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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

1:30 p.m.

Tuesday, November 25, 2008

[The Speaker in the chair]

Prayers

The Speaker: Good afternoon and welcome.

Let us pray. As we begin our deliberations in this sitting of the Legislature, we ask for the insight we need to do our work to the benefit of our province and its people and to the benefit of our country. Amen.

Please be seated.

Introduction of Visitors

The Speaker: The hon. Deputy Speaker.

Mr. Cao: Well, thank you, Mr. Speaker. I'm pleased to introduce to you and through you to all members of the House members of the Canadian Forces Liaison Council. The CFLC is active and effective in promoting the interests of Canadian Forces reservists with their civilian employers and academic institutions so that part-time soldiers, sailors, airmen and women may give full-time service to our nation at home and abroad. Members will know that hundreds of young Alberta reservists have volunteered in service in difficult and dangerous circumstances in Afghanistan.

Diane Colley-Urquhart is the deputy chair of the CFLC Alberta council. She is a prominent alderman on city of Calgary council. Bill Stephens, who is the vice-president of Edmonton operations for ATCO Gas, is a community leader. He has recently joined the CFLC. They are accompanied today by two Alberta reservists who serve and assist with Canadian Forces Liaison Council's good work in our province: Commander Mike Ervin, who is the CFLC's liaison officer in Calgary and is president of MJ Ervin & Associates, a petroleum industry consultancy, and Second Lieutenant Janet Stillwell, who is a CFLC administrative officer and is employed as a senior paralegal with the law firm Walsh Wilkins Creighton. Our guests are in your gallery, Mr. Speaker. I would invite them to rise and receive the warmest welcome from the House.

Introduction of Guests

Ms Evans: Mr. Speaker, I am absolutely thrilled today to introduce 48 students: two classes of French immersion students who have been decorating trees in the pedway and doing games in their French language in a way that has just dazzled the people that are hosting them today. They are accompanied by teachers Pamela Gravelle and Johanne Lapikas and parent helpers Scott Forester, Debby Laventure, Michelle Griffith, Laurie Kanerva, Vicki Hildebrandt, and Mary-Jane Alanko. I would ask now that the two classes of students from Our Lady of Perpetual Help, Sherwood Park, please rise and enjoy the warm welcome of our House.

The Speaker: The hon. Member for Leduc-Beaumont-Devon.

Mr. Rogers: Well, thank you, Mr. Speaker. It gives me great pleasure to rise and introduce to you and through you to all members of this Assembly some of the brightest and best students in all of Alberta. Today we are joined by a group of students from Linsford Park school in the city of Leduc. They are accompanied by teachers Mrs. Melissa Emmerzael and Mrs. Debbie Stephanson and teacher assistant Mrs. Debbie Howell and parent volunteers Mrs. Cindy

Stuehmer, Mrs. Chris Hepfner, Mrs. Diane Dewitz, and Mrs. Kathy Smigelski. I would ask that our guests seated in the public gallery rise and receive the traditional warm welcome of this Assembly.

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

Mr. Mason: Thank you very much, Mr. Speaker. I have two introductions today. First, I'd like to introduce a grade 6 class from Rundle school. These are very bright young people who've participated in the Legislature school and have passed a resolution, I understand, to allow people in grade 6 to vote in the next provincial election. I would ask them to rise along with their teacher, Mrs. Ng, and their counsellor, Mr. Spencer. I would like the Legislature to give them the traditional warm welcome of this Assembly because they will be voting in the next election.

For my second introduction it's a great pleasure to introduce to you and through you to all members of the Assembly the new sessional staff of the NDP opposition caucus. Mr. Speaker, we may have the smallest staff of any caucus in the Alberta Legislature, but I believe it to be very bright and very hard working, putting in endless hours to ensure that the Member for Edmonton-Strathcona and I are well versed and ready to respond to the range of issues which get presented in this Legislature, and that is no easy task. Seated in the public gallery is our director of communications, Brookes Merritt; our sessional researchers, Lauren Jervis and Gillian McPherson; and our administrative assistant, Cayley Burgess. I would ask that they rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Minister of Advanced Education and Technology.

Mr. Horner: Well, thank you, Mr. Speaker. It is indeed my pleasure to introduce to you and through you to members of the Leg. Assembly a group of dedicated and talented young aboriginal Albertans who are receiving financial awards under the aboriginal health careers bursary program. The program was developed to help aboriginal youth make a difference in their communities and in the lives of Albertans by supporting their career paths in the health care sector. While not all of the recipients are here today, we have four of them in the gallery. They are joined by Mr. Stuart Dunn, the manager of scholarship programs within my ministry. I will invite each recipient to stand as I call their name, and I would encourage my colleagues to hold their applause until we're done. With us today are Glen Armstrong, Josh Gillis, Daniel McKennitt, and Rebecca Sloan. I would like to offer my and the minister of health's congratulations and ask all of my colleagues to give them the warm welcome of this Assembly.

The Speaker: The hon. Minister of Seniors and Community Supports.

Mrs. Jablonski: Thank you, Mr. Speaker. Today it is my great privilege and honour to introduce to you and through you to members of this Assembly two people very important to me: my son and my son-in-law. They are both here today on their way home from doing some business up in northwestern Alberta. They've come to see question period. I'm very proud of the work that they do. They manage our family business, and just this month they were awarded the small business of the year award by the Red Deer Chamber of Commerce. They're in the members' gallery, and I would ask Tyler Corrigan and Jeremy Jablonski to stand and receive the warm welcome of the Assembly.

The Speaker: The hon. Minister of Tourism, Parks and Recreation.

Mrs. Ady: Thank you, Mr. Speaker. I'm pleased to be able to introduce to you today the chair and the vice-chair of the new Travel Alberta board of directors. Quincy Smith of Calgary has been a lawyer for more than 35 years and has extensive experience serving on boards such as the Calgary Exhibition and Stampede and the Calgary Airport Authority. Bob Normand of Edmonton, the vice-chair, has more than 35 years of banking management experience and is the retired president and CEO of the Alberta Treasury Branches. He has also served on many boards, including as vice-chair of the Conference Board of Canada. Quincy's and Bob's experience will be invaluable on the board and will also help to ensure that Travel Alberta has a smooth transition into a legislative corporation. I'm delighted to have both Quincy and Bob with us today, and I would ask that they rise and receive the warm welcome of this Assembly.

Members' Statements

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

Crohn's and Colitis Awareness Month

Mr. Denis: Thank you very much, Mr. Speaker. It's with great pleasure today that I rise to acknowledge a month that has almost just passed, November, as Crohn's and Colitis Awareness Month. The goals of Crohn's and colitis awareness are to change community perceptions and attitudes toward inflammatory bowel disease, or IBD, reduce the stigma, and have IBD recognized as a chronic disease within federal, provincial, and territorial chronic disease strategies and frameworks.

1:40

Mr. Speaker, IBD affects more than 200,000 Canadians and causes an incredible burden on patients, their families, and Canadian society. In fact, the cost of IBD in Canada is more than \$1.8 billion per year, which includes direct medical costs and indirect societal costs. Specifically, the average direct cost per person with IBD is more than \$9,000 per year.

Overall, Canada has among the highest reported prevalence and incidence of IBD in the world. IBD is more common than multiple sclerosis or HIV and is as common as epilepsy or type 1 diabetes. Currently there is no known cure, no cause, and little public understanding of the pain and chronic suffering that IBD patients cope with on a daily basis.

Mr. Speaker, in Alberta alone there are almost 22,000 people with IBD. This represents 11 per cent of the total number of Canadians based on the 2008 estimate in their report. At the same time Alberta is home to 30 per cent of IBD research the CCFC is funding this year, reflecting local research and excellence for commitment to finding a cure for this disease. I would like to commend the Crohn's and Colitis Foundation of Canada for their tireless dedication to the fight against Crohn's disease and ulcerative colitis.

Thank you very much.

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

Alberta Fish and Game Association

Mrs. Sarich: Thank you, Mr. Speaker. I am pleased to rise today to honour the Alberta Fish and Game Association as they celebrate their 100th birthday with the launch this week of their book *Conservation: Pride and Passion*. The Alberta Fish and Game

Association is Alberta's oldest and largest conservation organization, with approximately 17,000 members in over 100 clubs province-wide. These members are Alberta's hunters, fishers, and trappers and are some of the most committed supporters of conservation of our fish, wildlife, and environment.

One member, Mr. Tony Ferguson, is my constituent and has been involved in the co-ordination of this 100-year celebration. It is individuals like Tony who thoroughly understand the importance of our natural environment, not only to Alberta's present beauty and attraction, but also to its history.

The association's members know, Mr. Speaker, because collectively they have been a big part of this history for a century. The first project was in 1908, when local hunting and fishing clubs assembled and began working towards enhancing the local wildlife. In the 1930s they were instrumental in the development of Ducks Unlimited in Alberta, a wetlands and waterfowl conservation group. Throughout the 1940s the Alberta Fish and Game Association was a key player in establishing provincial wildlife protection legislation.

Mr. Speaker, this group represents individuals who have been a fundamental part of Alberta's cultural, economic, and social development. This contribution is demonstrated in their book *Conservation: Pride and Passion*, which celebrates the 100 years of their efforts, documenting their history and highlighting Alberta's tremendous beauty in countless photographs.

With Bill 201, the Hunting, Fishing and Trapping Heritage Act, which was passed earlier this year in the spring, the rights of our hunters, fishers, and trappers are protected such that they can continue these traditions in the coming years.

Today I stand before the Assembly to celebrate this organization's past, present, and future. Thank you, Mr. Speaker.

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

Ukrainian Shumka Dancers

Mr. Elniski: Thank you, Mr. Speaker. On Saturday, November 22, I attended the Shumka Ukrainian dance gala at the Jubilee Auditorium. Shumka is a cultural icon in Edmonton and in Alberta. Colin MacLean, himself a local cultural icon, says there are three acts in Alberta that, as they say, if they can make it here, they can make it anywhere. They would be Ian Tyson, k.d. lang, and Shumka. It's truly outstanding to have such a prominent cultural icon within my constituency of Edmonton-Calder, a group whose voice is reflective of 300,000 individuals of Ukrainian descent living in Alberta today. Through dance and art Shumka is able to help the province strengthen these ties.

The Shumka School of Dance also provides a great service to Alberta's youth. Dance and after school activities like clubs and team sports help keep Alberta's young people off the streets and in a program that encourages responsibility, commitment as well as creativity and individuality.

The reason I was in attendance at the gala on Saturday was to acknowledge Shumka's recent receipt of a \$75,000 grant from the Ministry of Culture and Community Spirit and also, I might add, to enjoy the auctioneering stylings of a long-time Shumka supporter, the hon. Member for Edmonton-Mill Creek.

Recently I visited several other dance groups within the constituency, Vinok and Viter Ukrainian dance, to deliver greetings and to also make presentations to their organizations. It has been truly outstanding to see the number of young participants within these groups, the level of enthusiasm among them, and the dedication they all share. Simply put, dance is a very, very good activity for

Alberta's youth. I'm happy to be part of a government that chooses to recognize and support these incredible organizations.

Thank you.

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

Violence against Women

Dr. Swann: Thank you, Mr. Speaker. Today marks the International Day for the Elimination of Violence against Women. December 6 is Canada's National Day of Remembrance and Action on Violence against Women. Between these dates men working to end violence against women will conduct their White Ribbon campaign, the largest effort in the world of men working to end such violence.

The movement began here in Canada in 1991, two years after the terrible massacre of women at École Polytechnique in Montreal. The original handful of men enlarged the scope of their campaign to 100,000 men across Canada, each of them wearing a white ribbon to declare their opposition to violence against women. Now the campaign spans 55 nations, led by both men and women, with a focus on education, in my view the first and most important step when it comes to changing social mores. The White Ribbon campaign spreads the message to men and boys that violence against women is completely unacceptable. The white ribbon is a personal pledge to never commit, condone, or remain silent about violence against women and girls. It's a way of saying: our future has no violence against women.

The campaign challenges everyone to think about their own beliefs, language, and actions with regard to physical, sexual, and emotional violence. It's a source of great shame to humanity that today in every nation on earth violence against women still occurs every single day. Alberta has a particularly high rate of family violence. It places extra responsibility on all of us in the Legislature to help change this reality.

The White Ribbon campaign offers hope for a better future. Mr. Speaker, I encourage men and boys of all ages and walks of life to get involved in this important educational effort beginning at the organization's website at www.whiteribbon.ca.

Thank you.

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

Violence against Women

Mr. Rodney: Thank you, Mr. Speaker. Perhaps all of us from every corner of this House, indeed from every corner of this province may approve of this message. I rise today to encourage all of our colleagues and, indeed, all Albertans to wear white ribbons today in commemoration of the International Day for the Elimination of Violence against Women. I humbly request all members and all Albertans to reflect on the devastating effects of violence committed against women across the province as well as what each of us can do, individually and together, to help stop it.

The White Ribbon campaign is the world's largest effort by men to end violence against women. Origins date back to 1991, but the initiative has evolved with the times. Now both men and women demonstrate their support and challenge us to actively speak out against violence. Mr. Speaker, no one should have to be part of a violent relationship in which they feel threatened or insecure, and no child should ever have to grow up watching a parent being abused. Every single one of us has a role and a responsibility to never commit or condone or remain silent about violence.

There is good news, however, Mr. Speaker. By continuing to work together, government, communities, families, and individuals

can indeed protect families. While violence prevents our children and families from fulfilling their full potential, strong families can build strong communities. Together we can do our part to end the silence and stop the violence.

Thank you, Mr. Speaker.

Oral Question Period

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

Alberta Health Services Board

Dr. Taft: Thanks, Mr. Speaker. This government's reorganization of Alberta's health care system is hasty, rash, and poorly thought out. This minister launched staggering and expensive changes before he had a plan in place. Actions are being taken without being properly thought through. To the Minister of Health and Wellness. Every health region is required to have conflict-of-interest policies. What policies on conflict of interest has this minister implemented for the new Alberta Health Services, or are those policies yet to be put in place?

Mr. Liepert: Well, Mr. Speaker, the hon. member is correct in saying that the existing health boards had conflict-of-interest rules in place. Those conflict-of-interest rules simply carried through to the new board members, and they are currently looking at how they can in fact even strengthen those conflict-of-interest rules.

The Speaker: The hon. leader.

Dr. Taft: Well, thank you. Again to the minister of health: when the minister's election campaign manager headhunted members for the board of Alberta Health Services, did he review these appointees for conflicts of interest?

1:50

Mr. Liepert: It's my understanding, Mr. Speaker, that it was something that was very clear at the outset, that we needed to do thorough reviews of involvement of potential board members. I'm presuming that in the hon. member's supplementary he's going to come up with an example, and if he does, I'd be happy to hear it.

Dr. Taft: Well, I'll be making the minister very happy in a moment, Mr. Speaker.

To the same minister: is the minister himself aware of any conflicts of interest among the recently appointed members to Alberta Health Services?

Mr. Liepert: No.

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

Dr. Taft: Well, Mr. Speaker, in a case I was involved in last year, the Ethics Commissioner ruled that being involved in government decision-making and at the same time owning shares in Stantec is a conflict of interest. I will table that ruling, which specifically names Stantec. To the minister of health: doesn't the minister understand that there is an obvious conflict of interest when the CEO of a company that is a contractor for the Mazankowski hospital, the Royal Alex, and the Peace Country regional health centre is put on the Alberta Health Services Board? Isn't it obvious to this minister?

Mr. Liepert: Well, Mr. Speaker, I'd be very happy to have the board member meet with the new Ethics Commissioner if that is the desire. You know, if we really took it to the extreme relative to everyone who had dealings with the Alberta health system, we could probably find a potential conflict of interest, based on this member's judgment of conflict of interest, with almost every Albertan, some Liberals excluded.

Dr. Taft: We have a written ruling from the Ethics Commissioner, Mr. Speaker.

Again to the same minister: why did the minister not think before he jumped so that there were systems in place to handle serious conflicts of interest such as this that are bound to emerge from placing the whole of Alberta's health system under one board? Why did he act so rashly?

Mr. Liepert: Mr. Speaker, if I heard the member correctly, he is stating that there is a conflict of interest. What there is, in fact, is a disagreement that there's a conflict of interest because I hardly believe that someone out there who happens to own shares in a company that had some dealings with government at some point in time is in a conflict of interest. But, as I said, I'd be happy to have the Ethics Commissioner look at all of the board members and meet with the members of the Alberta Health Services Board if it will satisfy the member.

Dr. Taft: This isn't hypothetical or about the past. This is the CEO of a company doing multimillion-dollar deals with this government this year.

To the minister of health: will this minister do the right thing and suspend the appointments to the Alberta Health Services Board until a clear conflict-of-interest procedure is in place and approved by either the Ethics Commissioner or the Auditor General? Will he do the right thing?

Mr. Liepert: I will do the right thing; that is, do what we've been doing and proceed with making our health care system more effective, more efficient, and accessible to Albertans.

The Speaker: Third Official Opposition main question. The hon. Member for Edmonton-Centre.

Provincial Fiscal Strategy

Ms Blakeman: Thank you. Mr. Speaker, in light of the economic downturn all kinds of organizations are reviewing their spending priorities. General Motors, for example, cancelled its deal with Tiger Woods. Well, just like golf is not a core business of a car maker, golf is not a core business of government. To the President of the Treasury Board: will this minister order a halt to the millions of dollars in grants it gives to golf courses before it begins cuts to core programs like universities and health care?

Mr. Snelgrove: Well, Mr. Speaker, I'm sure going to cut down my relationship with Tiger Woods based on what she says because that was really getting in the way of Alberta politics, what GM was doing with Tiger. It'll be a lot better.

Mr. Speaker, the opportunities that all members have, that all Albertans have to access funds through the community lottery boards for things they think are important to their groups or their community and to the communities we all live in, to the quality of life issues we talked about as a government, are critically important, and they do not detract from the funding to health care and other important programs.

The Speaker: The hon. member.

Ms Blakeman: Well, thank you very much. Mr. Speaker, given that people want reassurance that the government has a strategy to position us well through this financial storm, I'll ask the minister of finance: if the government won't run a deficit budget and it won't cut programs and it won't save any money, what exactly is the government's plan?

Ms Evans: Mr. Speaker, we have never said that we wouldn't save any money. We have in fact identified here that we've saved \$6.7 billion since 2004, and we have a sustainability fund of \$7.7 billion. I have indicated in this House that we would have an investment and savings strategy before the end of this fiscal year.

Ms Blakeman: As the question was not answered yesterday, I'll repeat it again today. Is the government considering a hiring freeze as part of its strategy to deal with the economic downturn?

Mr. Snelgrove: Mr. Speaker, our budgets are an ongoing process. We are in the middle of doing core reviews of every department in government. We have probably one of the most innovative human resource departments in this country, and we will regularly reallocate people from department to department or give them training to upgrade them and find them another spot in the government. The work that has to be done will continue to be done. If there are positions that need to be filled, they'll be filled. If there are areas of redundancy, then we can let people reallocate, take an early retirement, or move on. That's just the way government works.

The Speaker: The hon. Member for Edmonton-Highlands-Norwood, followed by the hon. Member for Cardston-Taber-Warner.

Alberta Health Services Board

(continued)

Mr. Mason: Thanks very much, Mr. Speaker. Last Thursday the minister of health rose in this House and revealed what most Albertans would consider to be confidential information about an applicant to the health board. Yesterday the minister refused to apologize and attempted to justify his actions. I'm left with a number of questions regarding the applicants and the hiring process. My question to the minister is: will you confirm or deny that the immediate past Premier was also among those who applied for a position on the superboard and that he was also not among the best candidates? If not, why not?

Mr. Liepert: Mr. Speaker, I have no knowledge of that because, unlike the individual that the member refers to, I did not have a personal conversation with the former Premier. If I would have, he would not have voluntarily told me that he was going to apply and that the discussion was not in confidence.

The Speaker: The hon. member.

Mr. Mason: Thanks very much, Mr. Speaker. Well, given that the person who led the selection process was the health minister's election campaign manager, can the minister tell us what knowledge he did have about who applied and who was selected? Is the minister telling the House that he had no knowledge whatsoever about any of the applicants and that he did not approve or adjust or vet the list of people who were being considered?

Mr. Liepert: Mr. Speaker, the search firm dealt with some 400 individuals who either applied to newspaper advertisements or were recommended by others who were contacted through the search process. My information is that some 70 interviews were conducted. I was provided, as the contract laid out, with a short list of candidates. We then selected the candidates that have come forward, and the member is obviously aware of who those 15 members are.

The Speaker: The hon. member.

Mr. Mason: Thanks very much, Mr. Speaker. Well, can the minister tell us, given that the board of 15 members has only one health care professional, that there were no other health professionals on the short list which he saw? Will the minister tell us which people with medical experience applied that were on the short list which he saw and were not identified among the best candidates? If not, why not?

Mr. Liepert: Mr. Speaker, I'm not going to get into discussing who was on the list and who wasn't on the list. The only individual that I discussed was the individual who told me that he was going to apply and said that the discussion was not in confidence, and that's the end of that discussion.

The Speaker: The hon. Member for Cardston-Taber-Warner, followed by the hon. Member for Calgary-Currie.

Agricultural Fertilizer Prices

Mr. Jacobs: Thank you, Mr. Speaker. Some of my constituents who are involved with agriculture have expressed concern over high input costs while dealing with fluctuating commodity prices. In particular, they have noted frustration that fertilizer prices in Alberta are higher than in the United States. Can the Minister of Agriculture and Rural Development confirm that it is true that our Alberta producers are paying more for fertilizer than their U.S. counterparts, and if so, why?

2:00

Mr. Groeneveld: Mr. Speaker, pricing of fertilizer, of course, is linked to the area where most fertilizer is manufactured, which is in the Gulf of Mexico and the southern U.S. Because of distance transportation costs are a factor; however, prices are comparable in the U.S. northern plains region to us and other provinces. The U.S. exchange rate, of course, is also a factor, but since Canadian distributors service a much smaller market, we certainly cannot achieve the economies of scale that the U.S. does. So depending on how you look at it, fortunately or unfortunately, the prices are market driven.

Mr. Jacobs: Mr. Speaker, many of my producers feel like the main problem is the lack of competition in the fertilizer business and dealerships in Alberta. Would the minister confirm whether that's true or not?

Mr. Groeneveld: Well, Mr. Speaker, as I said, all the prices are market driven and influenced by supply and demand. Producers certainly can maximize the benefits of their fertilizer through improved crop management, including soil testing, crop rotation, and crop choices. Our ministry has an excellent free online program called AFFIRM, which helps producers increase efficiency of the fertilizer. Our agriculture experts also provide additional guidance and information. On a positive note, commodity prices are projected to rise, and normal yields should make crop production more profitable again.

Mr. Jacobs: Again to the same minister: what kind of support is available for producers who are struggling with these high input costs?

Mr. Groeneveld: Well, Mr. Speaker, Alberta has one of the best production insurance programs available anywhere in Canada, so it certainly helps offset losses when they occur. Together with the federal government we also offer support through the AgriStability program. Our ministry certainly also has business management programs that help producers develop plans to advance and diversify their agriculture businesses.

The Speaker: The hon. Member for Calgary-Currie, followed by the hon. Member for Strathmore-Brooks.

Cancer Treatment Drug

Mr. Taylor: Thank you, Mr. Speaker. Two constituents of mine have a 38-year-old son who is fighting stage 4 colon cancer. His doctors at the Tom Baker cancer centre have put him on the drug Avastin. In combination with chemo Avastin not only helps prevent tumours from growing and spreading to other parts of the body but actually contributes to tumour shrinkage. The problem is that Avastin costs \$2,000 every two weeks. To the Minister of Health and Wellness: since this is more money than my constituent's son and his wife bring home, can the minister tell this House whether he will consider funding Avastin as it is now in most Canadian provinces?

Mr. Liepert: Well, Mr. Speaker, first of all, let's make it very clear in this Assembly that people who have cancer would want to try and do whatever they could to ensure that if it's not a treatment for it, it certainly makes their lives more bearable. We have had the drug reviewed by the committee of physicians that deals with Alberta cancer, and they have concluded that it should not be covered under the drug plan.

The Speaker: The hon. member.

Mr. Taylor: Thank you, Mr. Speaker. That was a couple of years ago.

I wonder if the minister could please explain the process by which these highly expensive cancer-fighting drugs like Avastin can be reconsidered for provincial funding, and can he tell us where or whether Avastin is in the queue for review?

Mr. Liepert: Well, Mr. Speaker, there is a process to ask for it to be reviewed. I need to make it clear that a number of colleagues have asked me about the same issue. What needs to happen is that there needs to be another request by the physicians to have it reviewed. I have taken it upon myself to see if we couldn't get that process under way.

Mr. Taylor: Excellent, Mr. Speaker. I thank the minister for that.

You know, it hardly seems fair that my client could get Avastin for free in the provinces on either side of us, but here in Alberta he faces what fundamentally amounts to a choice between financial ruin and certain death. To the minister: when can we expect a proper catastrophic drug plan for the people of Alberta?

Mr. Liepert: We will hold to our commitment in our nine-month action plan that we would be bringing forward a pharma strategy, and that nine-month plan expires on the 15th of December.

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

Alberta Farm Recovery Plan

Mr. Doerksen: Thank you, Mr. Speaker. Earlier this year the Minister of Agriculture and Rural Development announced \$300 million in funding for livestock producers as part of the livestock and meat strategy. Livestock producers understood that that payment would come to them in two equal sums. Recently it's been announced that the first payment was significantly higher than earlier anticipated. Can the minister of agriculture assure livestock producers that the second payment will in fact be equal to the first payment? That's important to livestock producers facing high input costs at this point.

Mr. Groeneveld: Mr. Speaker, \$300 million was approved, and \$300 million will be distributed to Alberta producers. To date we've paid approximately \$190 million; \$110 million remains available for the second instalment. The first instalment, \$40 million more than expected, was provided to producers. This, of course, means that even more Alberta producers were able to benefit from the program. The remaining \$110 million will go to producers who actively participate in our livestock and meat strategy by age verifying and completing premises identification.

The Speaker: The hon. member.

Mr. Doerksen: Thank you, Mr. Speaker. To the same minister: what was the basis of the original estimate, and is anything being done to try to maximize the return to producers from this second payment?

Mr. Groeneveld: Mr. Speaker, AFRP 2 was based on enrolment information from the AgriStability program. Producers who are not part of AgriStability are still eligible for AFRP 2. Because additional producers came forward, this government was able to provide even more support to Alberta livestock producers. We have about 4,000 new participants and about 5,000 existing producers who revised their information, resulting in higher payments.

The Speaker: The hon. member.

Mr. Doerksen: Thank you, Mr. Speaker. Again to the same minister. I think the fact that there are a significant number of livestock producers not enrolled in CAIS raises a flag with regard to their confidence in that program. Is anything being done to improve that program? It clearly doesn't have broad support in the agriculture community.

Mr. Groeneveld: Well, Mr. Speaker, that is a good question. Alberta has been working hard to improve the CAIS and AgriStability programs. Because of this we have among the highest participation rates in the country. There is currently a national review of the business risk management programs, and we continue to work with the federal government to make improvements. Alberta currently is piloting an alternative, margin-based program that could replace AgriStability. We share producers' concerns that AgriStability needs to be simpler, more responsible, and certainly more bankable.

The Speaker: The hon. Member for Calgary-Mountain View, followed by the hon. Member for Battle River-Wainwright.

Oil Refinery Waste Water

Dr. Swann: Thank you, Mr. Speaker. My questions are for the Minister of Environment. At least two refineries on the North Saskatchewan River draw fresh water and still inject hundreds of millions of litres of waste into the rock formations beneath each month. This is not allowed in most jurisdictions in Canada or in North America. There are potential serious health and environmental side effects, especially on this major waterway. To the minister: why is the government not requiring oil refineries to treat all waste from the refinement process and then return the treated water back to the hydrological cycle?

Mr. Renner: Well, Mr. Speaker, the member is referring to the practice that does in fact exist. There is deep injection in a number of sites throughout this province. It's not unique to any oil and gas producing area. There are deep geological formations that are appropriate for the injection of these kinds of waste materials, and to my understanding that's indeed what happens.

The Speaker: The hon. member.

Dr. Swann: Thank you, Mr. Speaker. The current method of deep injection into underground rock formations has been used for decades and primarily because it's cheaper. Not all companies actually adhere to it. They do the right thing. New treatment technology exists. Now, can the minister explain why we're not using best available technology to clean up this refinery waste water?

Mr. Renner: Well, Mr. Speaker, I would argue with the member that, in fact, it is better from an environmental perspective to put these products back where they came from than to clean them up and then give an opportunity for members like this one to come back to the House, claiming that we're not cleaning them well enough before we put them into the river. I would rather have these products put into safe, deep injection sites than to attempt to clean them up and then find them in our freshwater system on the surface.

2:10

Dr. Swann: Mr. Speaker, this is the top cop on groundwater. Our existing directive says we will treat where we can treat and not inject without proper treatment. Why is this government allowing this decades-old refinery to continue this unsafe, unhealthy practice?

Mr. Renner: Mr. Speaker, this is not groundwater. We're not talking about groundwater. We're talking about deep injection. We're talking about putting this product back in the same sites where oil and gas come from. This is deep geological formations that are absolutely safe. It's got nothing to do with groundwater. It's got nothing to do with freshwater.

The Speaker: The hon. Member for Battle River-Wainwright, followed by the hon. Member for Edmonton-Centre.

Water for Life Strategy

Mr. Griffiths: Thank you, Mr. Speaker. Water is critical to the future success of this province; in fact, more important than any other resource the province has. It's particularly important to the constituents of Battle River-Wainwright because we have the only river that's not glacially fed and we have regular, cyclical droughts. The Water for Life strategy was one of the most celebrated documents we've ever had in my constituency, but I see that the docu-

ment has been renewed. My questions are to the Minister of Environment. Why did we need a renewal? What's new? What's different that will help the province better manage our water resources?

Mr. Renner: Mr. Speaker, I've indicated that there is nothing that is exceptionally new about this document; however, it's been in place for five years. It was appropriate that we review the document to make sure that it's still appropriate, and what we've done is reinforce the many partners that we have to ensure that our watersheds remain at a high state. We've established the Water Council and the watershed planning groups. There are 415 locations that are currently in place and monitoring groundwater throughout the province. We have plans to increase that over time as well.

The Speaker: The hon. member.

Mr. Griffiths: Thank you, Mr. Speaker. Israel is one state in the world that probably utilizes its water resources better than any other jurisdiction. That's not done just because the government takes effective measures to utilize resources but because the people in that state recognize the need for water conservation. Now, to make Albertans understand the importance of water conservation, what is the minister planning on doing to educate them and to ensure that they put water conservation practices into use in every household in Alberta?

Mr. Renner: Well, Mr. Speaker, there are a couple of things that I would suggest to the member need to come into play. One is a mindset, and we're establishing that mindset. I talked last week in Calgary about how Albertans are finally starting to clue in to the fact that this is not an unlimited resource. We also have to look at the way we establish building codes in this province and ensure that, for example, the absence of grey water recycling in this province, in my opinion, should come to an end. That needs to be accomplished through changes in the building code.

The Speaker: The hon. member.

Mr. Griffiths: Thank you, Mr. Speaker. Well, nothing really happens, nothing grows and proceeds without knowledge and information, and those always come from research. Water is no different. So when it comes to establishing best practices and new practices, we need more research. To the Minister of Advanced Education and Technology: since your department is thoroughly responsible for the research that occurs, what are you doing to help ensure that this Water for Life strategy is effective and utilized to its maximum?

The Speaker: The hon. minister.

Mr. Horner: Thank you, Mr. Speaker. Several initiatives are under way currently as it relates to the Water for Life strategy that we started many years ago, as the hon. member mentioned. Just about two weeks ago we opened at the University of Lethbridge the Alberta Water and Environmental Science Building, which we committed \$22 million for, a globally leading state-of-the-art facility that will be doing research on water and Water for Life. Last year we established the Alberta Ingenuity Water Research Institute, and that institute is already bearing fruit in a partnership with General Electric, which we hope will help us see a 30 per cent reduction in water usage in the oil sands and SAGD projects.

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

National Securities Regulation

Ms Blakeman: Thank you, Mr. Speaker. The federal government claims it will work with the provinces to put in place a common securities regulator. The passport system is not regarded as enough to ensure our global financial competitiveness. A national securities regulator has been described as a national imperative, but there is still a position by some provinces, including Alberta, to support a single securities regulator. My question is to the minister of finance. What explanation does the minister have for maintaining an opposition to a national securities regulator?

Ms Evans: Thank you very much for the question. For several decades the junior oil and gas companies in Alberta maintained that they would never have been able to enrol and get the capital they've been able to access by having their own Alberta securities regulator, and when you talk to them and many other people knowledgeable in the financial matters of conducting securities in this province, still they would agree. In Alberta we take 27 per cent of the investment for securities right within this province, and we do so in a passport system that's co-operative with all other provinces.

The Speaker: The hon. member.

Ms Blakeman: Thank you very much. I appreciate the minister's answer. But does the minister recognize the obstacles that global investors are faced with when they have to deal with 13 different security regulators across Canada?

Ms Evans: Mr. Speaker, that is not insurmountable. When I was in New York last year I met with the American people that have been most involved in dealing with Canadian securities, indeed with Alberta securities. They advised me that we are more efficient and more effective here with our present passport system than many other countries that would have a single regulator. The definition of single regulator does not ensure an efficient, solid management system. In reality there are four very active regulators – Ontario, Quebec, British Columbia, and Alberta – with Manitoba having a portion of the investment strategies.

The Speaker: The hon. member.

Ms Blakeman: Thank you very much. To the same minister: given that Quebec has signalled, well, threatened to take the federal government to court if a national securities regulator is implemented, will Alberta be following suit?

Ms Evans: Mr. Speaker, the Quebec delegation, indeed the Quebec minister, takes this as an affront constitutionally. If Alberta were to undertake such a position, obviously, the Minister of Justice, the Premier, and the Deputy Premier in discussion with other department officials would have to help us determine what the strategy would be.

I think that rather than talking about all the negatives around the situation, I should simply point out that the way that we have been co-operative, indeed leading, in various policies dealing with securities, we should take advantage of the really solid securities system that we have here in Alberta.

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

Development in Fort McMurray-Wood Buffalo

Ms Notley: Thank you, Mr. Speaker. Two and a half years ago more than 500 Albertans made submissions to the oil sands advisory committee with the hope that their concerns would be addressed by government and that there would be action. Well, so far there sure hasn't been. There's an environmental crisis in Wood Buffalo, and worldwide concerns over dirty tar sands are growing. To the President of the Treasury Board: why haven't you addressed the crisis by releasing the strategic plan for the Fort McMurray-Wood Buffalo region?

Mr. Snelgrove: Mr. Speaker, we formed the oil sands working secretariat just over a year ago. We brought in a very capable person that was familiar with the issues in Fort McMurray, and we started to work with all the government departments involved in delivering services to the Wood Buffalo area. We met with the regional municipality of Wood Buffalo and the different stakeholders in the group, and we've put together a comprehensive plan for sustainable development of the oil sands working group. When the hon. member says that nothing has been done, she's either being naive or is just ignoring the facts. We have invested in Fort McMurray hundreds of millions of dollars to work with them in developing . . .

The Speaker: The hon. member.

Ms Notley: Thank you, Mr. Speaker. In fact, there have been consultations and meetings going on for almost three years at this point, and your own website said that you would have a strategic plan released by this fall. Well, it's fall; we're still waiting; it's not there. Today's families in Fort McMurray are waiting for doctors, daycares, safe roads, safe schools. To the same minister: why haven't you met your commitment on releasing that report?

Mr. Snelgrove: Mr. Speaker, the other thing that this Premier has committed this government to and that's absolutely essential is that all aspects of government are on the same page as we go forward, especially around issues as serious and as important as the sustainable development both environmentally and economically in Wood Buffalo. We are working with the ministers of Energy, of Sustainable Resource Development, and Environment so that the document is comprehensive enough in nature to show the broad effect that government is challenged with in producing that tremendous resource.

Ms Notley: Well, Mr. Speaker, this process has been under way for three years. This minister has missed his own deadline, and he's living up to this government's reputation for bungling things in good time. The people of Wood Buffalo need a clear plan for their region's healthy development. They need the uncertainty to stop. Why are they still waiting for this government's plan to be released?

2:20

Mr. Snelgrove: You know, thank goodness, Mr. Speaker, the people that I deal with in Wood Buffalo have a far more positive attitude about what's going on than someone who really doesn't understand the entire consultation process. You don't just talk with them and bring out a plan. We've met; we've continually upgraded. The plan is nearly ready. It will be in sync with the other long-term plans we're bringing forward. I think that anyone out there right now would realize that two years ago the news was full of issues around the development in Fort McMurray. Since we've been working very, very co-operatively with the regional municipality of Wood

Buffalo, things have taken a very orderly and dependable development. I'm sure that up there they appreciate the taxpayers' money.

The Speaker: The hon. Member for Airdrie-Chestermere, followed by the hon. Member for Calgary-Currie.

Provincial Fiscal Strategy

(continued)

Mr. Anderson: Thank you, Mr. Speaker. The federal government is openly musing about going into deficit, using the economic downturn as an excuse for doing so. My question is to the hon. President of the Treasury Board. Is the provincial government categorically committed to continually not running budget deficits regardless of the length or severity of the current world economic downturn?

Mr. Snelgrove: Mr. Speaker, our financial circumstances are substantially different from the federal government's. The Prime Minister doesn't have a sustainability fund that he was able to put away. Our Premier has committed that we will do what's right for Albertans. He has said that a budgeted deficit would be the last thing we'd want to do. Given the prudent spending and the fact that we are able to make the tough decisions when we need to make the tough decisions, I would suggest that it would be a long time before Albertans would need to see a deficit budget.

Mr. Anderson: Mr. Speaker, if then Finance Minister Paul Martin had kept his promise in 2000 to cap government spending increases to the rate of inflation plus growth, the federal government would be expecting a \$43 billion surplus this year. If Prime Minister Harper had committed to the same in 2006, that surplus would be \$13 billion this year, and these numbers take into account this year's decreasing federal revenues. To the same minister: is this government prepared to avoid the same deficit scenario facing the federal government by capping overall increases in government spending at the rate of inflation plus growth?

Mr. Snelgrove: Mr. Speaker, it probably won't come as a surprise to anybody in this House that some federal Prime Ministers never kept their promises. It was a shock, I'm sure, that they didn't.

If balancing their budget comes at the expense of provinces by simply scaling back transfer payments, what have they really accomplished? They've just downloaded the costs onto the provinces. The Premier initiated the MSI, which would give stability to communities and municipalities. If it's just to make us feel better to say, "Well, we'll just cut back on unnecessary spending commitments" – it's not the right way to go, but it's probably the only way the federal government has to go. Is growth plus inflation a laudable target? Absolutely unless inflation takes off. Then if all the governments that wanted to go into deficit financing started to borrow money, there could be a real possibility you couldn't afford to fund at growth plus inflation.

Mr. Anderson: To the same minister: what is your ministry specifically doing now to bring down the rate of annual government spending increases over the next several years?

Mr. Snelgrove: I think I'm tied with my wife on saying no this last year.

Mr. Speaker, we initiated several appropriate core value undertakings. The Premier has set up a working group where ministers are required to come together and tackle issues on a cross-government

basis. It's about identifying issues and attacking issues on a provincial basis as opposed to just letting departments do it. We pride ourselves, I think, in Alberta on having the innovation, the ability, and the ingenuity to be where Albertans want to go and not necessarily where they are now.

The Speaker: The hon. Member for Calgary-Currie, followed by the hon. Member for Lethbridge-West.

Carbon Capture and Storage

Mr. Taylor: Thank you, Mr. Speaker. Many questions remain over the decision by this government to invest 2 billion tax dollars in carbon capture and storage in uncertain economic times. Leaked documents indicate that this technology will not be overly useful an application in the oil sands, a major contributor to greenhouse gas emissions. To the Minister of Environment. Yesterday he indicated that in no way was "100 per cent of this \$2 billion . . . going to be dedicated to reducing CO₂ from the oil sands." So can the minister tell us what the percentage distribution will be between the oil sands and other applications?

Mr. Renner: Mr. Speaker, first of all, let's be very clear that CCS is a viable technology that is recognized around the world. That same so-called leaked document the member refers to also says that "there are no technical barriers to CCS," and then it goes on to say that "the focus should be . . . a few commercial-scale fully integrated demonstration projects by 2012-2015." Well, Mr. Speaker, I think that's exactly what we're doing. We're putting into play three to five projects that, as we speak, are being reviewed. Once those projects have been chosen, I'm sure the member will be getting the answer to his question.

The Speaker: The hon. member.

Mr. Taylor: Thank you, Mr. Speaker. Has the minister done any research into what percentage of carbon dioxide can be captured in its pure form and used for enhanced oil recovery or coal-bed methane extraction? Do we have any idea how much can be used for enhanced extraction?

Mr. Renner: Mr. Speaker, there are two ways that CO₂ can be captured. One is through a method of creating CO₂ as a by-product. We already have examples of that now in fertilizer plants, for example, here in Edmonton and in my own constituency of Medicine Hat and some of the other manufacturing sectors. There's also opportunity for gasification. For example, in the oil sands application it would be to take the bitumen bottoms, the coke that's left after an upgrader process, and gasify that product in much the same way as you would gasify coal. The off-stream of that is pure CO₂. There's a good example of how it would apply.

The Speaker: The hon. member.

Mr. Taylor: Thank you, Mr. Speaker. To the same minister. The FOIPed document clearly indicates that all long-term liabilities associated with CO₂ injection should rest with the government; in other words, ultimately, with the Alberta taxpayers. Has the minister done any risk management assessments of what the future liabilities for CO₂ injection could potentially be for Alberta taxpayers?

Mr. Renner: Mr. Speaker, Albertans have been drilling holes in the ground for decades. We've gotten very good at it, quite frankly. We

also have gotten very good at sealing off those holes. That's what CO₂ sequestration is all about: injecting back into the same geological formations where products came from and then sealing them off. Clearly, in all likelihood there is no difference in liability for CO₂ injection than there is for the hundreds of thousands of oil and gas wells that have been abandoned in this province.

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

Health Research

Mr. Weadick: Thank you, Mr. Speaker. My question is about a new research scientist that the Alberta government has brought to the University of Lethbridge from the United States through the Polaris award and the investment of \$20 million. To the Minister of Advanced Education and Technology. People have asked me: why is the province investing in health research rather than hiring doctors and nurses to shorten wait times and improve health care?

The Speaker: The hon. minister.

Mr. Horner: Thank you, Mr. Speaker. Twenty million dollars would probably fund our health care system for about half a day. The \$20 million that we're investing in research and the knowledge of health care and the knowledge of health care delivery could save us billions of dollars down the road, not to mention quality of care for all Albertans and, indeed, the world. That's really what research in the health care sector is all about: gaining knowledge, turning it into innovation, turning it into practice.

The Speaker: The hon. member.

Mr. Weadick: Thank you, Mr. Speaker. My first supplemental question is to the same minister. Who is the new researcher, and what are the benefits to Albertans of having this type of research done in our province?

The Speaker: The hon. minister.

Mr. Horner: Thank you, Mr. Speaker. The investment is the \$20 million Polaris award over 10 years. It is the foremost health research award in Canada. It's a very large investment in brain-power for our province. The inaugural recipient is the renowned Dr. Bruce McNaughton, who is in neuroscience. He's coming to us from the University of Arizona. He really is a superstar in the global research community. It's a great coup, actually, to bring him not only to Alberta but to the University of Lethbridge.

The Speaker: The hon. member.

Mr. Weadick: Thank you, Mr. Speaker. My second supplemental is to the same minister. It's no secret that our province is already home to many outstanding, world-class health researchers. How will the addition of Dr. McNaughton impact health research in Alberta?

Mr. Horner: Mr. Speaker, partly when we do these recruitments for researchers and partly what we're doing in our roles and responsibilities framework for research innovation is ensuring that we're aligning with our strengths. For example, when you take the Hotchkiss Brain Institute at the University of Calgary, which is going to be tied in with Dr. McNaughton's work, when you take the behavioural neurosciences group that is working at the University of Alberta, and you tie those things together, you build a cluster of

excellence in the research, which will breed more ideas, more outcomes. That's leveraging the \$20 million that we invested. It's a good investment on behalf of Albertans.

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

2:30 Athabasca River Water Quality

Dr. Swann: Thank you, Mr. Speaker. Questions about the effect of tar sands extractions over the years on the Athabasca River remain unanswered. Tailings ponds leaching for 30 years and waste-water spills of millions of litres into the river are facts, but according to the government there's no effect on the river. To the Minister of Environment: does the minister still believe that years of extraction have had no impact on the Athabasca River?

Mr. Renner: Mr. Speaker, I don't have to believe it. Scientific evidence indicates the same. We've been doing monitoring and testing of that river for at least 20 years, and there is no evidence to indicate that there is any change in that river that could be in any way attributed to leaking from tailings ponds.

The Speaker: The hon. member.

Dr. Swann: Thank you, Mr. Speaker. Can the minister tell us if his testing of the water quality in the Athabasca for polyaromatic hydrocarbons, arsenic, and mercury has indicated that there's been no change or increase since the activities in the '60s with the oil sands?

Mr. Renner: Mr. Speaker, unless the member has evidence to the contrary, that is my understanding of what the monitoring has indicated, that there has not been any change that is beyond any kind of error factor that would result from the technical ability to do the measurement.

The Speaker: The hon. member.

Dr. Swann: Thank you, Mr. Speaker. My final question, to the minister of health. Last term I asked the minister if he was aware of any research showing evidence that the mixture of polyaromatic hydrocarbons, arsenic, and mercury can have any health impacts. Does the minister yet have any information on the health impacts of this mixture of contaminants?

Mr. Renner: Mr. Speaker, I'm not aware of specific information that has been made available to me. I will of course check with my department and advise the member if such information exists.

The Speaker: The hon. Member for St. Albert, followed by the hon. Member for Calgary-Buffalo.

Property Tax Assessments

Mr. Allred: Thank you, Mr. Speaker. My question is to the hon. Minister of Municipal Affairs. With the economy the way it has been in the last few years, there have been large swings in the value of real estate, which is then reflected in the market value assessment and, in turn, municipal property taxes. This has been a major burden for many homeowners on a fixed income. Has the minister considered the possibility of allowing municipal assessors to create a three-year moving average for market value assessment?

The Speaker: The hon. minister.

Mr. Danyluk: Well, thank you very much, Mr. Speaker. The market value assessment is widely considered to be the fairest system of property taxation. Many jurisdictions believe that it is the best system available, and it is the most widely used in North America. Also, by doing assessments every year, you get a more accurate assessment on current market values.

Mr. Allred: Well, Mr. Speaker, the question wasn't to eliminate or change market value assessment. It was merely to average it over a three-year period. We still would propose to do market value assessment but average it over three years and assess the property taxes on that basis.

Mr. Danyluk: Well, Mr. Speaker, I think I did answer the question at the end of my comments in saying that by doing assessments every year, our ministry very much believes that you get a more accurate assessment based on the current market values of that year.

Mr. Allred: Mr. Speaker, my last supplemental: has the minister considered a plan of property tax deferral for senior citizens such as is in place in British Columbia?

Mr. Danyluk: Well, Mr. Speaker, we're not considering a deferral at this time. However, the government does support seniors when it comes to property taxes. Alberta Seniors and Community Supports provides an annual rebate on increases to education property taxes, and that rate has been capped at 2004 levels.

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

Homelessness

Mr. Hehr: Well, thank you very much, Mr. Speaker. Yesterday the minister dismissed the 18 per cent increase in the Edmonton homeless count as really being more of a good-news story, referring to this increase as having a silver lining to it. To be honest, I was very perplexed at this anecdote as I thought the plan was to end homelessness. To the Minister of Housing and Urban Affairs: is it this minister's opinion that an increase of 18 per cent in homelessness counted at the end of the peak of an economic cycle is a success?

The Speaker: The hon. minister.

Mrs. Fritz: Thank you, Mr. Speaker. As you'll recall – and I'll refer this member to *Hansard* – what I had identified was that Susan McGee, who is the executive director of Homeward Trust, at the breakfast on Friday morning for National Housing Day had indicated that there was a silver lining to having the increase in homelessness, be it 18 per cent, when previously it had been 39 per cent and six years ago at 79 per cent. Also, more importantly, of that increase in homelessness, 44 per cent of those people are sheltered.

The Speaker: The hon. member.

Mr. Hehr: Well, thank you, Mr. Speaker. I guess I'll ask the minister again: do you consider this a success?

Mrs. Fritz: Mr. Speaker, I think that it's really important that it's recognized by the Assembly that we consider homelessness and individuals that are in low to moderate income and in need of affordable housing as critically important to our core services of our overall government, in fact to the point where our Premier has led

the way through establishing the Secretariat for Action on Homelessness. That's a plan. As I indicated to you, we will be bringing forward here in the next couple of weeks a 10-year plan to address homelessness.

Mr. Hehr: Well, I still don't know whether she considers that a success or not, but I am glad to hear that she will be releasing the report. Can we be assured that that report will be released before Christmas?

The Speaker: The hon. minister.

Mrs. Fritz: Yes, Mr. Speaker. As I've indicated to you previously, we are on track for releasing the Secretariat for Action on Homelessness plan, and that was to be released prior to Christmas. You will see that plan come forward. It's important to recognize that there are a number of processes in government where the plan is considered before a number of committees, and that will take place in due course.

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

Anthony Henday Drive 137th Avenue Interchange

Mr. Elniski: Thank you, Mr. Speaker. According to BOMA two-fifths of the heavy industrial land in Edmonton is located between Stony Plain Road and 137th Avenue, coincidentally in the Edmonton-Calder constituency. The efficient movement of trucks, cars, and vans is critical to the economic prosperity of this city. My first question is to the Minister of Transportation. When the province announced the northwest Anthony Henday project, it included putting a bridge across the Henday at 137th Avenue. However, while most of the work will be done on this interchange, apparently it is not going to be completed. Can the minister explain why we are building a road and not finishing it?

Mr. Ouellette: Well, Mr. Speaker, isn't that a great MLA? One little article in the paper and he's up fighting for his constituents.

The construction of the 137th Avenue interchange is just not justified at this time. We are building a flyover. Anthony Henday will still be free flow, like I've always said that it was going to be. The reason is that there's no development on the west side of the Anthony Henday yet. In fact, they haven't even got the zoning carried out yet.

The Speaker: And here I was hoping the answer would be because you're going to pave 801.

The hon. member.

Mr. Elniski: Thank you, Mr. Speaker. My first supplemental is to the same minister. The mayors of Edmonton and St. Albert are calling on the province to fund the interchange as they say that they do not have the funding to complete it. Will the province commit to completing the interchange and covering the cost?

Mr. Ouellette: Mr. Speaker, as I said earlier, we are building the flyover. We're building all the ramps. We're having everything almost ready to go as a complete interchange. Our policies have always been that when it's strictly for a development, then maybe the developer should step up to the plate and pay their share. It also is a municipal responsibility for them to finish off that interchange when it's needed, which could be five years down the road or 10 years down the road.

2:40

The Speaker: The hon. member.

Mr. Elniski: Thank you, Mr. Speaker. The mayors believe that this interchange is a provincial responsibility, and apparently the province believes it's a municipal responsibility. Can the minister please clarify once and for all whose responsibility it is?

Mr. Ouellette: Mr. Speaker, I get along very well with the city of Edmonton and the city of Calgary and the city of St. Albert because I believe we should collaborate on everything. We have responsibility for provincial highways. Municipalities have responsibility for local roads.

The Speaker: That was 108 questions and responses today.

The hon. Minister of Transportation would like to supplement an answer given in the question period yesterday with respect to a question posed to him by the hon. Member for Edmonton-Gold Bar, so under our policy I will recognize the hon. Minister of Transportation, which will lead to the hon. Member for Edmonton-Gold Bar asking a supplemental question.

Anthony Henday Drive Public-private Partnership

Mr. Ouellette: Mr. Speaker, I'd like to say again what our costs were on this project. It was a \$1.42 billion contract, and that was \$240 million lower than our market comparator if we'd have gotten it done the conventional way.

On the 15 and 20 per cent, that the hon. member asked about yesterday, that would be if there were any types of extras that we would have to do there over the next 30 years, possibly something as simple as us wanting to put signage. They're responsible for that road. Therefore, we wanted to put a fixed cost into that contract so that we weren't at the mercy of whatever they wanted when we wanted an extra. We absolutely do not foresee any extras. Therefore, that 15 or 20 per cent should never come into play, but it's a protection to the Alberta taxpayers.*

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

Mr. MacDonald: Thank you, Mr. Speaker. I appreciate that. To the Minister of Transportation: regarding the Anthony Henday northwest leg what direct lender agreements did the province enter into and with whom?

Mr. Ouellette: Mr. Speaker, we didn't enter into any direct lender type agreements. We entered into an agreement with one large conglomerate that has, I'm sure, agreements with lenders, but that's nothing to do with us. All we wanted to make sure of is that they were capable of following through on the contract that we signed with them.

Members' Statements

(continued)

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

Bethany Care Society

Ms Woo-Paw: Thank you, Mr. Speaker. I have spoken on a few occasions recently on recent challenges faced by Alberta's nonprofit, voluntary agencies such as issues of staff vacancies, turnover, and inadequate salary rates, the struggles for government-contracted service agencies to recruit and keep qualified staff during a time of rising demand for services and increasing complexity of client

*See p. 2015, right col., para. 13

needs. Today I'm delighted to rise to recognize and celebrate the outstanding achievements of the Bethany Care Society, the only nonprofit organization to be selected again for Alberta's top 40 employers for 2009, and for the first time the society received the best employer award for 50-plus Canadians.

The Bethany Care Society was selected for this BEA because of their innovative approach to retirement, management practices, and for attracting and retaining mature workers. Realizing that as a nonprofit society it doesn't have the resources to create a fancy, high-end workplace, this organization focuses on meaningful things that can help them compete in the current competitive market such as promotion of work-life balance, phased retirement options, flexible RRSP programs, three weeks of vacation for new employees, and work environment. Bethany was one of five organizations from across Canada to receive the best employer award and the only new recipient this year.

Mr. Speaker, Alberta's nonprofit sector is a major employer. Its more than 19,000 nonprofits, charities, and community-based organizations employed over 105,000 staff and generated a total revenue of \$9 billion in Alberta in 2003. In closing, I am pleased to note that our government is working with the nonprofit sector, with organizations like the Bethany Care Society, through the workforce strategy for Alberta's nonprofit and voluntary sector to ensure that Alberta is not only a prosperous province but a province with a high standard of living for all.

Thank you.

Tabling Returns and Reports

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

Ms Notley: Thank you, Mr. Speaker. I have two tablings. I would like to table the appropriate number of copies of a letter from Elizabeth Reid of Edmonton, who expresses concern about how few members of the new health board are health care professionals. She urges the government to "make sure that the new health board protects and improves our publicly delivered health care system."

The second tabling is the appropriate number of copies of a page from the Treasury Board's website which says that the strategic plan for the tar sands will be completed in the fall of 2008.

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

Ms Pastoor: Thank you, Mr. Speaker. I'm tabling five copies of a document from a constituent that calls for a public inquiry into the systemic failure of the Alberta Securities Commission to protect the public interest and the financial industry. Two case studies: one refers to a company that was granted a legal exemption to pay commission rebates, which are illegal; the second refers to asset-backed commercial paper being allowed into Alberta by exemption from provincial securities laws.

Orders of the Day

Government Bills and Orders Second Reading

Bill 52

Health Information Amendment Act, 2008

The Speaker: The hon. Member for Leduc-Beaumont-Devon.

Mr. Rogers: Thank you, Mr. Speaker. I'm pleased to rise today and move second reading of Bill 52, the Health Information Amendment Act, 2008.

The Health Information Act came into force in 2001, some seven

years ago. Since then there have been a number of developments in the health system and significant experience with the act as well as a number of significant improvements in electronic technology. Amendments are necessary to address these developments and to improve the act. Through this bill the scope of the act will be expanded to cover more comprehensive individual patient health information. As a result a patient's health information will be subject to the same legal framework regardless of the source of funding for the health service received by that patient. This patient-focused approach supports patient safety, quality of care, and administrative consistency.

Mr. Speaker, the bill also removes health service provider information from the scope of the act except when it forms part of the health information about an individual receiving health services. This amendment focuses the act completely on patient information. Health provider information will continue to be covered by the Freedom of Information and Protection of Privacy Act and the Personal Information Protection Act.

A key component of Bill 52, Mr. Speaker, is its provision to establish a legislative framework for Alberta's electronic health record and the electronic health information system of other custodians. This provision supports the development of Alberta's electronic health record, a tool that helps health service providers deliver care efficiently and safely.

Bill 52 also establishes a role for health information repositories designated by the minister, which encourages research in Alberta. The powers and duties of these repositories will be established by regulation.

In addition, the bill clarifies the roles and responsibilities of affiliates and information managers.

The bill also addresses disclosures by custodians. Mr. Speaker, Bill 52 expands the act's disclosure provisions by permitting custodians to disclose health information to health professional bodies for the purpose of lodging a complaint. This authority is important for patient safety and accountability.

Finally, the proposed amendments better enable the Information and Privacy Commissioner to co-operate with his or her counterparts in other provinces at the federal level and to take part in interprovincial activities and complaints.

Mr. Speaker, collectively these proposed amendments achieve the right balance between protecting the privacy rights of individuals and improving patient safety, quality of care, and administrative efficiency. Bill 52 reflects the government's commitment to Albertans to deliver an effective and efficient health care system. I ask all members to support this bill.

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

[Motion to adjourn debate carried]

2:50 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 40

Child, Youth and Family Enhancement Amendment Act, 2008

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

Mr. Dallas: Thank you, Mr. Chairman. I'm pleased to rise to open

Committee of the Whole debate on Bill 40, the Child, Youth and Family Enhancement Amendment Act, 2008. Before I begin, I want to make it clear that the government is not proposing any amendments further to those already in Bill 40. In discussing amendments, I'm only discussing those included in the bill when it was introduced.

Mr. Chairman, we heard a number of interesting comments during second reading of the legislation, and I'd like to thank the hon. members for their positive contributions to the debate. I look forward to more of the same at this stage in the process.

A number of questions were also raised, and I'd like to answer some of those now. Mr. Chairman, a number of the members brought forward concerns about the proposed amendment to remove the reference to the development of a plan of the director applying for a temporary or permanent guardianship order where the application for initial custody is also being made. The reasoning behind this proposed change is to clarify that the development of a plan of care or services will be embarked upon within 42 days of the child or youth coming into care. Currently the requirement is that the director consult with parents and family members within the 42-day period in order to begin preparing a plan of care. This has been misinterpreted to mean that the plan must not only be completed within 42 days but also filed with the court. By amending the legislation, we are simply clarifying the original intent.

I'd also like to address the comments made by the hon. Member for Calgary-Varsity about the important role front-line workers play. I think every member of the House would agree that caseworkers have a difficult job to do and are integral to ensuring the safety and well-being of vulnerable children and youth. There is a proposed amendment to the act which will bring the legislation into alignment with the casework practice model. I understand that as the model goes forward, staff will continue to be supported.

I think it's also important to mention again that over the past four years since the Child, Youth and Family Enhancement Act was proclaimed, caseworkers have been giving input into how the legislation was working for them. Many of these amendments result from their feedback.

The members for Edmonton-Strathcona and Edmonton-Highlands-Norwood had concerns about the appeal panel losing some of its authority. As I mentioned during second reading, the panel will assume a significant role in holding the director accountable for the process by which decisions like those concerning the placement of a child in a foster home are made. The appeal panel will now have the authority to return matters to the director to be reconsidered. Policies and procedures will also be put into place to ensure that the matter is considered by a senior ministry official who was not the original decision-maker. I'm sure the members can appreciate that this ensures the responsibility for the final decision about the placement of a child or youth rests with the ministry's director of Child, Youth and Family Enhancement Act, the person who is ultimately liable for that decision. Members should take note that the proposed changes to the process do not remove the right of appeal. Individuals are still able to appeal to an independent appeal body.

Mr. Chairman, the hon. Member for Edmonton-Centre also made a comment about modifying the field of applicants who can apply for private guardianship. I'm not quite clear on what her question was here, but I'd like to confirm that, yes, the proposed amendment will expand the field of applicants. Removing the requirement that a child must be in someone's continuous care before an application for private guardianship can be made not only helps to open up the options available but also helps to ensure that those interested can proceed under this legislation.

There were also a few questions about changes around the Child

and Youth Advocate's child advocacy files. The main aim here is again to make sure that kids feel confident that what they are telling the advocate and what is included in their child advocacy file remains privileged information. Children and youth have brought concerns about the privacy of their child and youth advocacy file forward to the advocate, and in turn last year the advocate asked that changes be made to the legislation. These changes mean that the files cannot be provided to a third party for litigation purposes. The changes do not prevent relevant child intervention information from being disclosed during litigation or fatality inquiries. It does not alter the advocate's obligation to report alleged abuse or neglect of the child, it does not prevent the public from accessing nonidentifying information from the Child and Youth Advocate's office through FOIP, and it does not put limitations on the use of the information by the advocate when preparing reports or when carrying out any other legislated duties.

Proposed amendments also do not include a change to the structure or reporting relationship of the Child and Youth Advocate's office. We are discussing the amendments in sections 3, 50, and 61 of the bill. I think we should maintain our focus to that end.

Finally, regarding the hon. Member for Edmonton-Centre's comments about listing the contact information for the Child and Youth Advocate's office rather than that of the Legal Aid Society, I would just like to make a few comments in reply. This change is to reflect the Child and Youth Advocate's operation of a new program, the legal representation for children and youth program. The program has been designed to ensure children and youth receive child- or youth-friendly and timely legal advice in child intervention matters. Mr. Chairman, as you can imagine, it can be very frightening for a child or youth to be involved in child intervention proceedings. This program helps to ensure the services provided to children and youth are aimed at them specifically, helping to represent their best interests and make the experience less intimidating.

I hope that clarifies and answers some of the questions that have come forward. I'd like to use what time I have left to once again discuss the importance of this bill, Mr. Chairman. The enhancement act makes a difference in the lives of Alberta's children, youth, and families. Supporting kids and families is important for creating and maintaining strong communities across the province. The legislation provides a legal authority to assist families and intervene when necessary to keep children and youth safe and protected. It includes the input of families in the process and responds to their needs. The legislation is fundamental to the work of the Ministry of Children and Youth Services. It guides the work of staff when it comes to the enhancement and protection services that they provide to families.

The current legislation has served us well, and adjustments in Bill 40 will support, strengthen, and update the existing statute. Since the enhancement act was proclaimed in 2004, the government has taken note of how the legislation has been working.

Mr. Chairman, I talked about some of the amendments being proposed during second reading debate on Bill 40, and I'd like to once again take the opportunity to discuss a few more. One change I'd like to note includes the removal of a provision in the existing statute dealing with what are called natural advocates. These are individuals close to the child or youth, like a teacher, who can also advocate on their behalf. There has been some misunderstanding regarding the role of natural advocates in the current legislation. The Child and Youth Advocate facilitates natural advocates in the child's life as a matter of policy, and the provision will be maintained in this manner as opposed to legislation.

3:00

There are also three amendments being proposed that deal with the current legislation in the Family Law Act. One amendment

addresses the process for obtaining child support with respect to children in government care. Bill 40 is proposing a provision to be added to the enhancement act to allow for child support applications under this legislation rather than under the Family Law Act. These changes are proposed under section 27 of the bill.

The second amendment deals with terminology and ensures consistency with the Family Law Act. Currently a petition for a private adoption or step-parent adoption requires the submission of any agreement or order respecting access to the child or youth. Access will be changed to refer to time with the child. This is reflected in section 28 of the bill.

The last amendment deals with private guardianship, and I touched on it earlier. Mr. Chairman, the proposed amendment changes the requirement that a child must have been in the continuous care of a person before the private guardianship application may be made. In the Family Law Act no requirement exists for continuous care in filling these applications. Therefore, some individuals who did not meet the continuous care requirement under the enhancement act used the Family Law Act to apply for guardianship. The original intent was that private guardianship of a child in care would proceed under the enhancement act. Changes to the existing statute, as noted in section 19 of the bill, will reflect this.

Before I leave the topic of private guardianship, I just want to mention one other proposed change to the existing legislation. A new provision will be added. Section 24 of the bill will address orders for contact with the child or youth. It will provide that people such as a guardian, the person to whom the contact is provided, a person who has a significant relationship with a child, and a child 12 years of age or older may apply for a review of such orders. At this time there is no provision for a review when the contact order has been made along with a private guardianship order. Adding the provision allows for a change in contact over time. This is important to address circumstances such as older children and youth wishing to have more contact with their biological families as time goes on.

Another area where it appears some clarification is needed for members has to do with calculating a child's or youth's time in the director's care. The first amendment deals with the calculation of the total time a child may be in the care of the director. There has been some confusion about how this time is calculated. The underpinning policy is that all of the time in the care of the director is to be included. Changes to section 33 of the enhancement act will help clarify this. One exemption to the total time will also be included. This is so that if an application for a permanent guardianship order is before the courts and the hearing is adjourned beyond the total time the child may be in the director's care, the court may extend the child's or the youth's time in care.

The second proposed adjustment to this area will make the calculation of the time start again if a child or youth comes back into care after a private guardianship or adoption order is made. This ensures fairness for the child or youth and any new private guardians or adoptive parents since the time calculated when the child or youth was in the care of previous guardians will not be calculated under the new private guardianship or adoption process.

Other amendments are being proposed regarding the appeal panel and the appealing of decisions, one of which I mentioned earlier, Mr. Chairman. Another change includes deleting the limit on the number of people who can be appointed to the appeal panel. It will allow members to sit for any combination of terms up to a maximum of seven years rather than only two terms of three years each. It will also remove the requirement that a secretary be appointed as it has been found to be unnecessary. These changes in section 56 of the bill will help to ensure more efficient and effective handling of appeals. It will add flexibility, ensure continuity, and make sure panel members have the opportunity for succession training.

Mr. Chairman, I just want to mention very briefly the amendments regarding the addition of cultural connection plans for aboriginal children and those who have a responsibility to ensure that a child is made aware of their Indian status. Again, these will help Alberta's aboriginal communities maintain their culture by ensuring that the next generation is aware of their heritage.

As I mentioned before, there are also a number of changes being proposed to address procedural and administrative matters. Some amendments will change wording and references to ensure that they are clear and consistent throughout the enhancement act. Another amendment will include the removal of a duplicate provision. A further change to the legislation will authorize the release of any relevant information in sealed adoption records for the purpose of registering a child as Indian, Métis, or Inuit. Yet another will move licensing decisions from the minister to the director as they are part of an administrative function and more appropriately handled at the department level. Again, these are more housekeeping in nature and are not exclusive to one area of the legislation. They're being made throughout to update the statute.

Mr. Chairman, we've had considerable discussion regarding the legislation. We have covered the importance of the existing legislation and the need to amend it to clarify certain sections and address procedural and administrative matters. We have also discussed what the proposed changes included in the bill are and the reasons they are needed.

I'd like to thank members for their comments and their input during second reading of Bill 40, and I look forward to further discussion during Committee of the Whole. Thank you, Mr. Chairman.

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

Mr. Chase: Thank you very much, Mr. Chair. I would like to provide you with a proposed amendment to Bill 40. If the pages can deliver it to you and then distribute it. Then I'd like to speak to the amendment.

The Chair: We have an amendment on the floor. This amendment will be known as amendment A1.

Hon. Member for Calgary-Varsity, please continue.

Mr. Chase: Thank you. I don't believe all members have received the amendment yet, so if you wouldn't mind till they all have, Mr. Chair.

The Chair: The hon. member.

Mr. Chase: I believe all members have it. Thank you, Mr. Chair, for your patience.

For those of you who have your Bill 40 with you, I would refer just by way of reference to page 6, section 7, where it talks about "21.1 presently reads in part," and have you look at section (b), where it comments:

May be adjourned for a period of no more than 7 days at a time unless the parties agree to a longer adjournment; however, the total adjournment period under this clause shall not exceed 42 days.

Then in section (6), which is the focus of this amendment:

If an order is made under subsection 2(a), unless exempted by the regulations, the director must, within 42 days of the director's application under section 21(1)(b), consult with the guardian and other family members to develop a plan, in accordance with the regulations and in the prescribed form.

3:10

When I spoke in second reading, I complimented the Member for Red Deer-South for bringing forth Bill 40, the Child, Youth and Family Enhancement Amendment Act, 2008, and I thanked him for giving me the privilege of a preview of the bill. At that point I indicated that I had a concern about removing a timeline. What this amendment is seeking to provide is a compromise.

When we discussed this in the bill briefing, it was indicated that the Children and Youth Services ministry required a degree of flexibility. Having the number 42 days took away the amount of time and good work and connections that could potentially be made. What I have attempted to do is provide a little bit of extra time. Instead of, basically, a month and a half, what I'm offering is almost the time equivalent, 60 days, or two months.

The reason I'm putting forward this amendment is that we work according to schedules. As a teacher I always had deadlines for my students. There was a degree of potential negotiation around that deadline based on sickness or some difficulty finding the research materials, but there was always a deadline. Without a specific number, which is the loss of the 42 days, then there is no sort of oversight or expectation of resolution or of a connection. It's basically left up to the discretion of the regulations and of the minister's interpretation of the regulations. I firmly believe that in order for anything to be accomplished, there have to be timelines. There have to be parameters and expectations. That is the reasoning behind the suggested 60 days, to provide more flexibility.

Parts B and C of the amendment are simply from Parliamentary Counsel to bring the intent of the amendment into place. Those are basically just wordsmithing to recognize the intent of the motion.

I look forward to debate on the amendment. Setting a timeline is the purpose.

The Chair: The hon. Member for Red Deer-South.

Mr. Dallas: Thank you, Mr. Chairman, and thanks to the hon. member for bringing forward this resolution for discussion. I'm going to encourage members not to support the amendment, and I'll briefly go over the context of my rationale for that. Earlier discussion we had about the 42 days and the essence of it is in two areas. One was the interpretation of the time to file with the court. My understanding is that there's an absolute expectation by the court that on appearance a plan will be developed and reviewed by the court. The essence of the 42 days was problematic in the sense of, for some children, creating the best possible outcome in terms of the plan. At times it's difficult to both locate and then, ultimately, make suitable contact with family members and others that could positively affect the outcome of the decision for the child.

Also, there is other information to resource around building the best possible plan. Sometimes that information arrives on a very timely basis, is not complex, and can be reviewed quickly. Other times there's more time involved in securing the information, providing proper review, and simply developing the plan. It's a matter of policy that the plan would be developed. It's an expectation that the court would review the plan. I think that by arbitrarily ascribing a time that we must complete the plan in, we're creating a compromise for some of the children who we're trying to develop a plan for. That would be the argument that I would advance to not accept an arbitrary value of any set number of days to go forward with.

Clause (c) of section 63 is with respect to the appeal panel. I think we've debated at length the need for changes in the appeal panel with the view that the appeal panel was unfortunately being put in a position of making rulings on matters that perhaps were contrary

to the best interests of the child from a clinical perspective. There is still a broad range of areas that the appeal will be able to affect decisions on. Also, as was clearly indicated, the appeal panel will be able to redirect the review, perhaps looking for more information, seeking clarity around the process, and contesting the process that the director arrived at for a decision, ultimately, moving that to an alternative position of higher authority to review those matters.

On that basis, Mr. Chairman, I would urge members not to support the amendment. Thank you.

The Chair: The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you, Mr. Chairman. Speaking on the amendment, I have to raise concerns about the lack of clarity and the lack of definition around a deadline. Without clarity, without some finite ending it seems to me that some cases will be lost, some for unknown reasons, perhaps, but some perhaps for manufactured reasons will be delayed to the point where they won't be resolved in a timely fashion. It strikes me that the possibility of making an appeal for an extension beyond a specific timeline could still be considered if we're serious about getting expeditious resolution to some of these decisions. So I fully support this amendment.

I think we all, especially formal courts and appeal processes, function best when there are timelines and when the best interests of the individuals have a timely outcome; otherwise, we end up with not only greater expense but frustration and unfortunate outcomes for the individuals in question. I don't accept the proponent's rejection of this amendment and think it would be in the best interests of the individual to have this supported.

I'll take my seat and await the vote, Mr. Chairman.

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

Ms Notley: Thank you. I rise to speak in favour of this amendment. I think this amendment is a bit of a compromise. I mean, to be honest, I'm quite unhappy with the change from the 42 days, and I'm not sure that I necessarily accept that the 60 days is something that I would think is wise. Nonetheless, because it replaces a complete and utter absence of accountability with some accountability, in that respect I can support it.

The concern that I have, you know, as has been explained to us by the sponsoring member of the bill, is that this section is being addressed because initially the courts had misinterpreted the section to mean that care plans needed to be finished within 42 days instead of started within 42 days. In my view, the best way to deal with this is simply to clarify that issue. Keep the 42 days, but simply make it clear that the care plans needs to have been started by 42 days.

Now, I will note that even that is a bit of a problem because this act in its totality, when compared to the act that preceded it, not the bill but the act that we're amending, actually had even lower standards. So the introduction of the 42 days and the notion of plans having to be started by then was, in fact, a dilution of what had been the requirement before then. Now we're talking about 60 days, but 60 days in order to have it completed is another approach.

3:20

I want to sort of just reference one of the judicial decisions that found the government to be not in compliance with the act in breaching the rights of vulnerable children in Alberta and that generated the government's decision to amend the act in order to get around that decision. In that decision the judge wrote about the importance of the plans of care in ensuring that apprehended children are not left in limbo with regard to the plans for their future.

The judge quoted the 1983 Cavanagh report – really old stuff here; this is not breaking news – that noted a lack of long-term planning for apprehended children. The report observed that children were being left in temporary care situations for long, long periods of time. That continues to happen for a variety of reasons, sometimes outside the control of the ministry. Nonetheless, it does happen. We have children that are in the care of the ministry for extended periods of time. As a result of that it's really important for a plan of care to be made as soon as a child is apprehended. In the decision in question, the judge stated:

While the overarching purpose of the Act is to protect children, the Act also recognizes that the preservation of the family unit is an important objective unless contrary to the safety of a child. When the state removes a child from his family with a [temporary guardianship order], the requirement of a plan supports both purposes. Even the temporary removal of a child from a family is a severe invasion of rights which should be tempered by a plan showing how the state will care for the child and what the family must do to regain custody.

Now, I would go further as well to say that a plan ensures that everybody working with the child has that accountability built into the system to move the child to permanence as quickly as possible because at the end of the day the lack of permanence is one of the most fundamentally damaging things that can happen to a child who is taken into care. I see the removal of this requirement from legislation on the part of the ministry when they engage in this phenomenally invasive action. It may well be an invasive action that is in the best interests of the child, but nonetheless it is deeply, deeply one of the most fundamental actions that government can take in any work that it ever does. To simply say, "Trust us; we'll deal with it at some point, and we'll do the best we can" is not good enough.

Removing that requirement of the 42 days is really, really, deeply problematic, I think, in the interests of both the vulnerable children within the province as well as their families. This amendment would at least put some type of concrete measure in place. It's not the concrete measure which I think should be in place, but it is a concrete measure. I think that all members of this government should vote in favour of it if they are truly committed to ensuring that children, their advocates, their family members all are able to promote and insist upon the recognition of their rights to the greatest extent possible and to provide for the greatest and best outcome for children who are unfortunately taken into care by the government.

Thank you.

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

Mr. Hehr: Well, thank you very much, Mr. Chair. It is a pleasure to rise and speak in favour of this amendment. I appreciate the comments made by the hon. members for Calgary-Varsity, Calgary-Mountain View, and the hon. Member for Edmonton-Strathcona, who, in dusting off her law books, actually got to some reasons and rationale behind why timelines are necessary, why children need protection both in situations of harm as well as from situations, maybe, where the government may have the best intentions but may in fact have acted inappropriately and needs some timelines to sort of set matters straight.

If we take a look, this is an egregious situation, where a child has been taken out of his home. Hopefully, this is being done with the best interests of the child in mind – and I have no doubt that it is – but at some point in time an evaluation has to occur as to what, in fact, is in this child's long-term, short-term, whatever-term best interests. It's always got to be with his best interests at heart. I believe that's what the old documents from 1983 indicated in the

case law, which said that a plan and a written document that sort of looks at what has happened with the child and his family, that sets a direction as to where this child best fits within either the rubric of that family or the rubric of the child and youth act and how we're going to best support this child and having a timeline on both, at least when it starts, is a necessary and important component to that child's life. That's just simply to give the government or the powers that be a heads-up that: hey, we need a plan. It's something that we in this House know a lot about when we've been in trouble before for not having a plan. Let's recognize that here. With a child it's equally important to have a plan.

I'm definitely in support of this amendment. It seems to add to a little bit of a timeline to what has to be done, yet it ensures that the child's situation is at least being looked at, whether it is in his best interests or not.

Thank you very much, Mr. Chair, for allowing me to speak in favour of this much-needed amendment.

The Chair: Any other hon. member wish to speak on the amendment? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. Just to conclude debate on the amendment, the intent is to provide a defined time limit in which intervention would be followed up with support for a child in custody. The hon. Member for Red Deer-South was suggesting that maybe more time was required in order for the intervention to occur. I realize it was just an example given, but the Member for Red Deer-South said that it might be difficult to get hold of parents or kin within a two-month period. I would think that given our ability to communicate, if a parent was in fact concerned, other than being in a hospital circumstance or in a coma, for example, which is possible, they would be interested in the outcomes, or if their disinterest was such, then it would be a clear need for Children and Youth Services to move into a fostering situation considerably faster.

Now, I appreciate the work of Children and Youth Services, but not having a deadline is the equivalent of what is happening in Guantánamo. These individuals have been charged, they have been brought into custody, but because there is no timeline, their access to justice is basically, if not denied, prolonged. I am not using the Guantánamo example as a comparison to Children and Youth Services. I'm using it as a time example. If things are left unscheduled, without a timeline, then the chances of resolution occurring are prolonged, delayed, and justice is not done.

The taking of a child into custody is an extremely traumatic experience. The younger the child, the greater the trauma. For that trauma to be unresolved and to continue while contacts and communications are made beyond a 60-day period is unreasonable. I have had the experience of dealing with parents and grandparents whose children have gotten involved in a very convoluted court system, and it just goes on and on and on.

3:30

If the very first part of this process is allowed to go on for an interminable length, without the defined at least 60-day intervention requirement, then the effects to that child and the effects of the deprivation on the family and the lack of resolution, the lack of confidence the foster parent is providing and support for that child, not knowing when the situation is going to be resolved, is unfair to everyone involved, starting from the child who has been taken into custody to the parents to the grandparents to the foster parents. Therefore, deadlines are necessary.

Mr. Chair, I'm not sure at what point this is appropriate, but I am going to call for a standing vote, and I would like to suggest waiving

the 10-minute period if that is the wish of the House. But I do want this to go on record, that we are standing up for a defined time period, which sees justice being done for children.

Thank you.

The Chair: Are you making a motion to waive the 10 minutes?

Mr. Chase: If it would be appropriate at this time, I would like to waive the 10-minute normal time between the sounding of the bells and the vote and simply conduct a standing vote as opposed to an oral vote. I want it recorded as to who is onside with a defined time frame for resolution and who is opposed to a defined time.

Mr. Renner: Mr. Chairman, if I could be of some assistance. I think what the member is asking for is unanimous consent, should there be a division, that we reduce the time to one minute. If that's what he is asking for, then I would suggest that we put that motion.

The Chair: All right. The chair will put the motion for unanimous consent for one minute between division bells.

[Unanimous consent granted]

[The voice vote indicated that the motion on amendment A1 lost]

[Several members rose calling for a division. The division bell was rung at 3:35 p.m.]

[One minute having elapsed, the committee divided]

[Mr. Cao in the chair]

For the motion:

Chase	Notley	Taylor
Hehr	Swann	

Against the motion:

Benito	Hancock	Prins
Berger	Hornor	Quest
Boutilier	Jablonski	Renner
Dallas	Johnston	Rodney
Danyluk	Leskiw	Sarich
Denis	Liepert	Sherman
Drysdale	McQueen	Stevens
Elniski	Morton	Tarchuk
Fawcett	Oberle	Vandermeer
Forsyth	Olson	Webber
Griffiths		

Totals:	For – 5	Against – 31
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[Motion on amendment A1 lost]

The Chair: Now we will continue with the bill. The hon. Member for Edmonton-Strathcona.

3:40

Ms Notley: Thank you. Okay. We're back to the main bill, and there are a few comments I'd like to make because I didn't have an opportunity to get through them all when I rose in second reading. I guess that as much as there are at least two or three good elements to the bill, probably more, I'm going to start by talking about the things that I am concerned about. Some of them were sort of raised by the sponsor of the bill, but my concerns, unfortunately, have not been fully addressed. I think it's important to identify them because

notwithstanding some of the good things that are in the bill, I'm still going to have to vote against it because of these other issues.

The first issue that we haven't really had a chance to fully flesh out in a big way is that which relates to the issue of privileged information, and that's found in section 61 of the act. As I said when we talked about it last time, or in second reading, I acknowledge and support some of the underlying objectives which have been identified by the sponsor of the bill as the explanation underlying section 61. The examples that were given by the member – I think it was in second reading when he was first talking about the bill where he gave some sort of concrete hypothetical examples of what this was geared to address – are examples where I would want the same outcome that he was describing, where the information was kept confidential.

However, I'm afraid that the language that we're using here is not the most efficient language to get at that objective. In fact, what this language does is achieve much more than what is initially identified. I know I've been told not to worry about it, but I guess maybe I've spent too much time reading statutes, and I continue to worry about it. In essence, I look at 126.01(1), and it talks about that all the information provided by a child to the Child and Youth Advocate in confidence and all documents and records created as a result of that confidential communications are the privileged information of the child.

Now, I understand why that language was used, or I certainly appreciate the objectives that were identified by the sponsoring member, but in my view that wording stands almost on its own. Then there's the addition of "and." Then we get into the sort of circumstances listed out in the clause that the member is trying to have us address. By structuring it that way, I don't think that the second half of subsection 126.01(1) limits the application of the first half. What I think we end up with is a statement that this information and all documents created as a result of this information being exchanged are privileged, and that information is not admissible in all these situations.

I'm perfectly comfortable with the notion of that information not being admissible in evidence in any action or proceeding before any court or an appeal panel or before any inquiry without the consent of the child. I'm comfortable with that. What I'm not comfortable with is all this stuff being characterized as privileged, and the language does not limit it to that set of circumstances which I just described. So when you put it together with the freedom of information act, which clearly excludes privileged information from the coverage of the freedom of information act and from the obligation to release it, then I think what we end up with is a situation where large amounts of information are characterized as privileged and then are not released through a standard FOIP.

The sponsoring member gave an example of a situation that I think we would all agree is one where we would want the information to remain confidential, but let me talk about another example. For instance, as you know, we had quite a debate about a month ago about information that was contained in the child advocate quarterly reports. Just as one example, in that child advocate quarterly report there was information about complaints that had come to the attention of the child advocate from youth who were in care at the Youth Assessment Centre in High Prairie. Those children who were in the care of the ministry raised concerns about the inappropriate use of restraints and the fact that inappropriate use of restraints, including face-down restraints, were being used repeatedly. Now, to me, that is information that would go to the child advocate in confidence.

The child advocate's subsequent recording of that conversation would be a document created as a result of that information being

discussed in confidence. So my question is: if that same child comes to the child advocate a year from now and describes the same situation and the child advocate then prepares the child advocate's reports and an interested member of the public or a member of the opposition does a freedom of information request for those child advocate reports, will they be told that that information cannot be released because information provided to the Child and Youth Advocate in confidence is "privileged information"? That is my concern about how that section is structured.

If I can receive assurances – I know that we can't do legal opinions in here – that you have received reports from experts in the area that that is not the way it should be interpreted and that it would never be interpreted that way, a lot of my concern would be remedied. Alternatively, the way to fix it would be for the government to introduce a motion saying: for the purposes of admissibility of evidence in any action or proceeding blah, blah, blah, blah, blah. And then carry on with: "Despite section 126(1), all information provided" is privileged. So you limit it to that circumstance. Were that done, I could see accepting the characterization of the implications of this section that's being put forward by the sponsoring member. That's information I need to hear because at this point that's not the way I look at it in my, you know, ever so amateur lawyerish kind of way.

That's my first concern because I think that transparency and openness must be enhanced, not minimized, that the information that is shared with members of the public must be regularly shared and must be meaningful information and must actually tell members of the public how we are treating our most vulnerable citizens, the most vulnerable members of our society. Any efforts that would reduce that are efforts that I simply cannot support.

Now, the next thing that I'm concerned about – I guess I actually had a chance to speak at some length with respect to the amendment put forward by members of the opposition, so I think that's been covered.

My other concern that I've raised is with respect to the limiting of the jurisdiction of the appeal panel. Again, the sponsoring member has suggested that the limitation of the jurisdiction of the appeal panel won't be a problem because the matter will be sent back to a different person within the ministry to review should the appeal panel find that the original decision was not made in accordance with the legislation and did not reflect the best interests of the child in care. My concern with that, very similar to the concern I expressed with respect to Bill 24, the guardianship act, is that if you want to have principles of natural justice apply, you must ensure that matters are reviewed and dispensed with by an objective body.

I have had the unfortunate experience of working within an administrative law system where an objective, neutral panel is able to review a matter and suggest that the matter was not addressed in compliance with whatever the parent legislation was and then had to send it back to the same department that made the original decision. It really did turn into this Kafkaesque circle of frustration and ineffectiveness and absolutely the worst example of bureaucracy that you could ever imagine. The poor person just sits in a circle, and one person says, "Yeah, the decision was bad," and then the other person says: "Oh, okay. I'll get to that same decision using a different strategy." Then you appeal it, and you're told again, "The decision is bad," and you go back inside, and they say: "No. We think it's good." The whole process is incredibly frustrating and damaging to all of the relationships that are being affected by the legislation in question.

As we know, this legislation in particular deals with relationships. It deals with very vulnerable parties, and it deals with very, very significant rights. To build in a process that is so inherently designed to avoid concrete resolution is, in my view, truly not in the

best interest of the people that we are attempting to serve through this legislation.

3:50

The final concern that I have with respect to this legislation I guess relates more to the absence of legislation. I know that there are different arguments to that, but I would just like to get it on the record that I was really disappointed to see that we didn't have the outcome of a review in this legislation with respect to the relationship of the child advocate to this Legislature. This is a matter that has been studied to death. There have been recommendations made in this province year after year after year. Every other province in the country has concluded that that relationship between the child advocate and the Legislature should be established and that the relationship and the lines of authority with respect to the current child advocate are not best practice and don't bring about the best outcome. I really don't believe that there is any need for study on it.

You know, every other jurisdiction has concluded and significant players within this jurisdiction have recommended that the child advocate should be more independent and report directly to the Legislature and be an officer of the Legislature. So I am very disappointed to not see that in legislation because I had truly, perhaps naively, thought that we might actually see that in this legislation when it came forward because it seems like a fairly clear thing, that has been so openly and repeatedly discussed and examined.

The final thing that I'd like to say in terms of the positives of the legislation is that I do support the actions of the ministry in terms of moving to crystallize and formalize the notion of providing ongoing support to caregivers who adopt a permanent caregiving relationship with a child in government custody. I think that solves a lot of problems. I know that it's a practice that had already really been in place in a lot of places. I've been wanting to make the argument often that by putting it in the legislation, you ensure that there is a consistent application of that practice, and that's what will be achieved through this, so that's a good thing.

The only other thing that I'd like to raise is with respect to the cultural connection plan, which was a practice used in different areas around the province but not consistently across the province. Again, the inclusion of that obligation in the legislation is a good thing. I would simply ask that there be consideration given to the fact that improving the best practices across the board typically involves an increase in the time required by those very front-line workers who are providing that good practice, so I would hope that this increased requirement is ultimately accompanied by recognition for additional resources within the sphere of front-line workers who will be responsible for both developing and then implementing the cultural connection plan. Certainly, by raising the standards and enhancing their applicability across the province, there is no question that we also raise the workload. To make sure that this change is meaningful and has the outcomes that we hope it will, we need to ensure that we accompany it with an adequate level of resources.

Those are my comments on this bill. There are other elements to it – it's a very thick bill – but these are the key pieces that we have concerns with, and I look forward to hearing any further comments that may be provided with respect to our concerns raised.

Thank you.

Hon. Members: Question.

[The clauses of Bill 40 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? Carried.

The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Chairman. I'd move that the committee now rise and report Bill 40.

[Motion carried]

[The Deputy Speaker in the chair]

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

Mr. Johnston: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports the following bill: Bill 40. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

Hon. Members: Agreed.

The Deputy Speaker: Opposed? So ordered.

Government Bills and Orders

Third Reading

Bill 49

Traffic Safety Amendment Act, 2008

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

Mr. Berger: Thank you, Mr. Speaker. I'm pleased to rise this afternoon to move third reading of Bill 49, the Traffic Safety Amendment Act, 2008.

I'd like to add that many of the issues raised during the earlier debate in the House on this bill missed the subject of the bill. The questions and comments have been mostly related to Bill C-2, that the government of Canada brought into effect on July 1, 2008. For the first time in Canada the Criminal Code of Canada established parity between drug- and alcohol-impaired driving offences. During our earlier debate I heard concerns raised about things like how police officers will take samples from suspects, how samples will be used, which officers will be authorized to order a sample, which medical professionals would be able to take a blood sample. All of these logistics and legalities are issues that are being dealt with at the federal level as they pertain to the Criminal Code of Canada.

What we are focusing on here today is simply the ability of law enforcement officers in Alberta to apply an administrative licence suspension to a driver who is impaired by a drug other than alcohol. Bill 49 deals with the issuance of a provincial administrative suspension of a driver's licence based on a peace officer's reasonable and probable grounds to believe that the individual has driven a vehicle while impaired due to drugs, a combination of drugs and alcohol, and consequentially due to alcohol. The suspension is designed to provide swift, effective, consistent punishment to change the drinking and driving behaviour of individuals.

The bill also puts Alberta legislation in sync with the recent changes to the Criminal Code that put two sources of impairment on equal footings. The administrative licence suspension sends a very important message that the government will not tolerate any form of impaired driving and that there are consequences for this behaviour.

Both this bill and the Criminal Code of Canada changes I mentioned earlier give our law enforcement people the tools they need to deal with all impaired drivers, whether impaired by drugs or alcohol or a combination of the two.

With these remarks, Mr. Speaker, I would move third reading of Bill 49, the Traffic Safety Amendment Act, 2008. Thank you.

4:00

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

Mr. Hehr: Well, thank you very much, Mr. Speaker. It's a pleasure to rise and discuss this one last time. We've kicked it around this Legislature quite a bit, and I believe we've hashed it out from all sides pretty well. I accept the comments that the hon. member just made in sort of explaining that this is an administrative act that puts us in sync with the Criminal Code of Canada. It also elevates the use of drugs to the same level as the use of alcohol when we are deciding what is, in fact, impaired driving, and I'm in favour of that. The object of this act is nothing but good intentions, and I believe it will eventually serve the Alberta citizens and, in fact, as this is a cross-Canada sort of thing, all Canadians at some point in time in the future.

That said, I do realize that here in Alberta I've discussed this with a couple of Crown prosecutors who are also still leery about what is going to happen if, in fact, one of these comes before a magistrate. You know, some of the concerns that we've mentioned here before – how much is too much drugs, how much are you impaired by them – all of that stuff, I guess, will be sorted out in the wash, shall I say, but I'm not quite sure how. Let's hope that the people in the powers that be know how to sort this out in the wash. I guess that's what I'm trying to say.

Also, a little thing that most prosecutors in this province are now following is that they won't go to court unless there's a probable chance of a conviction. I will say that in some of these instances there's not going to be a probable chance of conviction.

Nevertheless, support for the object, and if it does do what it's intended to, so be it. Let's allow our police officers to have this power, and hopefully we'll be able to keep our streets safer and keep people from driving under the influence and hurting average, everyday Alberta citizens.

Thank you very much. Those are my final comments towards Bill 49.

The Deputy Speaker: Any other member who wishes to speak? The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you, Mr. Speaker. Well, it will be interesting to look back at this bill in a couple of years' time and see whether my hon. colleague from Calgary-Buffalo has been a little prescient, I think, here in talking about the likelihood that prosecutors won't take this forward in some cases where there's not enough of a likelihood of an actual conviction.

We certainly do on this side of the House support the principle of this. I shouldn't speak for my hon. colleague from Calgary-Mountain View because the whip is not on for this, but I think we will probably on this side of the House end up supporting the bill in third reading as well. Nevertheless, any law is only as good as its ability to be enforced, the willingness to enforce it, and the willingness of the citizens to obey it.

With those remarks, I will be voting in favour of Bill 49, but I will be very interested in a couple of years to revisit it and see whether it's proven effective in practical terms or not. If at that time it has, then we have a good piece of legislation on our hands. If at that time it hasn't, I think we need to revisit it.

Thank you, Mr. Speaker.

Hon. Members: Question.

[Motion carried; Bill 49 read a third time]

Bill 50
Victims Restitution and Compensation Payment
Amendment Act, 2008

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

Mr. Renner: Thank you, Mr. Speaker. On behalf of the Minister of Justice and Attorney General I'm pleased to move third reading of Bill 50, Victims Restitution and Compensation Payment Amendment Act, 2008.

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

Mr. Hehr: Well, thank you very much, Mr. Speaker. It is a pleasure to rise and speak in favour of this bill. I think it gives increased powers to both the police and the court system to in fact hit criminals in the pocketbook, where it hurts, giving them an ability to sell or take items that have been deemed ill-gotten by their activities, their nefarious affairs, and will allow the court system to do its job and be able to effectively limit the way criminals can prosper in Alberta.

I can think of many ways that this will help, but the most obvious one that it says to me is that often criminals will take the mindset that: hey, I have little likelihood of getting caught; nevertheless, when I do get caught, I'm going to make so much money that I'll go in, do my two or three years in whatever jail cell I find myself, knowing that I have a substantial nest egg to go back to. Well, I think those days are over as this effectively has changed that. It allows our Attorney General the ability to seize and sell property known to come from the proceeds of crime and are tied to criminal transactions.

It lessens the restrictive evidentiary standards to be applied to the situations where routine police work brings about specific property-related issue situations. For instance, now when a property or, say, for instance, a vehicle or drugs have been seized in a criminal act, this is able to be judged on a lesser standard instead of a standard of guilty beyond a reasonable doubt. It's just going to be based on a balance of probabilities, which I would suggest in this course would be about 50 plus one, you know, 51 per cent. If a court deems that this stuff arrived out of criminal activity, then it's going to be seized and have the ability to be sold.

In conclusion, Mr. speaker, I'd just like to say that I think this is a good way to combat crime and really hit criminals in the pocket-book, which is something we should be doing. Thank you very much for giving me the opportunity to speak in favour of this bill.

The Deputy Speaker: The hon. Member for Strathcona.

Mr. Quest: Thank you, Mr. Speaker. I'd just like to speak briefly once more to Bill 50, Victims Restitution and Compensation Payment Amendment Act, 2008. I'd like to thank the Minister of Justice and Attorney General for the opportunity to work on this important crime-fighting legislation and urge all of my colleagues to continue to support Bill 50.

Thank you, Mr. Speaker.

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

Seeing none, the hon. Member for Calgary-Mountain View.

4:10

Dr. Swann: Thank you, Mr. Speaker. This is my first opportunity to rise to speak to Bill 50, Victims Restitution and Compensation Payment Amendment Act, 2008. The bill does amend the current act by increasing 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 to criminal transactions. It allows also for less restrictive evidentiary standards to be applied to situations where routine police work brings about specific property-related issues.

The civil asset forfeiture herein gives remedial statutory instruments to recover and redistribute both the proceeds of the unlawful activity and the property used to facilitate the unlawful activity. In these cases, the province proceeds against specific property rather than against the individuals.

In the case of proceeds from the unlawful activity the court inquires into the origin of the property. If the provenance of the title lies in unlawful activity and this 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 the proceeds go to the community. This is inherently rational and in the public interest, and I certainly will be one to support this.

What isn't as clear and may be worth further discussion, Mr. Speaker, is where the monies so seized will be disposed of or granted. One of the major complaints from the Canadian Civil Liberties Association in Ontario was the lack of any clear drafting that would lead to the proceeds of forfeiture ending up in a police budget. Obviously, that's one option. Whether or not this bill would have more clarity around the distribution and allocation of this I think needs to be further discussed. It would be wise to insist here that the minister elaborate on this, and perhaps she has done so in past discussions.

Another question in my mind is: what assurances can the Attorney General provide that our civil courts and the prosecutorial arm of government will not be overtaxed by this expansion of duties? What can the minister do to minimize concerns that enforcement of the Criminal Code will not begin to take a back seat to such civil litigation as a means of recovery?

Given some of those questions and concerns, I do support this amendment. It will strike a significant blow to those making their living off the misery of others. Provided the Attorney General can assure us that the money will pass smoothly into public coffers, this will set a lot of concerns aside. It's also an opportunity to finally stand up and say to both the criminals and to the public that crime doesn't pay.

Thanks, Mr. Speaker.

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

Seeing none, are there any other members who wish to speak on the bill?

[Motion carried; Bill 50 read a third time]

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

Mr. Renner: Well, thank you, Mr. Speaker. Given that the House has completed the orders of business for the day, I would like to move that we now stand adjourned until tomorrow afternoon at 1:30.

[Motion carried; at 4:14 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]

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