Bills and Orders Committee of the Whole

[Mr. Cao in the chair]

The Chair: I'd like to call the committee to order.

Bill 45 Statistics Bureau Amendment Act, 2008

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

Mr. MacDonald: Yes. Thank you very much, Mr. Chairman. Certainly, we spoke previously regarding the Statistics Bureau Amendment Act, 2008, and there were a number of questions that I had regarding this legislation. I had enough concern, and I did table the letter, the response I had received from the Privacy Commissioner regarding some of the provisions within this bill. Committee is a good time to discuss those.

I really don't think it is necessary to have this legislation override the FOIP Act. I'm told the original Statistics Bureau Act also had similar provisions. I'm puzzled why we do need them. I'm not puzzled by the continuing habits of this government. I'm disappointed that this government is so anxious to further restrict and limit access to information unless it's in their interest. I think this is yet another example of that. But I certainly will credit the commissioner, the office of the Information and Privacy Commissioner in Edmonton, Mr. Frank Work, not only for his letter but in the response, the response time. He was very quick in answering my questions, and I appreciated that.

However, there are other issues around this bill and this legislative initiative that I need clarification on. The first is interesting, and it was brought up in the media. I don't know if any of my other hon. colleagues have asked about this, but certainly we need to find out what the cost of this new office will be, who will be working in it. There are two issues around costs, Mr. Chairman. The first, of course, is the administrative cost of this – and that was a very good question put by the media – and also what it would cost a consumer

if an individual was to require information that was in this office, this Office of Statistics and Information. We can call it, if we would like, a new name, from the stats bureau to this Office of Statistics and Information, the OSI.

With the Employment and Immigration, or the labour, website, we can go to that website, and we can see where it is considered to be a new agency. Now, there are also issues around that, the agencies, boards, and commissions report that came out. We need to clarify that for the information that's collected, the use of that information, and for those parties that are interested, what will they be charged, if anything, for that information?

I also have questions around section 5, which states: "The purpose of the Office is to plan, promote, consolidate and develop social and economic statistics or statistical information relating to Alberta." Again, what exactly is meant by promote? I believe the hon. Member for Edmonton-Riverview was talking about this as well. Does it mean that public tax dollars will be used to promote information collected by the office? What are the guidelines around this promotion? Will this be used by the government for the greenwashing campaign? That's that \$25 million campaign that everyone knows about. Mr. Chairman, what does this section do, section 5? Why does this section not have any provisions regarding access to information or the statistics that are gathered by the office?

In section 4(2), while we're going through our sectional analysis, we're proposing an addition here: "The Minister may use the services of any employee of the public service of Alberta to carry out a duty of the Office." How exactly will this work? Will the minister be able to take any member of the public service and have them press-ganged to perform tasks for the office set out by the minister, and what are the rules around this?

Also, there is another addition here: "The Office may collect information, including personal information, directly or indirectly, for the purposes of this Act." What are the guidelines around this? What precisely does indirectly mean? Can information be collected without someone knowing? Will this information be shared, and with whom?

Those are some of the questions that I have. We all heard the questions around when this new agency will be fully up and running, who will be running it? What are the salaries for the organization? Those are some of the questions we have.

I'm surprised that we're moving this into the department of labour and not, again, under the command of the Treasury Board President. Maybe the Treasury Board President these days has enough work to do and the hon. member wouldn't have time to see this office through, but it's unusual that the President of the Treasury Board wouldn't be anxious to have this office, this new office, I should say, on a nice wooden plaque outside his door. But that's not going to happen. I'm sure the government had an internal discussion on this, and the department of labour was the chosen one.

9:10

Mr. Mason: No more plaques.

Mr. MacDonald: No more CLAC, did you say, hon. member?

Mr. Mason: Plaques.

Mr. MacDonald: Plaques. Oh, pardon me. I thought you said, "No more CLAC," and certainly I agree with you on that.

With those comments at committee, Mr. Chairman, hopefully I will get some answers regarding this proposed office and the cost of it and how it's all going to work. Thank you.

The Chair: Seeing no other member who wishes to speak, the chair shall now call the question.

[The clauses of Bill 45 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? Carried.

Bill 46 Health Professions Amendment Act, 2008

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

Mr. MacDonald: Yes. Thank you very much, Mr. Chairman. Certainly, I had questions that I was hoping to have addressed at committee. I'll start with a reminder to the hon. members across the way that we were hoping to get a specific answer regarding questions that were directed to us from the Alberta Association of Marriage and Family Therapy. I understand that there has been a very active effort to petition the government to include marriage and family therapy under the Health Professions Act. I was wondering how that petition was proceeding and if it was ever going to be reflected in this legislation and, if not, if the government was contemplating an amendment to address this issue and this request by the specific group. Now, that's one issue that, hopefully, we can get clarification on.

There are many issues, actually, with this bill. At first glance I thought: okay, this is just another step in the transition of the Health Professions Act, which we have been dealing with on a routine basis here and that's been discussed in the past. But before I could even consider supporting this bill, Mr. Chairman, I would have to get some reassurance from the government, perhaps through the minister of health, regarding this bill.

I have a number of questions. Certainly, when we look at page 3 and we're looking at item 8, which indicates that section 51(3)(e) is to be amended by striking out "a patient's medical records" and substituting "patient records," now, I know the minister of health is going to reassure me, but why are we striking out "medical records" in section 51 and just substituting it with "patient records"? Patient records: what would that include? That could include a lot of things. That could include the hon. Member for Edmonton-Highlands-Norwood's credit rating if we were to have private hospitals. We're not just talking about medical records here; we're talking about patient records. That could include any number of things, including his credit rating. He's been spot-on with his concerns about the change we're slowly making in this province toward private health care and that the quality of care is going to be determined by the thickness of your wallet. He has every right to be concerned about that.

I just notice that subtle, little change here where we're substituting "a patient's medical records" with "patient records." There's a difference there, and I wonder why at this time we need to do that to section 51. Now, there is probably an answer to that. I certainly would appreciate some attention to that question.

If we go further on to page 6, Mr. Chairman – I don't know when the government drafted this bill – in the new section 53.4, the report

of inspection to registrar, I wonder if at any point there was any consideration made to make the records that are discussed here public. Now, this section currently reads: "Within 90 days after completing an inspection the inspector who conducted the inspection must give a report setting out the findings of the inspection to the regulated member and the registrar." I've gone through sections (2) through to (4), and I'm not certain of any of these inspection reports, and when and if they would be part of the public domain. I would be curious to know if the government has any reason for this and if there has been any consideration given to an amendment.

Now, we can go through abandoned patient records. These are certainly important issues. Hopefully, they are going to be dealt with in this legislation. We're looking at a consequential amendment here to the Workers' Compensation Act, and I don't see any issues with that. But on the following page, Mr. Chairman, the Health Care Protection Act. I think just that act alone is reason for concern for people who support and hold in high regard our public health care system, that we would actually need in this province a statute called the Health Care Protection Act.

You would think it would be just a slam dunk, a fait accompli, that this government would be working diligently to promote and protect public health care, but there's an act on the books here. When you think about it, it's ironic that we would need this act, but we do. It's an act that certainly has controversy behind it and surrounding it. We're looking at amending section 2(2)(a) by striking out "in the bylaws under the Medical Profession Act" and substituting "in the bylaws under Schedule 21 of the Health Professions Act." I'm curious why this needs to be done.

9:20

Now, when we look at the bylaws of schedule 21 and compare them to the Medical Profession Act, there certainly are noticeable differences. There are also noticeable differences between the Health Professions Act – I'm just going to have to find the page here, Mr. Chairman. If we go to page 20, we see that what is being proposed here is the requirement for accreditation in these amendments, and we see what's proposed in 8.1(1) and (2) and what is in schedule 21 of the Health Professions Act. We've got to look at this carefully. We can see that section 8 here, Requirement for Accreditation, reads:

A regulated member shall not provide a prescribed health service, or cause a prescribed health service to be provided, in a facility unless the facility is an accredited medical facility or a facility referred to in subsection (2).

Now, 8.1(2) reads:

Subsection (1) does not apply with respect to a prescribed health service provided in

- (a) an approved hospital within the meaning of the Hospitals Act,
- (b) a hospital operated by the Government of Canada,
- (c) a health care facility operated by the Government of Canada or the Government of Alberta,
- (d) a hospital, clinic or centre operated by a regional health authority under the Regional Health Authorities Act,
- (e) a facility within the meaning of the Mental Health Act . . .

Then we have added

- (f) a facility that is prescribed in the regulations.

Now, if we go to page 25 of this bill, we see section 8.7, Bylaws, and the council is the College of Physicians and Surgeons of Alberta. They have a long list of bylaws that they can make respecting and prescribing various items and issues, including bylaws prescribing facilities for the purpose of section 8.1(2)(f) of this schedule. Of course, we know that is a facility that is prescribed in regulation. So we're giving considerable scope and power to this council to set the

requirements for accreditation for a facility outside of what is listed in (a) through (e).

If we go back to schedule 21, Mr. Chairman, of the Health Professions Act, which is going to be slipped into the Health Care Protection Act through that amendment, we can see in 8(1), Accreditation of Facilities, that there is no mention of a facility that is prescribed in the regulations. All the rest of the hospitals that are either federal government, provincial government, associated with the Mental Health Act or the regulations, a hospital, clinic, or centre operated by AADAC – we know what is going to happen to that. There is a fundamental difference here.

I would like to know why and what all of this means. I've gone through this proposed legislation and the companion legislation that's beside it, and I think it's a very valid question. What facilities does the college have in mind to authorize either through a bylaw or any of these proposed regulations, which we probably will never see?

Now, in my view this is an important question. I realize that in the current legislation the College of Physicians and Surgeons “may, for the protection of the public and to promote the continuing competent and ethical practice of physicians” – and it goes on here. I know that they've had certain authority and scope to act in the past to protect the public and to promote the continuing competent and ethical practice of physicians, but why is this change of this legislation necessary? What is the rationale behind this?

Certainly, those are some of the questions I have regarding this act. I've gone through it in detail. There are a lot of changes being proposed here, but certainly these bylaws I find interesting.

I also find the fact that the College of Physicians and Surgeons can now make bylaws – and this is (i) – “describing the services that are major surgical services and minor surgical services for the purposes of section 2(2) and 29(r) of the Health Care Protection Act.” In the time I have left, perhaps I should go through that because the Health Care Protection Act under section 2 discusses the provision of surgical services and what a physician shall provide and where. Also, there is a reference in here in 2(2) regarding the bylaws under the Medical Profession Act. We talked about that before, where that is to be removed and we are to have that changed over to schedule 21 of the Health Professions Act. But 29(r) – I looked this up in here the other night, Mr. Chairman – is in the definitions section, and (r), again, is in reference to a surgical service and the definition of a surgical service.

Hopefully, before we get an opportunity to vote on this, we'll get some answers or some clarifications from government members or the minister of health. I'm really anxious to read in *Hansard* over the weekend the responses from the government regarding these questions. Maybe my concerns are not warranted, but – I'm sorry – with all due respect, if I look at the past record of this government towards public health and I look at the travels of the former minister of health, the road show, the trips, and who she talked to, what she reported back on the Internet, and what's downstairs on the library shelves, I have every reason to be concerned that public health care is going to be eroded and our standard of living is going to be jeopardized because of it.

Thank you.

Mr. Liepert: Just very briefly, Mr. Chairman, I want to answer the very first question that was raised relative to massage therapy and

the regulation of massage therapists. We have received two applications for regulation of massage therapists. It was referred to the Health Professions Advisory Board. They held meetings with stakeholders in October, and I'm waiting for their recommendation, which I presume will be coming shortly.

Relative to the remaining 19 minutes of meandering by the member, we'll take a look in *Hansard* and see whether there are actually any questions in there that we can answer that actually relate to this bill, Mr. Chairman.

9:30

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

Mr. MacDonald: Yes. I would just like to go on the record quickly and say that I appreciate that answer to my first question from the minister of health, and I look forward to the answers to the remaining questions.

Thank you.

The Chair: Seeing no other member who wishes to speak on this bill, the chair shall now call the question.

[The clauses of Bill 46 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? Carried.

Ms Redford: Mr. Chairman, I'd ask the Committee of the Whole to rise and report.

[Motion carried]

[The Deputy Speaker in the chair]

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

Mr. Johnston: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bills: Bill 45 and Bill 46.

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

Hon. Members: Concur.

The Deputy Speaker: Opposed? So ordered.

The hon. Minister of Justice and Attorney General.

Ms Redford: Thank you, Mr. Speaker. Seeing the hour and noting that we finished our business for the day, I would ask the House to adjourn.

[Motion carried; at 9:34 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]

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