



Province of Alberta

The 27th Legislature
Second Session

Alberta Hansard

Tuesday, April 14, 2009

Issue 23

The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta

The 27th Legislature

Second Session

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Legislative Assembly of Alberta

1:30 p.m.

Tuesday, April 14, 2009

[The Deputy Speaker in the chair]

Prayers

The Deputy Speaker: Let us pray. We give thanks for the bounty of our province, our land, our resources, and our people. We pledge ourselves to act as good stewards on behalf of all Albertans. Amen.

Today is the first session day of the week, so I would like to invite Mr. Paul Lorieau to celebrate Canada with us.

Hon. Members:

O Canada, our home and native land!
True patriot love in all thy sons command.
With glowing hearts we see thee rise,
The True North strong and free!
From far and wide, O Canada,
We stand on guard for thee.
God keep our land glorious and free!
O Canada, we stand on guard for thee.
O Canada, we stand on guard for thee.

The Deputy Speaker: Please be seated.

Introduction of Guests

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

Mrs. Sarich: Thank you, Mr. Speaker. I'd like to introduce to you and through you 101 students from the Cardinal Leger school, which is part of the Edmonton Catholic school district. They are here with their teacher Mrs. Carmelina Stagliano, teacher Mrs. Patricia Esposito-Neri, teacher Mr. Michele Garcea, and SNTA Mrs. Leanne Junck. I'd like to ask all members of the House to give them the traditional warm welcome of this Assembly.

The Deputy Speaker: The hon. Member for Edmonton-Mill Woods.

Mr. Benito: Thank you very much, Mr. Speaker. It is my honour to introduce to you and through you to all members of this Assembly a group of 25 students from the constituency of Edmonton-Mill Woods, specifically the school of Tipaskan elementary school. The group is led by their teachers, Ms Joanna Fitzgerald and Mr. Garry Ingram, and parent helpers Mrs. Vanessa Mora and Mr. Dean Bourque. They are seated in the members' gallery, and I would like them to rise and receive the traditional welcome of this Assembly. Thank you.

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

Mr. Allred: Thank you, Mr. Speaker. I rise today to introduce to you and through you to the Assembly a constituent who I first became acquainted with back in the 1970s as a Boy Scout. Apparently at that time I as a Scout leader advised Jamie to stand up when a wrong is done no matter what the cost. Today Jamie is here to stand up for a wrong that she feels has been done to her. Jamie-Lynn Garvin suffers from a gender identity disorder and was waiting for confirmation of a date for gender reassignment surgery when the budget was brought down on April 7. Jamie-Lynn has spent three years preparing for the surgery through hormone replacement therapy and was on the provincial waiting list for surgery. Now she

is faced with an uncertain medical and psychological dilemma as she cannot afford to pay for the surgery on her own. I would ask Ms Garvin, who is seated in the members' gallery, to rise, and I would ask members of the Assembly to give this courageous woman the traditional warm welcome of the Assembly.

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

Mrs. Forsyth: Mr. Speaker, thank you. I'd like to introduce to you and through you two guests; firstly, Krista Weir. Krista is a partner at Meyers Norris Penny. She is head of human resources consulting for them across Alberta. She was originally from Whitecourt, a U of L grad, and she resides in Calgary currently. Secondly, I'd like to introduce Lanny Westersund. Now, many of us know Lanny from working here previously. Lanny is responsible for government relations at Meyers Norris Penny. I'd ask them to rise and receive a warm greeting from the Legislature.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I have two sets of introductions to do today: one now, and I'll ask for us to be able to revert following question period. I have six people who are joining us in the gallery today who have come to protest the government's decision to delist gender reassignment surgery. Some of these individuals are directly affected by this decision, and others are family, friends, and supporters. I would ask the following people to please rise: Rob Wells, Cynthia Paish, Dominic Scaia, Edda Loomes, and Leslea Huber. Also joining them today is Julie Lloyd, who is a very well-known local human rights lawyer and a former member of the Canadian Human Rights Commission. I would ask those people I've named to please rise and would the Assembly please give them the warm traditional welcome.

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

Mr. Horne: Thank you very much, Mr. Speaker. It's my pleasure today to introduce to you and through you to all members a very special guest, Ms Joanne Beaton, chair of the Edmonton Chamber of Commerce. Joanne recently succeeded Mr. Patrick LaForge as chair and was sworn in at this year's Chamber of Commerce ball. Joanne is vice-president of customer solutions delivery with Telus. She joined the company in 1995 and is an acknowledged leader in areas such as customer service, credit operations, call centre marketing and sales, information systems, and project management. We're very proud of the work that Joanne and all of her colleagues do on the chamber board. I'd ask her to please stand and receive our very warm welcome.

Members' Statements

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

Immigrant Access Fund

Ms Woo-Paw: Thank you, Mr. Speaker. I attended the Immigrant Access Fund luncheon earlier today to take in a speech on the contribution of new immigrants to Alberta and Canada by former Premier of Alberta, the hon. Peter Lougheed. The event was also honoured by the presence of our current Premier and the Minister of Culture and Community Spirit.

IAF is an organization that provides low-interest microloans to new immigrants to help them pay for accreditation and training. Since 2005 IAF has provided 305 loans under \$5,000, which have

helped support 42 physicians, 32 nurses, 43 engineers, 47 accountants, 12 veterinarians, and 15 pharmacists in Alberta. IAF loan capital consists of about \$600,000 from individual and corporate donors as well as \$50,000 of pledges. Based on the beliefs that actions must be taken now to ensure that Canada takes full advantage of the people who have already entered our country as skilled workers and that immigrants who are fully employed in their field make a substantially greater contribution to Canada's economy, IAF has offered loans to recipients who, after a short training period, have gone from earning minimum wage to over \$120,000 in their profession.

1:40

Mr. Speaker, full employment of immigrants is good for our economy. Because of IAF fewer immigrants are working in survivor jobs well below their education and experience, and fewer physicians are driving taxis because they cannot afford to write their qualifying exams. The social benefits of people being able to work in their field is immeasurable.

Mr. Speaker, I'm pleased to note that the Ministry of Employment and Immigration has identified support of the IAF as an action item in the foreign qualification recognition plan for Alberta and together with Western Economic Diversification Canada, the United Way of Calgary and area, and various corporations is a key partner in supporting the operation and loan delivery of the fund. The Immigrant Access Fund is a unique initiative that offers solutions to our province's need to fill our future labour needs.

Thank you, Mr. Speaker.

Gender Reassignment Surgery

Mr. Hehr: Mr. Speaker, given the magnitude of this administration's financial mismanagement, it comes as no surprise that Albertans are once again facing cuts to public services. Nor does it come as a surprise that this administration is picking on some of the province's most disenfranchised and vulnerable citizens to make the first sacrifice. About 20 Albertans per year find themselves in need of sexual reassignment surgery. It's an emotionally devastating choice to have to make, but at least Albertans who had to undergo this transformation knew that the cost would be covered by Alberta health care.

That all changed with Tuesday's budget. Acting with a complete lack of compassion, this administration made a cold, calculated choice to withdraw funding for a needed procedure from citizens who they hoped would not have enough public support to fight it. Albertans don't like it when their government acts in an arbitrary and unthoughtful manner. Accordingly, concerned Albertans are preparing to challenge this decision in court, and given the precedent set in Ontario, I fully expect that the administration will be forced to reverse this poorly conceived idea. I also speculate that the legal costs incurred by the government during this battle will exceed any savings made by delisting this procedure.

Mr. Speaker, given the financial situation, of course this administration needs to start spending smarter, but this is a classic case of penny wise, pound foolish. Even worse, it places an unfair amount of financial burden on one specific group of citizens. For a word, in the legal world we call it discriminatory.

Thank you.

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

Vaisakhi Day

Mr. Sandhu: Thank you, Mr. Speaker. [Remarks in Punjabi] I am standing today to honour the 310th anniversary of Khalsa, Vaisakhi

Day. Vaisakhi marks the birth of the Sikh nation and is celebrated by the Sikhs in every part of the world as the Sikhs' national day. It is an opportunity to honour the teachings of Guru Gobind Singh and to renew commitment to the path that he charted.

I am proud to be part of the Sikh community, and it is truly a great honour. It is my hope that Sikhism will continue to enjoy a strong community of members dedicated to truth and social well-being for all Canadians. The Sikh community of Canada has made a major impact in over a century in the areas of government, business, education, health care, social services, and other aspects of our society.

This historic event in the Sikh religion draws family and friends together in a spirit of goodwill, preserving our community's legacy and the cultural diversity upon which Canada is founded. May this day bring great joy and peace, and may we continue to strive for purity in everything we do.

Lastly, I would like to wish everyone a happy Vaisakhi. Myself and two other members of this Legislature, the hon. members for Calgary-Montrose and Calgary-McCall, are members of the Sikh community, and we are honoured to be here today.

Thank you, Mr. Speaker.

Video Link to International Space Station

Mr. McFarland: Mr. Speaker, on a clear night many of us have looked into the night skies and observed a satellite streaking across the heavens, wondering just how it's possible that you could travel through space. I'm thrilled today to speak to a government announcement just recently made that County Central high school in Vulcan, Alberta, will host a video link with the International Space Station this September. Students in the Palliser school district will have a once-in-a-lifetime opportunity to speak live with the astronauts aboard the space station.

Astronaut Dr. Robert Thirsk, an engineer and physician, the first Canadian to spend six months in space, will answer science- and technology-related questions from participating students. This event is significant since it's Canada's first space mission this year. More importantly, it will also mark the first time a Canadian takes part in a long-duration mission.

Alberta was the first jurisdiction in Canada approached by the Canadian Space Agency to participate in this historic event. The school was selected based on the capacity of the community to integrate technology both in and outside the classroom and to create learning opportunities for students. This speaks to the quality of our Alberta educational system to be forward thinking and innovative.

The choice of County Central high school also shines a spotlight on the special relationship and dedication of the students, the parents, and the community in and throughout the county of Vulcan.

I became aware of this special project on February 26 at Vulcan when I met Marilyn Steinberg from the Canadian Space Agency and representatives from Alberta Education Kim Budd, Angie Tarasoff, Karen Andrews, and Lynda Burgess. I want to thank them for their individual efforts in making this project a reality and also to acknowledge the efforts and vision of Kevin Gietz, superintendent of Palliser Regional Schools and the Palliser school board.

Thank you, and congratulations to our communities.

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

Workplace Health and Safety Awards

Mr. Anderson: Thank you, Mr. Speaker. Today I had the pleasure of attending the workplace health and safety awards, and I would like to congratulate the two Alberta businesses that were recognized this year for helping to make Alberta work sites safer and healthier.

The leader award was presented to Shell Chemicals Scotford for their industry leadership in creating a safe workplace through their superior health and safety management system, and the 2009 innovation award was given to PikSafe International. I'm particularly proud of this company, Mr. Speaker, because PikSafe International is from Chestermere, which is located in the constituency I represent. PikSafe developed a simple and effective plastic guard that slips over the handle of a pickaxe to protect the user from flying debris. I'm also pleased to see that these entrepreneurs have patented this innovation and are planning to take it to the market soon.

Once again, it was an honour to attend these awards and recognize the innovation and leadership of these two companies in the health and safety of Alberta workers. I would ask all members of this Assembly to join me in recognizing these two companies.

Thank you, Mr. Speaker.

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

ATCO Electric Hybrid Bucket Truck

Mrs. McQueen: Well, thank you, Mr. Speaker. A few weeks ago I had the pleasure to attend a ceremony in Nisku with my hon. colleague from Leduc-Beaumont-Devon to unveil ATCO Electric's new hybrid bucket truck. This truck is the first of its kind in Alberta and only the third one in Canada. This vehicle will service ATCO electrical lines at its permanent home in Grande Prairie. It has many eco-friendly advantages, including reduced emissions, low fuel consumption, and a much quieter engine.

Beyond the specific benefits of the hybrid truck, I was pleased to congratulate ATCO Electric on making such an environmentally responsible purchase. By choosing a hybrid vehicle, ATCO Electric has shown the kind of corporate leadership values that are becoming even more important in the 21st century. This one simple act will have a positive impact in the long term on the air Albertans breathe.

I was also happy to join ATCO Electric's president for a bird's-eye view at about 40 feet in the hybrid bucket to experience firsthand the features of this truck. ATCO explained that the diesel-electric hybrid has the potential to cut fuel consumption by 60 per cent, with a corresponding reduction of 11.2 metric tonnes of CO₂ per year.

The government of Alberta is committed to protecting our province's environment so that we can all enjoy the best possible quality of life. We support Albertans, and we support Alberta businesses as they make environmentally responsible and sustainable choices like ATCO Electric with their hybrid bucket truck, and we look forward to more of its kind across the province.

Thank you, Mr. Speaker.

1:50

Oral Question Period

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

Children's Emergency Health Services

Dr. Swann: Thank you, Mr. Speaker. In the Speech from the Throne the Premier indicated that Albertans have had to learn to stand together as a community that looks after its most vulnerable members. Despite this promise the much-needed funding for the Stollery children's hospital emergency room expansion has been pulled. To the Premier: how can the Premier say that he is protecting Alberta's most vulnerable children when they're building temporary structures outside the hospital instead of a permanent institution?

Mr. Stelmach: Mr. Speaker, the minister of health has rolled out a very comprehensive capital plan for all health facilities in the province. There is a good working relationship between the Stollery and the Mazankowski Heart Institute in terms of further building on both sites to accommodate more beds and more services, and the plans for both are under way. I visited both facilities earlier this year, a bit aware of the long-term plan, and unless something has changed very recently, plans are under way and continuing.

Dr. Swann: In the capital city of Alberta, one of the richest jurisdictions in the country, we have a situation where tents have been set up for emergency treatment of Alberta's children, and now the expansion is cancelled. Mr. Premier, what are your priorities?

Mr. Stelmach: Mr. Speaker, first of all, the preamble is wrong. There was no cancellation.

I did visit the emergency tent a few months ago. In fact, from the staff that were there, it was both an experiment in terms of preparing for perhaps an epidemic in the future – and the trial run was excellent – and at the same time managing to treat a number of children and others in this new way of delivering those services. So I would say that everything went very well, and the people, our health care providers, that delivered the service were very satisfied.

Dr. Swann: Well, in fact, Mr. Speaker, the physicians are very frustrated.

Can the Premier tell Albertans when the expansion of the Stollery emergency room will show up in the provincial budget and these children can be cared for in the proper environment?

Mr. Stelmach: Mr. Speaker, the budget is before the House, and the minister of health will be delivering his budget estimates with a complete list of the health care projects, in the billions, I might add. We're going to continue with the program. It's going to be well thought out in terms of the need for services and access and also take this opportunity, I believe, to get better value for taxpayer dollars on much of the construction.

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

Blue Cross Premiums

Dr. Swann: Thank you, Mr. Speaker. This Tory administration's health care policies are angering Albertans, and we've been hearing from them. Joyce from Calgary e-mailed with concern for herself and others about the tripling – the tripling – of Blue Cross premiums in the next year. As Joyce points out, many persons who subscribe to this plan do so because of high prescription costs, they have lower income, and they have no employer plans. To the Premier: how is this change going to do anything but squeeze Albertans who can least afford it while forcing others from coverage, which will become unaffordable?

Mr. Stelmach: Mr. Speaker, when it comes to our ever-growing senior population in the province, we're very cognizant of the fact that we have to ensure that we deliver a program long term that is sustainable yet meets the needs of Albertans. These are, of course, very difficult but tough decisions. Once again, the minister will bring forward a pharmaceutical plan, working with Blue Cross, because we know that as we go well into the future, the baby-boomer generation, this large population that will be turning 65 within a few short years, will put additional stress on all our budgets. That's why we're working together with Albertans to find a balance.

Dr. Swann: Well, can the Premier stand here and justify a 300 per cent increase in premiums to Albertans?

Mr. Stelmach: Mr. Speaker, I don't know what the hon. leader is referring to, what specific area, but we do know that there are a number of new drugs that are coming on stream. The minister of health just approved one for cancer treatment. I know that last year, if I recall correctly, an increase in-year of well over a hundred million in terms of new drugs. These are the kind of challenges that we're facing as Albertans and, again, working together to make sure that we sustain this very good health system for future generations.

Dr. Swann: Well, this concerned Albertan heard a representative from Blue Cross indicate in the news that, quote, if people don't like it, they can go elsewhere. End of quote. As this woman points out, how can Albertans who are already taking prescriptions for pre-existing conditions just go elsewhere and obtain equivalent coverage, Mr. Premier?

Mr. Stelmach: Mr. Speaker, the minister of health is more familiar with the program. He might be able to answer the question.

Mr. Liepert: Mr. Speaker, I would answer it this way. The Leader of the Opposition is well aware that when we brought forward our pharmaceutical strategy, we had not increased the premiums for Alberta nongroup coverage for some 15 years. What has happened is that we've simply fallen behind with the equivalency to employer plans. Our schedule of increases over the next two years will bring us up to more equivalency with the employer plans.

The Deputy Speaker: Third question from the Official Opposition. The hon. Member for Edmonton-Centre.

Gender Reassignment Surgery

Ms Blakeman: Thank you very much, Mr. Speaker. The minister of health has cut funding for gender reassignment surgeries purportedly to save \$700,000. An identical attempt in Ontario was challenged and resulted in the decision being overturned and the funding being reinstated. My question is to the Minister of Health and Wellness. Why is the minister subjecting taxpayers to a significant court challenge with significant costs just to discriminate against a particular group?

Mr. Liepert: Mr. Speaker, the member is well aware that this provincial budget was a challenge relative to the fact that we needed to ensure that our expenditures more reflected the revenue stream. Each minister was required to go through their budget line by line and in the case of health care meet a budget increase of some 4.9 per cent. There's a list of some 30 or 40 different programs and grants and coverages that will not be proceeding going forward. Those are some tough decisions that have to be made.

The Deputy Speaker: The hon. member.

Ms Blakeman: Thank you. Again to the same minister: can the minister explain the medical reasons why gender reassignment surgery was delisted and why there was a complete lack of consultation with any medical professionals with expertise in this field?

Mr. Liepert: Mr. Speaker, I think that I just answered that question. This was not based on medical decisions. This was based on a number of programs. We had to make . . . [interjections] You

know, if the Member for Edmonton-Highlands-Norwood wants to ask a question, I'll be happy to listen to him, but until then I would suggest that if I have the floor, he keep quiet.

As I said earlier, there were some very tough decisions that had to be made, everything from cancelling some programs around youth suicide prevention to programs around certain surgeries. I can only say that tough decisions had to be made.

The Deputy Speaker: The hon. member.

Ms Blakeman: Thank you. To the same minister. Wiping out a program that disproportionately affects a very specific group of people is discriminatory. This administration is discriminatory and is discriminating based on age with the new drug plan for seniors and on gender identity with these cuts to reassignment surgery. Which group is next for this government's discriminatory health care cuts?

Mr. Liepert: Mr. Speaker, let's be very clear here. It's my understanding that there are some 26 individuals who are currently in the program. The government will fully ensure that those surgeries are followed through and funded to completion. It's also my understanding that there's a list of some 20 individuals that have been prescribed certain drugs by the medical profession but not approved for funding by government. However, it is the intention that those 20 will also be covered under the program going forward.

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

2:00 Delisting of Medical Services

Mr. Mason: Thank you very much, Mr. Speaker. This health minister has been playing hide-and-seek with his plans to change Alberta's health care system. This weekend for a change he finally admitted the truth: he wants to move Alberta towards U.S.-style private health care. The minister was quoted as saying, and I quote: you want to go to physiotherapy, maybe you should go on your own. My question is to the Premier. The minister is following your directions, Mr. Premier. You've put him up to this. Why didn't you even mention the delisting of needed medical services during the last election campaign?

Mr. Stelmach: Mr. Speaker, in the last election campaign we made a commitment to support the Canada Health Act and also to publicly funded health care delivery in the province of Alberta. We did also make a commitment during that campaign that we want to ensure that this very good system that we enjoy in the country of Canada and the province of Alberta is sustainable for the next generation. As I said before, we're going to work hard with Albertans to make sure that it stays so.

The Deputy Speaker: The hon. member.

Mr. Mason: Thank you very much, Mr. Speaker. Well, I don't believe the Premier, and I don't think that most Albertans do either.

His health minister didn't mince words this weekend when he said, and I quote: you're going to see more and more Blue Cross-type plans people are going to be subscribing to. He admitted he's changing our health care system to more closely reflect the U.S.-style private system. My question is to the Premier. You're giving this guy his marching orders. Why did you keep your plans to delist services and privatize health care secret from voters during the last election? Is it because you knew Albertans wouldn't vote for you if they knew the truth?

Mr. Stelmach: Mr. Speaker, as I said before, we were very clear in the position we took as a party going into the election, and that was our commitment to the Canada Health Act and our commitment to publicly funded health care delivery and also to its sustainability. I think we have a duty as a government to the next generation to ensure that not only the next generation but the generation after that enjoys a very good publicly funded health care system.

The Deputy Speaker: The hon. member.

Mr. Mason: Thank you, Mr. Speaker. Albertans have said time and again that they want to retain public health care, but this minister is telling them to start shopping for insurance. He said, and I quote: down the road you should be going to Blue Cross and saying, "Here are the kinds of things I want in a plan. What does it look like?" Delisting chiropractic and gender reassignment surgery is just the thin edge of the wedge. My question is to the Premier. Does the Premier accept responsibility for hiding his plans from Albertans during the election and then afterwards directing his minister to delist services and promote private health insurance?

Mr. Stelmach: Mr. Speaker, as I said before, we were very clear in our policy going into the campaign. You know, I don't want to challenge the leader of the third party, but I think Albertans were very clear in terms of who they trusted by the size of the return of the government, and we're not going to disappoint them.

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

Gender Reassignment Surgery

(continued)

Mr. Allred: Thank you, Mr. Speaker. My questions are to the Minister of Health and Wellness. I think that to some extent they've already been answered, but just for clarification I'm going to ask them again. We currently have 26 Albertans waiting for gender reassignment surgery in Alberta. These citizens of Alberta have been undergoing medical and psychological treatment for several years, including hormone replacement and electrolysis for hair removal, most of the cost of which has been borne by the recipient. Will these 26 persons be subject to the discontinuation of gender reassignment surgery, which has been removed from the 2009-10 budget?

Mr. Liepert: Mr. Speaker, it's my understanding that there are two separate groups of individuals that the member may be referring to. My information is that there are some 26 individuals that are in some form of the surgical process. There is another list of some 20 individuals who are only on hormonal drugs as prescribed by the medical community. In both cases we will ensure that their conditions are followed through on.

The Deputy Speaker: The hon. member.

Mr. Allred: Thank you, Mr. Speaker, and thank you for that clarification, Mr. Minister. My first supplemental: what is the total amount of savings in the 2009-10 budget from the discontinuation of this surgery?

Mr. Liepert: Mr. Speaker, this member was part of the overall discussion when we talked about what this province could realistically sell to the public relative to spending increases in this particular year. As pointed out in the budget, our budget increase this year

is restricted to inflation plus growth, so there is some 3.7 per cent increase across the board. Health care was a larger portion than that, but it was still only 4.6 per cent, so some tough decisions had to be made.

The Deputy Speaker: The hon. member.

Mr. Allred: Thank you, Mr. Speaker. My final supplementary to the same minister: is the minister aware if this type of surgery is funded in other provinces?

Mr. Liepert: Mr. Speaker, we could get into a long debate about what is funded in other provinces and what is funded in Alberta. There are a number of procedures that this particular province funds that other provinces do not. I think that, as an example, this caucus and this Legislature just recently approved a policy around drugs for rare diseases. That is a policy that no other province funds. I'm proud of that.

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

Provincial Sales Tax

Mr. Taylor: Thank you, Mr. Speaker. I'm going to go out on a bit of a limb here and predict that all this talk about messing with health care isn't really about that. This is about getting Albertans so up in arms that they're going to gut health care that when the people push back, this government can back off and say: "Okay. You don't want us to cut health care? We're going to have raise your taxes." Obviously, the minister of finance favours implementing a provincial sales tax because it continues to make the rounds. To the minister of finance: if this government is not considering a PST, then how come so many in the financial community are talking as though it is?

Ms Evans: You know, Mr. Speaker, that actually may have started as an April Fool's Day joke by a local columnist that suggested we were going to bring in a 10 per cent PST. The switchboard in my office lit up like Christmas.

Mr. Speaker, there's been no credibility to any remarks that we, myself or any other member of this Tory caucus, have considered a provincial sales tax. In fact, I have suggested that if we were to do such a thing, we would have to take it to Albertans in the form of a referendum. I did say that we may have to increase taxes down the road. We don't know how long the recession will last.

Mr. Taylor: All righty, Mr. Speaker. On that note, is it that she won't bring in a PST, or is it that she won't bring in a PST this year?

Ms Evans: Well, Mr. Speaker, I listen very closely to my Premier, and our Premier has said: there will be no PST.

Mr. Taylor: Mr. Speaker, why should we believe this minister's denials or the Premier's denials when the minister used to say that we were in the black, and her government used to say that deficits were illegal?

Ms Evans: Mr. Speaker, and his point is what? His point is what? We've had such a difference in our economy that, quite frankly, people contact us and applaud us on balancing a reduction in spending, wise use of our savings, still building to capacity, and marketing ourselves to the globe. That's what we're doing.

The Deputy Speaker: The hon. Member for Strathcona.

Strathcona County Health Centre

Mr. Quest: Thank you, Mr. Speaker. When the budget was announced, my constituents eagerly watched for a signal as to what was to happen with the Strathcona County Health Centre in Sherwood Park. My question is to the Minister of Health and Wellness. What does the budget announcement mean for Strathcona constituents?

Mr. Liepert: Mr. Speaker, that's a pretty broad question. I would suggest that what this budget means for residents of the Strathcona constituency is continued provision of health care services as we have been fortunate enough to do in the past, to the extent that we've talked about in this House today. We have, as I think the member may be alluding to, a proposal for that particular region for a new health facility. The funds that were originally committed remain in the capital plan. I'll look forward to the next supplemental.

2:10

The Deputy Speaker: The hon. member.

Mr. Quest: Well, thank you, Mr. Speaker. My question, then, to the same minister. This talk of the scope of capital projects around the province being reviewed by Alberta Health Services has people concerned about when we'll see the results. I'm just wondering when we can expect these reviews to be complete.

Mr. Liepert: Mr. Speaker, what has happened over the past couple of years is that we have allocated a certain amount of money based on the best information available, and then as we proceed down the path to construction, tenders tend to come in significantly higher than what we have allocated. We have been fortunate in the past to have budget surpluses that we would move around to try to meet some of those requirements. That's not, obviously, in the plan for the next couple of years. What we need to do is sit down with the communities impacted and ensure that, working with the MLAs and the community involved, we build going forward the facilities that meet the needs of the community.

The Deputy Speaker: The hon. member? All right.
The hon. Member for Calgary-McCall.

Natural Gas Contracts

Mr. Kang: Thank you, Mr. Speaker. Albertans are stuck paying vastly inflated natural gas bills because of this government's failure to protect consumers. Between this government's deregulated system and the long-term deals the government pushes consumers to sign, Albertans pay far too much for natural gas. My questions are to the Minister of Service Alberta. Why hasn't this minister prevented this abuse of Alberta consumers?

The Deputy Speaker: The hon. minister.

Mrs. Klimchuk: Thank you, Mr. Speaker. With respect to the natural gas issue it's great to talk about the role of the Utilities Consumer Advocate. That board is in place to hear from Albertans, to hear from consumers on any number of issues to make sure that consumers are not being taken advantage of and to make sure that we can solve their problems and assist them with questions they might have.

The Deputy Speaker: The hon. member.

Mr. Kang: Thank you, Mr. Speaker. I think the government is allowing this practice to continue on, and consumers are getting gouged.

The government blocked consumers from advocating on their behalf by cutting funding to consumer groups. The government can claim that the Utilities Consumer Advocate would provide those advocacy services instead, but it is clear from the outrageous natural gas bills that the UCA has failed to do so. To the minister again: what kind of advocate for consumers would fail to take protective action in the face of this kind of gouging?

The Deputy Speaker: The hon. minister.

Mrs. Klimchuk: Thank you, Mr. Speaker. I know there has been some conversation out there about the role of the commission and with respect to some budgetary issues. I would like to assure the House today that the Utilities Consumer Advocate is continuing to advocate on behalf of Albertans at every moment. There are ongoing interventions and meetings as we speak. Most certainly, there's a very good reason for the UCA, and we need to encourage that the board does the good work it is doing.

The Deputy Speaker: The hon. member.

Mr. Kang: Thank you, Mr. Speaker. We in this caucus have long advocated that government introduce measures to allow consumers to renegotiate contracts on an annual basis. Will this government finally start acting to protect consumers from deregulation and give them the choice to walk away from expensive long-term contracts on the anniversary of signing?

The Deputy Speaker: The hon. minister.

Mrs. Klimchuk: Thank you, Mr. Speaker. With respect to long-term contracts that have been signed these last few years and moving forward, we are very much aware of situations where consumers have signed a contract and, for whatever reasons, want out of that contract. These are ongoing situations that we monitor. Again, it's the power of the consumer, the power they have to say no. With the 10-day clause in there they can back out of the contract. Most certainly, we are monitoring all of those very carefully and working with all the individuals out there who are advocating those contracts.

Access to the Future Fund

Dr. Brown: Mr. Speaker, the access to the future fund established by this government was a forward-looking program to provide postsecondary education with certain development and funds. It provided for two funds: the innovation fund, which was designed to increase access and participation and promote innovation in postsecondary; and secondly, the renaissance fund, which provides matching grants to institutions to enhance access, quality, and affordability. Demand for matching funds, however, has far outstripped supply, and many donations are waiting in the wings. My questions are for the Minister of Advanced Education and Technology. Could the minister advise the House on the status of the renaissance fund in view of this year's budget?

The Deputy Speaker: The hon. minister.

Mr. Horner: Thank you, Mr. Speaker. First, let me begin by saying that we are very committed to continuing with the access to the

future fund as the students and the institutions have shared in its unique benefits. I might add that I don't believe there's any provincial jurisdiction that has that kind of funding program in place for the postsecondaries, which directly benefits the students. It is about access. It's about quality. It's about affordability. In the coming months it's going to be my pleasure to share with Albertans some of the successes that we've seen out of that program as well as the successes we'll see in the coming months.

Dr. Brown: Can the minister advise the House what plans he has to maintain funding for that program in order to leverage taxpayer dollars?

Mr. Horner: Mr. Speaker, the fund utilizes unbudgeted surplus dollars by legislation and is guaranteed 4 and a half per cent of the funds that have been deposited. In Budget 2009 we're providing \$48.6 million to the access to the future fund, and that is 4 and a half per cent of the original billion-dollar endowment. When resources are available and other issues of priority around the government of Alberta have been taken care of, I'm sure that we'll be looking forward to adding to that commitment.

Dr. Brown: Can the minister give the House any specific examples of where the renaissance fund has improved postsecondary education in the province?

Mr. Horner: Mr. Speaker, over the past three years well over \$130 million worth of grants to postsecondaries have leveraged donations that have been received by our institutions: some 45 million plus dollars in grants for facilities and for research, 30 million plus dollars for scholarships and bursaries – and these are scholarships and bursaries that help students in Alberta achieve their dreams for postsecondary because they reduce the costs that they have, part of the affordability framework – \$20 million worth of endowed chairs so that we have the best and the brightest from around the world teaching our students.

The Deputy Speaker: The hon. Member for Lethbridge-East, followed by the hon. Member for Cardston-Taber-Warner.

Education Property Tax

Ms Pastoor: Thank you, Mr. Speaker. Taxes are increasing for property owners in Alberta because of the education shortfall. The property tax is the only source of revenue for municipalities, and for half of those monies collected, municipalities are really only a tax collector for the province. Because of this failure property owners are now going to have to pick up the tab. To the Minister of Municipal Affairs: instead of listening to municipalities, who have for years said that they don't want to be the property tax collectors, why has the minister opted to increase the education portion of the property tax?

Mr. Danyluk: Well, Mr. Speaker, I'm not sure exactly what the question was, but I just want to make some corrections, first of all. Yes, the municipalities do collect the taxes on behalf of the province; they do collect the education portion. The second clarification that I'd like to make is that the first comment, that the only avenue of revenue that municipalities have is through taxation, is absolutely false. The municipal sustainability initiative, infrastructure funding, the sponsorship funding – municipalities are eligible for up to 80 grants from 12 different ministries.

The Deputy Speaker: The hon. member.

Ms Pastoor: Thank you. To the same minister. Higher taxes and MSI cuts are not good policies during an economic downturn. Will the minister explain how tax increases and broken promises are to support the sustainability of municipalities?

Mr. Danyluk: Well, Mr. Speaker, in fact, the mill rate for education taxes has gone down. Let me say to you that when you look at education taxes, the only amount that it has gone up is for the real value or the real growth. The amount of taxation increase in education is 5.2 per cent, and that is the real growth in the province, so that is all the additional properties that have been built.

2:20

The Deputy Speaker: The hon. member.

Ms Pastoor: Thank you, Mr. Speaker. Again to the same minister on that theme. The 2004 resolution that the AUMA came out with was to phase out the education portion in its entirety. Will the minister finally listen to municipalities and remove the education tax portion from property taxes?

Mr. Danyluk: Mr. Speaker, I can say two comments, the first one being that education is an investment in Alberta's future. This funding provides stable funding for our world-class system. The current system provides a balance.

The second comment I need to make is that when you look at the MSI funding and look at it through the longevity of 10 years, it is in the amount that education taxes were, so in essence municipalities are receiving that funding.

The Deputy Speaker: The chair misread the list here. I would like to recognize the hon. Member for Edmonton-Strathcona and then the hon. Member for Cardston-Taber-Warner.

Delisting of Medical Services

(continued)

Ms Notley: Thank you, Mr. Speaker. The health minister wants to cut gender reassignment surgery and chiropractic care from public health care. He seems to think that he can create a political precedent for delisting by going after people and services that are most vulnerable; for instance, where there is a high level of public misunderstanding, as with gender reassignment surgery. To the minister of health. You've already admitted it in the media. Why won't you admit here today that these cuts are just one more step towards dismantling the public health system and bringing more U.S. private health care to Alberta?

Mr. Liepert: Well, Mr. Speaker, I remember that before the Easter break the leader of the third party talked about – I believe his quote was “a dishonest budget.” We've heard two questions today from these two sitting in the corner, and both of them have been dishonest questions.

Ms Notley: Mr. Speaker, I don't know what he's talking about, but maybe he could raise it sometime.

A 2004 government study concluded that doctors should recommend spinal manipulation to their low-back patients as part of their medical care; in short, a medically necessary treatment. The AMA says that gender reassignment surgery is an effective treatment for people who suffer from gender identity disorder; in short, a medi-

cally necessary treatment. To the minister: why won't you protect our public health system instead of coming up with more and more ways to sell it off to your friends in the insurance industry?

Mr. Liepert: Mr. Speaker, if our publicly funded health care system isn't sustainable in the future, we won't have one. We'll have exactly what these two keep talking about, and that is private-sector health care. This government is the one that is preserving our publicly funded health care system, not the status quo.

Ms Notley: Mr. Speaker, this government gives more than \$700,000 to their high-paid staff in one year than they give to these people that need this treatment. The fundamental health of many transgendered Albertans hinges on gender reassignment surgery, and by denying that, this government could be complicit in raising their risk of depression and suicide. Delisting the surgery trims a tiny fraction from the health budget but slashes at the very foundation of human rights. To the minister: isn't it enough that you're already ripping apart our public health system? Why are you trampling on people's human rights while you're at it?

Mr. Liepert: Mr. Speaker, again, a dishonest preamble to the question because there is nobody dismantling public health care. This government is preserving the publicly funded health care system. Unless we get a handle on expenditures, we won't have a publicly funded health care system. But I know these two. They're the status quo; they never want to change anything. They want to do the health care of the '50s. We want to do health care for the 21st century.

The Deputy Speaker: The hon. Member for Cardston-Taber-Warner, followed by Edmonton-Gold Bar.

TILMA Benefits for Municipalities

Mr. Jacobs: Thank you, Mr. Speaker. In July 2008 officials from Alberta and British Columbia reached an agreement that outlines the municipal obligations under the trade, investment, and labour mobility agreement, TILMA. My question to the Minister of Municipal Affairs: how will Alberta's municipalities benefit from TILMA?

Mr. Danyluk: Well, Mr. Speaker, TILMA will help municipalities meet their local priorities as well as remaining competitive. Municipalities can benefit in a number of ways. Municipalities can benefit by having the best prices and services; they can benefit in the value of local projects, also a larger pool of certified workers. As I've said many times before, strong communities are the building blocks of a strong province. We continue to work with the municipalities to help them comply with TILMA.

The Deputy Speaker: The hon. member.

Mr. Jacobs: Thank you, Mr. Speaker. To the same minister. We know that it is essential for local governments to make decisions about local priorities. Will TILMA restrict municipal governments from making decisions that are in the best interest of their citizens?

Mr. Danyluk: Well, Mr. Speaker, no. TILMA allows local governments to continue to make local decisions and priorities. Local governments can make the land-use decisions. They can make the decisions that are in the best interests of their citizens. TILMA

gives Alberta municipalities an opportunity to pursue careers, business, and investment opportunities without barriers.

The Deputy Speaker: The hon. member.

Mr. Jacobs: Thank you again, Mr. Speaker. Final question to the same minister: were municipalities consulted in this process?

Mr. Danyluk: Well, Mr. Speaker, yes, they were. In fact, we consulted with the AUMA and with the AAMD and C, the associations that represent this province's municipalities. We consulted with individual municipalities. Those municipalities and those associations support the agreement which applied to municipalities. This is an opportunity for municipalities, and it is a good process.

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

Mental Health Services

Mr. MacDonald: Thank you, Mr. Speaker. In his October 2008 report the Auditor General notes on page 163 that there are no mental health standards in place in Alberta. My first question is to the President of the Treasury Board. Why is the government rejecting the recommendation of the Auditor General to create provincial standards for mental health services?

Mr. Snelgrove: Mr. Speaker, we're not rejecting the Auditor General's recommendation. We are saying: thank you; however, the implementation of mental health standards is clearly in the purview of policy, and that will be determined by this government.

Mr. MacDonald: You are not adhering to the Auditor General Act, and the hon. minister knows it, clearly.

Now, the Auditor General's report in 2008 on page 164 also states that "hospitals are an expensive place to house [mental health] clients; . . . inpatient beds . . . cost between \$500 and \$1,500 per day. It can be economically beneficial to find patients appropriate housing in the community." Again, why is the government dismissing and brushing off the Auditor General's recommendations to provide supportive living programs so mental health clients can recover in their community?

Mr. Snelgrove: I think that maybe the hon. member ought to take some time out and read the Auditor General's responsibilities.

The Auditor General has given us some very good information as part of his ongoing look into the overall government operations. He comes up with some very good suggestions. What this government is saying, Mr. Speaker, is that the development of policy – where people should be looked after and what's best for that community or for that person are matters of public policy. This government hangs on very strongly to what we are truly responsible for, and that's the development of sound public policy.

2:30

Mr. MacDonald: The Auditor General under section 19 has clear authority not only to make recommendations but to comment on the programs and the delivery of such programs by this government.

Now, again to the minister: on page 197 of the Auditor General's October 2008 report it notes that 72 per cent of physicians disagree that access to mental health specialists in Alberta is timely, and only 17 per cent agree that mental health service delivery in Alberta has improved in the last three years. To the Treasury Board president:

why are you brushing off the sound, reasonable recommendations by our independent and impartial Auditor General?

Mr. Snelgrove: Mr. Speaker, the last thing we would do is brush off sound suggestions as we would brush off, easily, stupid questions.

The point that needs to be made is that there are a lot of organizations out there who give us help to develop public policy, including the physicians, including the nurses, including the people who work in the field of mental health. They all contribute to us, to the departments involved, to develop sound public policy. We don't reject the Auditor General's claims or suggestions. We simply say that as part of the ongoing development we will use them where it's appropriate.

The Deputy Speaker: The hon. Member for Lacombe-Ponoka, followed by the hon. Member for Calgary-Buffalo.

Mobile Meat Processing Facilities

Mr. Prins: Well, thank you, Mr. Speaker. Proposed regulations to the Meat Inspection Amendment Act will transfer the authority to regulate mobile butcher meat processing facilities from Alberta Health and Wellness to Alberta Agriculture and Rural Development. Now, some of my constituents are concerned that the proposals will cause a bottleneck in the system and may increase costs. My first question is to the Minister of Agriculture and Rural Development. How will these regulations affect producers, processors, and mobile butchers in this province?

Mr. Groeneveld: Mr. Speaker, under the proposed changes Agriculture and Rural Development would now be responsible for inspecting the meat processing facility that a mobile butcher uses. We will work with these mobile butchers to ensure that there is a smooth transition from Health and Wellness so there are little or no disruptions, if we can help it, to their operations. These amendments will not affect the ability of mobile butchers to slaughter animals on private property for personal use and for personal consumption.

The Deputy Speaker: The hon. member.

Mr. Prins: Thank you, Mr. Speaker. Again to the same minister: the Auditor General identified gaps in the delivery of food safety programs for mobile butchers, so what effect will these regulations have on food safety?

Mr. Groeneveld: Well, Mr. Speaker, the Alberta government, certainly, is committed to continued excellency in food safety. This transfer program is an integrated approach to inspections that'll help ensure food safety as we know it. ARD works with all provincial abattoirs to ensure safe meat processing practices are in place, and we will work with the mobile butchers to ensure that the meat facility standards and food safety practices are being followed very consistently.

The Deputy Speaker: The hon. member.

Mr. Prins: Thank you, Mr. Speaker. My last question to the same minister: will the new regulations and equipment required by mobile butchers increase their costs of doing business?

Mr. Groeneveld: Mr. Speaker, we don't anticipate that the changes will create any financial burdens to the mobile butchers. ARD completed an assessment of mobile butcher facilities and improve-

ments needed to further enhance the food safety practices. There, of course, is a very small percentage of facilities that will require an improvement in construction standards, and we're certainly prepared to work with these operators to meet these requirements.

The Deputy Speaker: The hon. Member for Calgary-Buffalo, followed by the hon. Member for Olds-Didsbury-Three Hills.

Gender Reassignment Surgery (continued)

Mr. Hehr: Thank you, Mr. Speaker. The minister of health just acknowledged that his decision to eliminate gender reassignment treatment was not made on a medical basis. The truth is that his decision was made on the basis of political discrimination. Will the minister consult with medical authorities before implementing this decision?

Mr. Liepert: Mr. Speaker, I think the member raised a good point because one of the things that we are in the early discussion stages of is whether or not going forward we need some sort of an expert panel to start to determine what is medically necessary, what is essential, what needs to be covered, what doesn't need to be covered. Part of the problem you have today is that you have something called the Canada Health Act, which isn't very clear on what should be covered or shouldn't be covered, and you have people like the NDP, who think everything has to be covered under the Canada Health Act.

The Deputy Speaker: The hon. member.

Mr. Hehr: Thank you, Mr. Speaker. I agree with what the minister said. However, of all the hundreds and hundreds of services that could've been eliminated, why did the minister choose this one except that this government feels compelled to discriminate on the basis of gender orientation?

Mr. Liepert: Mr. Speaker, I think I answered that question earlier. This particular member is somehow suggesting this is the only program that has been covered in the past that is not going to be covered going forward, and that's clearly not the case. There are some, I believe, 130 million dollars' worth of programming that we've had to reassign, much of it to Alberta Health Services. Alberta Health Services will be making a determination going forward about what it is within their budgetary dollars that they can continue to fund and what they can't continue to fund.

The Deputy Speaker: The hon. member.

Mr. Hehr: Thank you, Mr. Speaker. I'll just try to appeal to the minister's sense of money well spent. With that, I'll ask the minister: does he understand that an expensive court challenge is a virtual certainty in this matter?

Mr. Liepert: Mr. Speaker, I would not comment on something that's hypothetical.

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

Access to Alberta TrailNet Land

Mr. Marz: Thank you, Mr. Speaker. Alberta TrailNet has drafted a crossing agreement for adjacent landowners which requires the

adjacent landowner to purchase \$1 million in liability insurance payable to Alberta TrailNet. My question is to the minister of tourism. Was there any consultation done by Alberta TrailNet involving adjacent landowners prior to the drafting of this agreement?

Mrs. Ady: Well, Mr. Speaker, I do understand that the agreement was prepared by a stakeholder group established by Alberta TrailNet. That was called the Alberta Trail Advisory Council. That council included representatives from the Farmers' Advocate of Alberta, Western Stock Growers' Association, and the Alberta Surface Rights Federation. As well, in 2001 all known landowners that were affected were given copies of the agreement and invited to comment.

The Deputy Speaker: The hon. member.

Mr. Marz: Thank you, Mr. Speaker. This agreement can be terminated by Alberta TrailNet within 90 days, giving no assurance to the adjacent landowners. Is there anything the minister can do to protect the rights of adjacent landowners to access their lands on a more permanent basis?

Mrs. Ady: Mr. Speaker, the provincial government has not had any role in the transaction between the railway and the landowners and between Alberta TrailNet and the landowners. Under federal legislation the railways guaranteed that the farmers could get across the railway line to get to the parcels of land on either side. Alberta TrailNet is offering to continue this practice if landowners sign the agreement. I believe these issues can only be handled by the two groups, the landowners and the Alberta TrailNet, but I have offered my department to go down and mediate if it's necessary.

The Deputy Speaker: The hon. member.

Mr. Marz: Thank you, Mr. Speaker. Given that the Cosway Adjacent Landowners group has advised me that Alberta land titles will not transfer title unless the Alberta TrailNet agreement has been signed, could the Minister of Service Alberta confirm if this is true?

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

Mrs. Klimchuk: Thank you, Mr. Speaker. A TrailNet agreement is not part of the required documentation for title transfer in Alberta, and I'm not aware of any situation where the land titles office has rejected a title transfer because a TrailNet agreement has not been signed.

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

Alberta Adolescent Recovery Centre

Mr. Chase: Thank you. From 1998-1999 to 2008-2009 the Alberta adolescent recovery program, AARC, has received just over \$2.8 million from the Alberta lottery fund. To the Minister of Culture and Community Spirit: how can the minister justify giving that much money to an unlicensed, unregulated, nonmedically accredited, nonresidential addictions treatment program?

Mr. Blackett: Mr. Speaker, if the applicant group meets the criteria that are set out by our department and is approved, then they are set for it. If you want to ask about the specifics of their medical qualification or the necessity, then ask the minister of health that question.

2:40

The Deputy Speaker: The hon. member.

Mr. Chase: Thank you. The minister of health, the Minister of Children and Youth Services, the minister of municipal affairs and housing have all ignored my question. I appreciate your taking it on.

Now, what oversight, what grant evaluation standards did the minister apply for the allocation of these funds? What are your criteria that recognize this institution?

Mr. Blackett: Mr. Speaker, let's be clear. The minister does not provide the criteria. The minister does not overview or review these applications. There are staff that are hired in our department that go over that, and there's a series of criteria that is available on our website. If you want it, go and find it there.

The Deputy Speaker: The hon. member.

Mr. Chase: Thank you very much. This government does not appear to be concerned about governance, especially of addicted, vulnerable youth. Has the minister ever visited AARC before the funds were disbursed to this program?

Mr. Blackett: Mr. Speaker, the answer to that question is no. We have in some of our programs 1,550 recipients; another one, a thousand recipients. Do you honestly think that in 365 days I'd be able to go and visit every one of those applicants? Let's be serious.

The Deputy Speaker: Hon. members, today we had 98 questions.

Before we continue on, may I have your consent to revert to introductions?

[Unanimous consent granted]

Introduction of Guests

(continued)

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

Ms Woo-Paw: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to members of the Legislature some special guests from the Calgary Immigrant Access Fund, which I spoke about earlier this afternoon. I would like to ask the following guests to stand as I call your names: Ms Kerry Longpré, board member of the Immigrant Access Fund; Ms Dianne Fehr, executive director, IAF; Ms Cici Yu, assistant to the IAF; Mr. Emil Sofroniev and Mr. Sergio Manrique from the Edmonton Mennonite Centre for Newcomers; and last and certainly not least, the president and founding member of the Immigrant Access Fund, a long-time, very able, and inspirational leader in the immigrant-serving sector, my dear friend and my mentor, Ms Amal Umar. I'd like to ask members of the House to give them the traditional welcome of the Assembly.

The Deputy Speaker: Hon. Member for Edmonton-Centre, your guest introduction.

Ms Blakeman: Thank you very much for the opportunity to introduce the remainder of the guests that have joined us here to express their concerns about the elimination of funding for gender reassignment. Those that I have not introduced before, please rise as I say your names: Nathan Linfoot, Nicole Linfoot, Lois Gorzalka, Cynthia Paish, Cole Caljouw, Dominic Scaia, April Friesen, Edda

Loomes, Roxana Rastegar, Leslea Huber, and Tam Gorzalka. Of course, I had introduced Julie Lloyd earlier, and in fact she was not in the gallery. Julie, would you also please rise and be welcomed and recognized in the Alberta Legislature?

Thank you.

The Deputy Speaker: Hon. Member for Edmonton-Strathcona, you have guests to introduce?

Ms Notley: Yes, thank you, Mr. Speaker. I rise to introduce a group of visitors who are also here because they oppose this government's decision to stop funding gender reassignment surgery for Albertans who are transgendered. My guests include allied persons: those who have been clinically diagnosed as transgendered, those who are undergoing hormone treatment and are preoperation, and those who have benefited from this government's policy in the past and successfully completed their operation. This is a long process that no one enters into lightly, and by cancelling this procedure, one that was considered medically necessary just a week ago, Albertans are becoming aware of this government's plan to delist and privatize essential services.

Mr. Speaker, my guests are seated in the public gallery, and I would ask them to rise as I call their names to receive the traditional warm welcome from this Assembly: Christina Hermary, Michelle Drinkell, Josephine Cross, Axcella Zelensky, and Heather Raine Edwards. Please welcome these guests.

The Deputy Speaker: I recognize you to introduce your guests, hon. Member for Lesser Slave Lake.

Ms Calahasen: Thank you, Mr. Speaker. It's a rare day indeed when I get to introduce to you and through you to members of this Assembly two people from my constituency, very special people. They are my nieces Andrea Calahasen and Sheridan Sokoloski. They're seated in the public gallery, and I'd ask that they stand and receive the warm welcome of this Assembly.

Presenting Reports by Standing and Special Committees

Dr. Brown: Mr. Speaker, the Standing Committee on Private Bills has had certain bills under consideration and wishes to report as follows. The committee recommends that Bill Pr. 1, Beverly Anne Cormier Adoption Termination Act, proceed in the Assembly; that Bill Pr. 2, the Caritas Health Group Statutes Amendment Act, 2009, proceed with amendments; and that Bill Pr. 3, Les Filles de la Sagesse Act Repeal Act, proceed with amendment.

As part of this report, Mr. Speaker, I will be tabling five copies of the recommended amendments to bills Pr. 2 and Pr. 3. I request the concurrence of the Assembly in these recommendations.

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

Hon. Members: Concur.

The Deputy Speaker: Opposed? Carried.

Presenting Petitions

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

Mr. Chase: Thank you very much, Mr. Speaker. I am tabling 19 signatures which come from primarily the Vegreville area of Alberta and Mundare. The petition states, "We, the undersigned residents of

Alberta, petition the Legislative Assembly to pass legislation that will prohibit emotional bullying and psychological harassment in the workplace." Bullying isn't limited to urban playgrounds.

Introduction of Bills

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

Bill 206

School (Enhanced Protection of Students and Teachers) Amendment Act, 2009

Mrs. Forsyth: Thank you, Mr. Speaker. It's my pleasure to introduce Bill 206, the School (Enhanced Protection of Students and Teachers) Amendment Act, 2009.

Bill 206 will make all schools safer and give our education system the tools it needs to stop bullying, including that which is disseminated by electronic media on and off the school grounds. Mr. Speaker, this will be a first in Canada. Additionally, it would prohibit the possession of weapons and/or drug paraphernalia.

[Motion carried; Bill 206 read a first time]

Tabling Returns and Reports

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

Ms Notley: Thank you, Mr. Speaker. I'd like to table the appropriate number of copies of six letters expressing concern about the cancellation of public funding for gender reassignment surgery. They state that such procedures are medically necessary and that cancelling public funding is a form of discrimination. They disclose the real suffering that precedes the surgery and the greater suffering that will arise from this government's decision. They are from Kim Smith, Dr. Karen Hofmann, Chris Van Alstine, Mercedes Allen, Sarah King, and Michelle Shaw.

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

Mr. Chase: Thank you, Mr. Speaker. I have three sets of tablings. The first is a tabling from the Alberta lottery fund entitled Who Benefits Report. It shows 16 grants from 1998 through to 2009, totalling \$2,824,228, given to the Alberta Adolescent Recovery Centre.

My second tabling recognizes the third Calgary peace prize, which was awarded to the hon. Louise Arbour, CC, LLL, LLD. Louise Arbour has had a very distinguished career, including as a Supreme Court justice and a justice for the World Court in some very terrible trials resulting from Bosnia, Croatia, and Rwanda. When asked what her most important achievement was, the hon. Louise Arbour indicated her grandchildren.

My last tabling is recognizing the 30 years that the Calgary Learning Centre has operated. Changing Lives through Learning is their motto. Given the fact that 40 per cent of Albertans are functionally illiterate, they have a large job ahead of them.

The Deputy Speaker: Any other tablings? The hon. Member for Edmonton-Gold Bar.

2:50

Mr. MacDonald: Thank you very much, Mr. Speaker. I have one tabling today, and it's a letter dated October 2008. It's addressed to myself, and it's from Elections Alberta. It is signed by Lorne R. Gibson, Chief Electoral Officer. It is a series of answers to many questions surrounding the March 3, 2008, election in Edmonton-

Gold Bar, specifically at poll 075. In this case it acknowledges that “movement of mobile poll within the Chinese Free Masons building (to residents’ rooms) interfered with the routine to be followed after voting was finished.”

Thank you.

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

Dr. Taft: Thank you, Mr. Speaker. I have three tablings today. The first concerns the cost of postsecondary education. They’re letters from Brett Lambert, Michael Bucholtz, Nieva Burns, Matthew Cadrin, Melissa Moncur, and Catherine Cunningham. All of these people express their concern with the future of Alberta and the negative effects of the high cost of postsecondary education on Alberta’s ability to face the challenges of transforming our economy.

The second tabling is a letter tabled with permission. It’s written by Wilma Korthuis to me. She expresses her concerns that chiropractic care may be delisted from our health care services. In fact, unfortunately, that’s proven to be the case.

The third tabling is letters from a number of people: Anne-Marie and David Kemp, Harry and Tina Schuld, and Fred Reckhard. They’ve each written to express their opposition to the new pharmaceutical plan for seniors and to changes in Blue Cross coverage. They make two really good points among many. One is that the proposal “unfairly penalizes and taxes the sick of Alberta.” Then they go on to say, “Surely income disparities should be addressed through taxation and not through the health care system.” I thought those were very good points.

Thank you, Mr. Speaker.

The Deputy Speaker: The hon. Member for Lesser Slave Lake.

Ms Calahasen: Thank you, Mr. Speaker. I am tabling the appropriate number of copies from 35 people from my constituency who are against the passing of Bill 19, the Land Assembly Project Area Act, “until such time that public information sessions are held on the bill and public input has been done.”

Tablings to the Clerk

The Clerk Assistant: I wish to advise the House that the following document was deposited with the office of the Clerk: on behalf of the hon. Mrs. Evans, Minister of Finance and Enterprise, pursuant to the Alberta Economic Development Authority Act the Alberta Economic Development Authority activity report 2008.

Orders of the Day

Government Bills and Orders Second Reading

Bill 17

Securities Amendment Act, 2009

[Adjourned debate March 12: Mr. Fawcett]

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

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. Certainly, whenever one looks at Bill 17, the Securities Amendment Act, 2009, at first blush one would think that this is very good, that it’s necessary, and that it’s long overdue. We look at the proposed sections here that are to be repealed and the substitutions that are to follow. Whenever we read the background around this bill, we think of just how important it is to have sound and secure, independent and impartial regulation of any type of security.

Now, the highlights of this bill, certainly as I understand it, are to harmonize the passport system that originated from the 2004 memorandum of understanding that was signed between the federal government and the provincial governments, but it’s worth noting, at least from the research that I have on this bill, that this excluded Ontario. I know the hon. member opposite who proposed this bill had some comment previously on that. But the amendments as suggested under Bill 17 will further modernize – at least, I think they will – and they will harmonize the securities law to allow for full implementation of the passport system by this summer.

The idea that we’re creating the mutual recognition of rules and registrants across the country is certainly interesting. With Bill 17 we are creating a single set of documents or fund facts, as I believe they’re called, for mutual funds and segregated funds to be given at the point of sale. Now, we’re also going to deal here with the powers of the executive director, and we are going to allow for any market participant to be reprimanded for a securities violation. Previous legislation, again as our research indicates, only called for registrants, but I think that in light of what has happened, particularly south of the border in New York City, this is welcome legislation at the appropriate time.

Now, there has been much discussion on this, but here in Alberta securities are regulated through legislation which is administered by our Alberta Securities Commission. The Alberta Securities Commission regulates individuals and entities in Alberta that advise on securities, trade in securities, or raise money through the issuing of such securities. The basic element of securities regulation always is to protect investors.

The Alberta Securities Commission’s power is with the registrants, the individuals or firms who deal with the securities. The Securities Commission will look at the policies of the dealers, their training, will put firms on notice if they need to self-police. If the Alberta Securities Commission finds any infringements, it will call the firms to stand in front of the Securities Commission if they continue to infringe on policies or established best practices and will periodically audit dealers, spot checks that are unannounced to the dealer. I have not seen any of these spot checks or periodic audits. I never thought, Mr. Speaker, that one should perhaps have a look at – I know it’s not in the Treasury Board annual report, but if it’s anywhere, it would be in the Alberta ministry of finance’s annual report. One could have a look there. I know there have been some controversial issues around the Alberta Securities Commission in the past, but it would be interesting to see what results of those audits have been made public.

Now, that being said, Mr. Speaker, I do know that whenever we look at the Auditor General’s report, all the Auditor’s work or audit projects are made public, unlike the Treasury Board across the way. Last year, hon. members would be interested to note, we spent 4 and a half million dollars on internal audits. In the interests of openness and transparency certainly the President of the Treasury Board should table all those internal audits, that taxpayers paid for with their own money, 4 and a half million dollars of their own money, here in the Assembly.

3:00

The Auditor General of Alberta makes his audits public not only through the Legislative Assembly but through the taxpayers. I don’t know about these background spot-check audits that are being conducted by the Alberta Securities Commission to protect investors, but I do know that to date – I don’t know if delinquent is a parliamentary word or not, but I’m going to try it, Mr. Speaker – the Treasury Board president is delinquent by not providing to this House the audited financial reports that are done by the Internal Audit Committee that he is in charge of.

Now, Mr. Speaker, further on in Bill 17 it should be noted that each province and territory has a similar commission, each with their own securities regulator, and these regulators work together through the Canadian securities administration. The hon. Member for Calgary-North Hill has certainly looked into this and has given a very good explanation as to how all this works, but we need to know what's on Canada's Department of Finance website.

The two main products traded in the securities industry in this country are fixed-income securities and equities. Fixed-income products, which include bonds, asset-backed securities, and money market instruments, are traded in dealer markets. Equity products, which include common and preferred shares, are mostly traded on stock exchanges. I think in the next year or possibly sooner there are going to be a lot more regulations, or rules, placed on these fixed-income products. I'm not so much talking about bonds here but, certainly, some of these asset-backed securities and money market instruments.

I was only looking through the advanced education budget estimates in the annual report from the previous year and many of the institutions of higher learning that report through those documents to the public through the minister of advanced education to know that one has to be very, very careful because there are some astute investment advisors working on behalf of those institutions who, unfortunately, as a result of their investment strategies or practices have cost those institutions a significant amount of money in unrealized investment income. Now, I'm certainly not blaming them in any way for what has occurred south of the border, but there were warning signs. In some cases the fact that those warning signs were not observed has cost significant loss of investment income.

Now, with that, Mr. Speaker, I would like to say on the record to the hon. Member for Calgary-North Hill that this is certainly, I think, appropriate legislation. It's welcome legislation at a time when it is necessary that investors, wherever they're from, whatever amount of money they do have to invest, can feel confident in the system that is there to protect their investment. At least make sure that the rules and regulations are fair for everyone and that if there is a violation of any of the rules that there's going to be a watchdog or a regulator that is going to ensure that those who broke the rules are pursued through our court system.

With that, Mr. Speaker, I will cede the floor to another colleague. Thank you.

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

Mr. Chase: Thank you very much. I appreciate, as my colleague from Edmonton-Gold Bar noted, the hon. Member for Calgary-North Hill bringing forth Bill 17, Securities Amendment Act, 2009. I don't believe when it comes to financial matters that we can underestimate the importance of security and governance. We've had incidents within this province, dating back three years, when the Auditor General was trying to take the Alberta Securities Commission, which is under the auspices of the government, to task. He requested a series of documents be provided, and it was of rather unfortunate circumstance that he had to push to such extent for one ministry of the government to provide information under the auspices of another ministry. Therefore, this whole idea of regulation, governance, and oversight is extremely important.

Today in the House I tabled another of thousands of petition signatures on bullying and the need for whistle-blower legislation. The hon. Member for Calgary-Fish Creek is going to be proposing private member's Bill 206 that will look at protecting teachers and students from bullying within the school system, yet what we have seen is that individuals within the Alberta Securities Commission

who came forward with very grave concerns about how securities were being handled and the management of the Alberta Securities Commission were fired. This, unfortunately, is the case for individuals in Alberta who are trying to bring accountability to their various departments or businesses. Alberta hasn't reached the point where that protection is there. We very badly need watchdogs.

When it comes to investments, the hon. Member for Edmonton-Gold Bar talked about asset-backed commercial paper. One of the organizations that Albertans, especially rural Albertans, are extremely dependent on is the Alberta Treasury Branches. It lost in the area of between \$250 million and \$300 million dollars because of very foolish investments in asset-backed commercial paper. Now, take those losses and compare them with the losses that the heritage trust fund lost, almost 2 and a half billion dollars, in its investment. Do we need a strong securities regulator in Alberta? Beyond a doubt.

We also need that connection that a passport system provides. Within Bill 17, unfortunately, there is very little discussion or debate about the notion of a national securities regulator. This idea has been brought forward, for example, by a former minister of finance or of the Treasury, Dr. Lyle Oberg, and he talked about the importance, at least, of the discussion about a national securities regulator. I don't believe there can be a limit to the number of regulators. The more people watching over our best interests . . .

Mr. Liepert: That sounds like a good Liberal.

Mr. Chase: Well, yes. It was noted by the minister of health that that's a good Liberal suggestion. Yes, Liberals believe in governance and good governance. They also believe in accountability and transparency, which is lacking within this House.

What this bill, unfortunately, does not address is the idea of a national securities regulator. There are currently, to explain the system that Alberta is a part of, 13 provincial and territorial securities regulators across Canada rather than a single national regulator. I'm not suggesting that I or the Liberals as policy are in favour of a single regulator, but that discussion needs to take place. Jim Flaherty, the federal Finance minister, has been quoted as saying that Canada is the only industrialized country without a single securities regulator. The *Globe and Mail* reported that Canada is one of only two countries in the 103-member International Organization of Securities Commissions without a national overseer.

3:10

Over the last few years all of the provinces excluding Ontario have begun implementing a passport system which mutually recognizes the rules within each provincial regulator in order to facilitate transactions across borders, such as what we're doing with the proposed TILMA regulation, a passport type of system. The federal government has been advocating for a national regulator with resistance from B.C., Alberta, and Quebec. B.C. has recently softened to the idea, but Alberta and Quebec continue to oppose the implementation of a national regulator.

As recently as January 12 of this year a federal report lead by former Tory minister Tom Hockin was released that recommended a national regulator, including provisions meant to accommodate the concerns raised in western Canada and Quebec such as regional offices being established in Vancouver, Calgary, and Montreal and a provision to allow provinces to opt in to the single regulator.

There was also a recommendation for a market participant opt-in for registrants and issuers, who could elect to be regulated by the federal regulator. Our finance minister immediately responded by threatening legal action if a national regulator is implemented,

claiming that it would be an infringement on provincial jurisdictions and that a regulator centralized in Ontario would not understand the unique market circumstances within Alberta.

In the 2009 federal budget Jim Flaherty stated that he would be tabling a federal securities act for Canada later in the year. When asked about the impacts of a national securities regulator on the passport system, Finance department officials stated that the draft legislation proposed in the Hockin report was based on Alberta's current securities legislation. Also, they estimated that it would take several years to implement Flaherty's plan.

There is no doubt that we need surveillance regulation governance, and it is interesting that the Alberta model is recognized by other provinces. We need to guarantee the security of Albertans' investments, and I don't think, as I say, we can shortchange the degree to which Alberta's investments require surveillance, require regulation. We don't want to see the types of fiascos that have occurred south of the border, so the debate over a single securities regulator or the strengthening of the governance of Alberta's securities through Bill 17, the Securities Amendment Act, 2009, is of utmost importance, Mr. Speaker.

I thank you for allowing me to participate in the debate.

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

Mr. MacDonald: Thanks, Mr. Speaker. I would like to ask the hon. Member for Calgary-Varsity a question, please.

The Deputy Speaker: We have five minutes for comments and questions. Go ahead.

Mr. MacDonald: Thank you very much, Mr. Speaker. I appreciate that. To the hon. member. I saw over the weekend a cartoon in a national newspaper where two pirates were on the deck of their ship and one noted to the other one: bankers are giving us a bad name. Now, I heard, when you were giving your remarks, the members opposite were very concerned about overregulation of the financial sector.

I would like to note to the hon. member that in the budget that was just tabled here last week it indicates that there is \$2.4 billion in losses to the Alberta heritage savings trust fund. That's at least a half a billion dollars more than was anticipated earlier. There is \$145 million in losses in the Alberta heritage scholarship fund, \$141 million in losses to the Alberta Heritage Foundation for Science and Engineering Research endowment fund, and \$258 million in losses to the Alberta Heritage Foundation for Medical Research endowment fund. Now, many of these losses are as a result of investments that were located in the lower 48 states and in the European financial markets, where we know there was a regulatory system that was set up that was nothing more than a casino, Mr. Speaker. To the hon. Member for Calgary-Varsity: are you surprised that the government members across the way have such a cavalier attitude toward financial regulation when we see substantial losses in this year's budget?

Mr. Chase: I would be afraid to say, hon. Member for Edmonton-Gold Bar, that nothing this government does surprises me, especially when it comes to the promise of transparency and accountability that the Premier ran on. Any type of surveillance, oversight, governance is viewed by this government as an intrusion in an individual's personal business.

I would suggest that given the fact that the United States has tried to recover with trillions of dollars of reinvestment, this is not an area that Alberta wants to venture into. We've had significant losses, in

the billions. The government has incurred a deficit this year alone of \$4.7 billion, and that doesn't take into account the numerous references that you made to a whole series of other debts, including the debts associated with the reorganization of the health ministry. It does not take into account the billions of dollars in P3 expenses that have yet to be paid out. It doesn't take into account the \$7 billion plus money that this government owes eventually to teachers to cover the unfunded portion of their assumed liability. So I'm sorry to report to the hon. Member for Edmonton-Gold Bar that when it comes to oversight, this government doesn't have it.

Thank you.

The Deputy Speaker: Any other member under the five minutes of comments? The hon. Member for Edmonton-Strathcona?

Ms Notley: Thank you. I'm sorry; is this on the bill directly or on the questions?

The Deputy Speaker: We still have time for questions.

Ms Notley: I don't actually have any further questions for the previous member. Sorry. I will wait until the next opportunity to speak.

The Deputy Speaker: Does any other member wish to join in the debate in second reading? The hon. Member for Edmonton-Strathcona again.

Ms Notley: Thank you. It's a pleasure to be able to rise to speak very briefly to this bill. This bill is obviously designed to amend the Securities Act and to sort of carry on supporting the work with respect to the passport system that was initially negotiated, I believe, back in 2004. The work started then. Much of the work was done to amend the Securities Act through Bill 38 in the last session. My understanding is that of the two primary amendments that we'll be talking about here today, one is not quite consequential but house-keeping, and the other is a little bit less so in terms of its relation to the ability of the Securities Commission to respond to inconsistencies in securities regulations across the country as they might arise.

Speaking from a more global point of view, our caucus has already been on the record talking about our view of the passport system as a mechanism to streamline securities regulation across the country. We have made in the past, you know, two or three major, global points. First of all, we think, obviously, that if we are going to have an effective securities regulation system, there needs to be consistency throughout the country and that by having a patchwork of systems in each province, we create a lot of duplication and also run the risk of limiting trade, to some degree, and also of creating confusion and uncertainty in the business world. For that reason we continue to advocate for one national securities regulation system across the country of which, of course, Alberta would be a part.

3:20

Now, we know, as has been stated in the past in previous debates, that there are proposals out there that such a system would be nationally created and run somewhere out of Ontario. We've been on the record saying that's not the kind of approach that we think needs to be put in place but, rather, that there needs to be more work done on the part of the provinces to create one regulatory system with one system of rules, one system of applying those rules, and one mechanism for enforcing the rules across the board but that that one mechanism and that one system would ultimately be run by the provinces collectively, thereby ensuring that it doesn't become a

mechanism for provinces to lose, say, over critical economic interests, where those might arise. That's the overall view of the way we think this should unfold. It's for that reason, then, that the passport system and efforts to put the passport system in place, if it's believed that that's where the efforts stop, are things that we have some difficulty supporting.

It has already been stated by pretty much every speaker – but it is always worth stating again – that with the incredible volatility of the financial markets over the last six months I don't think that most people would suggest that less regulation is the way to go or that there isn't an opportunity for us to do a better job of regulating our financial markets. I think there is. I think the majority of Albertans would agree that that would be a good thing to promote healthy, sustainable business practices across the country and, of course, here in Alberta. That's sort of our global approach to this.

That, of course, then links back to, you know, sort of the more substantive part of this bill, which is putting in place the opportunity for the Securities Commission director, I believe it is, to revoke or vary decisions that were previously made. I appreciate that that authority is being put in there in order to allow for dealing with the challenges that arise from a pan-Canadian system with a variety of different rules and regulations from province to province and that, in fact, that authority was something that came from the efforts that were put in place to negotiate the passport system. Again, it's fine. It makes sense for what it is that it's trying to achieve. I just don't think that what it's trying to achieve is good enough. In short, I don't think that we've set the bar high enough for ourselves and for Albertans and for Canadians in terms of providing a safe and secure investment climate for all of us.

The final piece of this act, of course, relates to the issue of, I understand, simply returning the power or the ability of a purchaser of securities or mutual funds to rescind their purchase within 48 hours of the purchase. My understanding is that this is in there because the federal government was unable to act as quickly as they should to ensure that that was there and that this is a right that was already there before. I haven't had a chance yet to look at whether or not we should be in fact enhancing that right somewhat but will look into that and offer additional comment at further points of the debate.

At this point this is our overall position on this bill. Nothing that's in here seems to fly in the face of a previous bill that we've already passed. Rather, it just simply stands to support a system which we don't believe is going far enough in ensuring an open, transparent, well-regulated investment climate not only in Alberta but across the country.

Those are all of my comments at this point. Thank you.

The Deputy Speaker: We still have five minutes for comments and questions. The hon. Member for Calgary-North Hill.

Mr. Fawcett: Thank you, Mr. Speaker. It's not too often I stand up and try to help the opposition in this Assembly, but I would like some comment from the Member for Edmonton-Strathcona. She made some comments earlier on in her speech about, you know, not needing duplication of regulations and all of that sort of stuff. But if I recall, just last week when we were discussing – I don't remember what bill number it was – I believe it was the trade, investment, and labour mobility agreement amendment act, she perpetuated the exact opposite. I'm sorry, but I don't understand the inconsistencies in your opinions. Maybe you could shed some light on that.

Ms Notley: I'd be happy to. I think that comprehensive, public-interest-focused regulation is something that is an absolute necessity

in certain areas of public discourse and in our society. There's no need to duplicate it, but there is a need to ensure that the regulations that are put in place go through a transparent, open, and democratic mechanism of debate and oversight and that once they are put in place, they can be administered in a way that is clear and understandable and that they are enforced in a way that is consistent.

My concern around TILMA wasn't that somehow I was seeking the duplication of regulations. What I am seeking in my opposition to TILMA is that we maintain our fundamental right here in this Assembly to make the kinds of decisions that from time to time will appear to us as being necessary in the public interest. My concern with TILMA was that we were giving that away.

That's very different from what we're dealing with here with the securities regulator because all we're suggesting is that when regulations are in place, there is no reason why you can't have a consistent form of applying them. What I was maintaining was that the province of Alberta would still have a key role to play in putting those rules in place. That's why I said that we don't support one national regulator because the province and the people of Alberta, through the province and through the government and through this Assembly, need to have input into what that regulatory framework looks like.

I'm quite happy with the idea of ensuring consistency across the board in certain areas, but you have to maintain the ability for the people of Alberta to have input on that level where possible. What the bill we discussed last week did was that it removed that ability. It gave that ability to private corporations, and it gave that ability to other provinces and then, ultimately, to an appeal panel over which this Assembly has no authority and then, finally, to the executive over which this Assembly is unable to exercise any authority vis-à-vis the way those decisions might ultimately be applied. So that's the difference.

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

Mr. Denis: Thank you very much, Mr. Speaker. This member has talked in her speech today about the need for openness and transparency, the need for Albertans to have an impact, to have the ability to consult with the Securities Commission. I find this somewhat ambiguous with her support for a national regulator. I want to specifically ask this member what she thinks about our oil and gas sector in this province. Does she feel that a national regulator would give adequate input for this sector in securities regulation, or is it her goal to simply shut this sector of our province down?

Thank you.

Ms Notley: Actually, I suspect what might ultimately happen is that this government's inability to come up with any kind of comprehensive, believable environmental system of regulation will ultimately have a much bigger impact on the oil and gas industry.

But just to clarify, I didn't ask for a national regulator. What I said was a consistent set of rules across the nation. I was suggesting that we would reject the idea of a national regulator in favour of a single set of rules that the province played a role in setting. So I think that may be where the member was confused.

3:30

I think that kind of answers the question. I don't believe there was anything I was saying that in any way suggests that we would be looking forward to having the oil and gas industry shut down by the securities commission or whatever it was that was being implied. It wasn't very clear.

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

Mr. Hehr: Well, thank you very much, Mr. Speaker. It's an honour to stand up, figuratively speaking, of course, and speak in favour of Bill 17, the passport system. I believe it brings us further along towards a systematic set of rules and agreements where people can evaluate the various securities that are coming to market and bring them out in a reasonably fair fashion throughout this nation. What I would say is that, you know, we should be continuing along the lines of simply going to a national securities regulator. Simply put, it eliminates a fair bit of duplication, a fair bit of what I would call, basically, redundancy.

Let's face it. I think the people who are actually practising in this area, lawyers as well as people who go from various jurisdiction to jurisdiction, would appreciate a common set of rules and dealing with one regulator instead of 13. At least, that's my perspective on the issue. I believe most people who practise in the area, who actually invest in the area, believe that it would be a more common-sense approach to doing things to bring about a more fair and even and actually understood securities system than the one that currently exists. I believe that a national securities regulator could provide the oversight needed, could provide the investment climate needed, and would be able to adapt, in fact, in a quicker fashion to various issues that occur throughout the securities industry.

Those are my comments. Again, I applaud us on the direction we're going, but if we can get a national securities regulator, I believe it would be one of those ideas whose time has come.

Thank you very much, Mr. Speaker.

The Deputy Speaker: We have five minutes for comments and questions. The hon. Member for Calgary-*Varsity*.

Mr. Chase: Yes. As the Liberal caucus whip I just want to ask the hon. Member for Calgary-*Buffalo* if he appreciates the opportunity to speak from his heart, from his soul, from his mind freely in this Legislature on issues of great controversy.

Mr. Hehr: Well, of course I do. It's an honour and a privilege to get to do what I do here, and I'm certain that most members of this House feel exactly the same way. You know, the neat thing about it is that you get to express a whole bunch of variances of opinion and add to the debate, and sometimes – sometimes – I even think that the other side listens. That's sort of the neat thing about it.

Mr. Denis: Sorry. What was that?

Mr. Hehr: Sometimes. I didn't say all the time. Sometimes. Hey, the same thing: I think sometimes we listen.

It is truly an honour and a privilege to do what we do here in the House.

The Deputy Speaker: Any other members? Seeing none, the chair shall now call the question.

[Motion carried unanimously; Bill 17 read a second time]

Bill 19 Land Assembly Project Area Act

[Adjourned debate March 17: Mr. Hayden]

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

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. Certainly, we have been curious about Bill 19 from the start. It's a

classic piece of enabling legislation. It enables the government, the Minister of Infrastructure, and the cabinet to do what they want when they want regarding land assembly in this province.

We look back at the history of government land assembly for large tracts of land. We look at the government's track record with the acquisition of the land for the Edmonton ring road and the Calgary ring road going back 30 years ago. They're very good roads. They're needed. They're necessary. But if you add up the total bill from acquisition through to the P3 construction, they've got to be the most expensive highways in, if not in Alberta, the entire country. Certainly, if you add up the bill from when the land was purchased to the construction phase, well, it's a lot of money.

There were statutes changed to have restricted development areas going back to the mid-70s to facilitate the acquisition of this land. Some of those statutes, if one looks closely, are still in existence. For instance, the Government Organization Act, schedule 5, certainly gives the government the authority and the power that they need, in my view, to assemble land for large-scale infrastructure projects. There is also the Expropriation Act.

There are a number of needs, certainly, for infrastructure projects from time to time, but this legislation is curious, to say the least. It has caused Albertans across the province to ask a lot of questions about why, Mr. Speaker, it is necessary. If you look at the series of public meetings that have occurred in central Alberta and northern Alberta, it's perhaps one of the most interesting and controversial pieces of legislation that the government has put forward to date in this session.

Now, we heard from the hon. Member for Lesser Slave Lake earlier, before Orders of the Day were called, Mr. Speaker, and the hon. member presented a petition on behalf, I would assume, of constituents who were concerned about Bill 19. They wanted a series of public hearings. I think that is a very good idea, and we need to have a look at that in this Assembly.

What sort of controversy has the hon. Minister of Infrastructure created with this bill? Well, I'm just looking at an invitation that I received, and I would have been delighted to attend this meeting last week. It was in Innisfail at the Legion auditorium, and it was on April 8, starting at 7 o'clock in the evening. I understand the hon. minister was going to be there to present the government's position on Bill 19. I had to remain in the city and, of course, be part of the budget debates on aboriginal affairs, so I could not attend this meeting. The opposition, as the government members know, is going to be tied up in what we're calling budget estimates debates for the next month or so. But it would have been very interesting to have an opportunity to hear the minister explain to the concerned citizens how Bill 19 was not going to be controversial.

3:40

The format of this meeting was interesting. The organizer of this meeting, Mr. Glenn Norman, thought emotions might run high over the power and control that were to be implemented by this bill. There also seemed to be a concern that affected landowners needed answers, not political spin that goes on and on, wasting time.

I don't know what happened at this meeting. Maybe the minister could enlighten the House and enlighten the public on just what exactly happened there. I'm assuming that the hon. minister did attend in the end. Again, I was disappointed that I could not, but there is only so much time in a day. This letter that I received from the government committee chair, Mr. Glenn Norman of the Pine Lake surface rights action committee, is certainly reflective of the many calls and e-mails and letters that we have received regarding this bill.

Now, it started out as what I would describe as innocent legislation, but it has turned into, again, one of the most controversial bills

that has come forward in this session. The devil is in the details. The devil is in the regulations. Much of this has been cut and pasted from other acts or other schedules of various acts, from what I can see. The amendments that have been brought forward by the minister certainly are interesting. We're not even in committee stage yet. We're probably going to get there quite soon. But even before the bill was debated at second reading, there was a series of amendments floated, shall I say, by the hon. minister to see if we could sort of come to an agreement on why this legislation is necessary.

Now, I do know that the government has plans for another series of ring roads around Edmonton and Calgary, further out. I do know that the government has plans for highway 2, or the QE II. There is talk of adding an additional lane going north and an additional lane going south and possibly making those lanes dedicated to heavy truck traffic. There is the need for a utility corridor north and south. There is a need for land that possibly could be used for a high-speed rail link between Edmonton and Calgary with a stop at the Donut Mill in Red Deer. It has to stop at the Donut Mill in Red Deer.

Now, there are also ring roads being contemplated for Medicine Hat, Lethbridge, Grande Prairie. I believe Fort McMurray is on the list. Certainly, Red Deer.

Mr. Chase: St. Albert.

Mr. MacDonald: The hon. Member from Calgary-Varsity is absolutely correct. St. Albert. There is an interesting number of projects in the 20-year strategic capital plan that are not only on the Treasury Board website, they're also on the Minister of Infrastructure's website. I hope they're not having some sort of political wrangle over who's going to control that 20-year strategic plan, but I do notice that it's on both websites. I would urge all hon. members to have a look at that 20-year strategic plan because that strategic plan is the blueprint that Bill 19 is to implement.

Why do we need this bill? We have the strategic capital plan. We have existing legislation. I don't understand why this bill is necessary at this time other than that we can quickly go about our business without the embarrassment of an incident like we had the other summer in Rimbey, when licensed private detectives were caught spying on innocent citizens who were at a regulatory hearing regarding the expansion of a transmission line.

Now, we know that the transmission lines for electricity in this province have not been upgraded in a long period of time. We know the confusion and chaos that has been created because of electricity deregulation, and no one would invest in the transmission lines. We have significant bottlenecks, and if they're not fixed, there are going to be more brownouts and more blackouts than there already have been. We're not going to have energy emergency alerts. We're just going to have to phone folks and say, "Sorry; we don't have enough power for you" unless we get this fixed. There's an urgent need for utility corridors, for roads, for rights-of-way, for high-speed rail links.

But Bill 19 so that we can acquire all of these properties very quietly without risking the fire that turned out to be the Rimbey regulatory hearings, where a private detective was spying on innocent citizens participating in what should have been a democratic process, a regulatory hearing? After the embarrassment of that, I think, we have this bill. Now, there were no public hearings. There was no discussion that I'm aware of, Mr. Speaker, regarding Bill 19. It was just dropped quietly through the usual routine here in the Legislative Assembly. I think it's time that we had public hearings on this matter.

At this point in time, Mr. Speaker, I would like to move an amendment to Bill 19. I have the amendment here. It was signed by

Parliamentary Counsel on March 19, 2009. I will just take my seat while it's circulated to the hon. members.

The Deputy Speaker: Hon. members, we have on the table the amendment proposed by the hon. Member for Edmonton-Gold Bar. So now on the amendment, please, the hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. I move that the motion for second reading of Bill 19, the Land Assembly Project Area Act, be amended by deleting all the words after "that" and substituting the following:

Bill 19, Land Assembly Project Area Act, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on the Economy in accordance with Standing Order 74.2.

Mr. Mason: It'll never pass.

3:50

Mr. MacDonald: It might pass. I think we're offering the government a good political lifeline here, hon. member.

He distracted me. Now, this amendment, Mr. Speaker, would move Bill 19 to the Standing Committee on the Economy. This would allow the general public and MLAs to review further the legislation. We could have a debate. We could consult on the bill at this committee. We realize that it's an extremely controversial bill. Over the summer this committee could travel, maybe even go to the legion in Innisfail. We could go to any number of places in central Alberta. We could go to a community around Lesser Slave Lake, the Peace River district. We could go to Medicine Hat. We could have hearings, perhaps, in Edmonton or Calgary. That was the purpose of the policy field committees to start with.

The hon. Premier has already talked, as I said earlier, about amending Bill 19. Clearly, the government recognizes that in its current form the bill is problematic. Our reason for this amendment is that the widespread public concerns require the detailed study of this committee, and we need as Legislative Assembly members to hear directly from those who have issues with this legislation as it's currently drafted and presented to us in the Assembly. The standing committees, again, were set up for this very reason. Our amendment would certainly take advantage of that after the budget estimates are out of the way, and we get through the long lists of bills that need to be debated, discussed here. This could be a summer project for the Standing Committee on the Economy.

Landowners are seriously concerned about this bill. Everyone is concerned about this bill, and they're not satisfied to date with the answers that they have received. The bill, again, shows that there was a lack of consultation between the government and landowners before this bill was drafted. The lack of any time limits or limits to the areas controlled and the size of the punishments or penalties all concern many people across the province.

Now, the government has already talked, as I said earlier, about amending this bill. There were amendments; there was a press release, as I understand it. This shows even before we get to committee, hon. members, how poorly this legislation was drafted in the first place, and simple amendments aren't enough. We think it needs more public discussion, and that's why we want, Mr. Speaker, to refer this bill to hearings of an all-party committee, so that all Albertans, regardless of whether they're urban or rural, which area of the province they live in, and landowners from throughout the province can bring their issues forward, and we can deal with them fairly.

This amendment is necessary. We need to have a public, transparent, accountable process regarding this bill. I don't under-

stand why the government, certainly, wouldn't support this amendment and have a good second look at this legislation before it proceeds any further in this House. Hopefully, we can hear the concerns of the landowners, and also, Mr. Speaker, we could start to restore public confidence in the legislative process, which has been, in my view, damaged by this attempt at legislation.

In conclusion, this is a very important bill. If the government was to stand this afternoon and table the regulations that are associated with this bill, then maybe this process wouldn't be necessary. But, again, Mr. Speaker, the details are in the regulations. Everything is to be done by regulation. This is only enabling legislation, which enables the government to do what it wants when it wants regardless of any of the consequences.

With that, Mr. Speaker, I would urge all hon. members of this Assembly to give consideration to this amendment and send this bill off to the Standing Committee on the Economy so that they can hear directly from landowners and citizens who are concerned about this throughout the summer and report back, hopefully next fall, to the Legislative Assembly.

Thank you.

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

Mr. Chase: Thank you. Neither myself nor the Member for Edmonton-Gold Bar are in the usual habit of saving this government's bacon or keeping them from hoisting themselves with their own petard, but this is exactly what we're trying to do with this amendment today. We're setting aside partisan politics to stand up for rural landowners, who have traditionally voted Conservative over the last 40 years. The fact that this government is ignoring such basic rights as landowner familial rights seems to me to be unbelievable.

The term "Hi, Jack" is no longer a greeting for the Minister of Infrastructure. It's an expression of how rural Albertans see the intent of this legislation. They see it as robbery. The minister can be very glad that to date he has escaped the pole, the tar, and the feathers that would have been brought out in earlier Alberta history, upon which he would be ridden out of town. The minister's attempts at this point to appease the concerns of rural landowners have fallen on deaf ears. They're not convinced by these amendments.

Now, let's look at some recent history. I would call it a government-forced sleepover. We spent over 30 hours, as I recall, debating Bill 46, which also dealt with landowner rights and this government's trampling upon them. During the forced sleepover this government put forward 24 amendments, trying to turn a flawed piece of legislation into something that we could sort of hold our noses and vote for. Of course, to a man, to a woman members of both opposition parties voted against Bill 46, and I recall during our sleepover the sleepwalking standing votes over how poorly the amendments were brought forward.

It was interesting, given all the government time on the debate of Bill 46, that no time was given for either Her Majesty's Loyal Opposition, the Liberal caucus, or the third party to put forward amendments on Bill 46. What the hon. Member for Edmonton-Gold Bar has done is, as he put it, throw a lifeline. He's given this government an opportunity to say: "Guess what? Consultation is important to us. Transparency and accountability, listening to our constituents' concerns are of importance to us."

The fact that we've had a few meetings in Innisfail and some other rural areas throughout the province has not convinced any of the individuals in attendance that the amendments proposed but yet to be discussed by the government members are going to solve the problems. They still see it as something left over from the Old West,

where the minister of expropriation comes riding in on his black horse with his bandana drawn over his nose and says: it's time to move, family; git. This is exactly what is being brought forward and proposed. If the government believes in consultation, if it believes in the importance of maintaining its rural power base, if the rights of landowners are of any consequence to this government, if they want to move forward in any kind of smooth transition, whether it be for the bullet train, whether it be for the development of highways, whether it be for the development of power lines, let's look at what you've exhausted. Spies don't work. ERCB hearings have limited potential. Thank heavens the citizens of Tomahawk got a reprieve from having sour gas wells drilled in close proximity to their school and their community.

4:00

But what this government doesn't seem to get is the idea of negotiation versus a steamrolling attitude. For 40 years this government has had it good, but part of that goodness has been connected with the support and the listening, somewhat limited listening, I would suggest, to the will of the electorate. Now, keep in mind that on March 3, 2008, only 21 per cent of Alberta's eligible voters put this government into power, and the majority of those Albertans, of that 21 per cent, came from the rural base. So if the government is set on alienating rural voters, if there is some new policy of "we know best; we're omnipotent; we're omniscient; we'll tell you landowners how you should behave and how quickly you should pack your bag," if this is the new version of the Alberta civil war and the government is taking on the role of the carpetbaggers, then you'll reject this amendment, and you'll proceed at your peril.

It is given to you as a gift. It lets you off the hook. It allows you to do what is absolutely necessary, and that is to conduct hearings and not only conduct them but actually listen because to date you haven't been listening. It's a gift. You can reject it, but you reject it at your own peril.

Thank you.

The Deputy Speaker: The hon. Minister of Infrastructure.

Mr. Hayden: Thank you, Mr. Speaker. I stand to oppose what's being proposed here. We've had excellent input from Albertans over the past few months. We have tabled proposed amendments, that have been available to all members of this House, and I hope they took the opportunity to look at them. They, of course, are amendments that are aimed at looking after the concerns with respect to clarity, that people had spoken to us about, to provide greater certainty for landowners, and we're certain that they will address their main concerns.

I think it's important, Mr. Speaker, to state that Bill 19 does not create additional land acquisition powers for government. It improves the process that was used to assemble land for the ring roads in the past. The important features, of course, are that compensation can be triggered by the landowners with options for them that are much fairer. The main change in this legislation is to make public consultation mandatory, and to consult about making consultation with landowners mandatory is not a good use of this House's time.

I ask members to defeat this motion.

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

Dr. Brown: Well, thank you, Mr. Speaker. I would be very brief. I believe that we ought to reject this amendment proposed by the Member for Calgary-Varsity. The minister and many members of

caucus, in fact, have bent over backwards to consult with Albertans, particularly rural Albertans, and constituents with respect to this matter. They've attended many, many meetings throughout the province. I believe the minister has listened to the criticisms, and I think that if the hon. members who are opposed to the bill or are critical of the bill and who support the amendment would be patient and wait till the matter goes to Committee of the Whole, some positive developments may be forthcoming, and perhaps the criticisms could be dealt with.

I do want also, Mr. Speaker, to refresh the memory of the hon. Member for Calgary-Varsity with respect to what he termed the forced sleeper. That was not due to the members of the government caucus. In fact, it was the former Member for Calgary-Elbow and the Member for Calgary-Currie who stood in this House repeatedly and refused unanimous consent to abbreviate and truncate the ringing of the bells in this House, as a consequence of which we spent at least four to five hours listening to bells ring and waiting to have votes on numerous amendments. It certainly wasn't the members of government caucus that were to blame for an all-night session over Bill 46.

Those are my comments, Mr. Speaker.

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

Ms Notley: Thank you. It's a great opportunity to rise and speak to this amendment, and I speak in favour of this amendment.

I just do have to respond to that last comment because, of course, the reason we were here overnight was because this government, effectively, brought in closure and time limited that debate. That's why we were here overnight: because there was a decision to limit debate by the government.

Anyway, that's not what I'm talking about. I'm here to talk about this proposal to send Bill 19 to committee for consideration. I think that it's quite a reasonable proposal. The Minister of Infrastructure has outlined some of the objectives which he seeks to achieve through this bill in terms of the public interest, which is ultimately served through the acquisition of certain land rights with respect to certain projects. Of course, there is a public interest to the acquisition of certain land rights with respect to certain projects, whether we're talking about transportation or municipal growth or whatever the case may be, but that always has to be balanced against the individual rights of people whose rights would be negated or diminished through the pursuit of the public rights.

I find it ironic that I'm in this position, advocating this, because the government has decided to adopt a position of being big government and just sort of wholeheartedly sweeping in and taking what they need with limited consultation or negotiation with those from whom they take it.

This bill is an interesting bill in that it really has very effectively united people of all ends and places, even in the middle, on the political spectrum. It's really quite remarkable how many Albertans this minister has managed to anger through this particular piece of legislation. One of the reasons I think that this happened – and I suspect or I'm almost sure, in fact, that the government was more than a little surprised by the outcry which this legislation created. I would suggest that the reason for that is directly linked to the motion that we are dealing with right now, which is that there was really nowhere near the kind of consultation that should have been undertaken with respect to this piece of legislation.

You know, we have claims that there was consultation with municipalities and that there was consultation with the cities in particular as well as with the overall municipal boards. I understand that as far as the AUMA goes, not everybody there felt that it was

sufficiently consulted, and that may have something to do with the internal process of the AUMA. I don't know. Certainly, we've heard that members of the AUMA don't believe that they were fully consulted.

Then, of course, landowner groups themselves were shocked to discover that this piece of legislation was going through, and it didn't appear as though there was any consultation with them as well.

4:10

As well, environmental groups are expressing a great deal of concern about this legislation and the way in which it would effectively allow this government, which, let's face it, has historically been likely to make decisions that favour very large projects in lieu of local people that are working to try and protect the sanctity and the sustainability of their community, of their land, of their place of residence – in that way there's also concern that this is yet another tool in the tool belt of the government to override environmental concerns that can sometimes come into play with respect to proposed development.

Going back to the question of whether or not it would be valuable for this particular piece of legislation to be referred to a committee and subject to the kind of consultation and consideration that would occur in that setting, you know, government speakers have talked about the fact that several amendments were presented by the minister. Maybe they've been tabled; I can't remember now. Certainly, amendments to the legislation have been put out publicly by the minister as things that he would support. But I think that when you consider that the bill was introduced and that then there was this completely surprising outcry from Albertans and that then suddenly we have – I'm not exactly sure how many – I believe four amendments appear from the minister, it's sort of like governance on the back of a napkin. It's sort of like: "We put this piece of legislation out there. We were overwhelmed by how many different people we managed to anger, so we will quickly, very quickly craft four more amendments, and hopefully that will settle the waters enough to get this thing through."

I have to say that I'm very concerned that those amendments may well have been crafted with the same thought and the same planning and the same level of consultation and the same analysis that the original bill was crafted with. I can't imagine that there wouldn't be, actually, people within the ministry itself who would agree that further consultation and further analysis are actually required in order to do the best job possible for all Albertans.

I'll also say, of course, that the proposed amendments that have been put forward don't really address the majority of the concerns that we've heard in our NDP caucus from Albertans about this piece of legislation. Landowners whose lands are a part of a project area still wouldn't get any form of compensation for the development restrictions being placed on their land. There is still no limit on how long the land can be placed under a project area order, and the government can cancel the project area order at any time without penalty. It's ironic that this is supposed to be a piece of legislation that will facilitate consultation, yet there is a real resistance to consulting at this point. There have been only half measures with respect to consulting prior to its introduction, and now the government is talking about trying to avoid consultation through the committee process, yet ironically we're told that this legislation is about enabling consultation. So, yeah, somewhere something is missing.

I would suggest that even though it may theoretically be to enable consultation, we know that with the act as it now sits, notwithstanding any amendments that might come forward from what we've

heard from the minister, the details of the consultation process are still left to regulation, so we have no idea what level of transparency we will or will not end up with at the end of this. The minister still has the power to choose which appeal body will hear an appeal of an enforcement order on a case-by-case basis. We still have the ability of the government to seek an injunction for someone who appears to be “about” to commit an offence, which is one of the most entertaining penalties or sections I’ve ever come across. I’m not exactly sure how one would analyze that from a legal perspective. I imagine some rather entertaining and humorous representations being made in those hearings.

As we’ve suggested, ultimately those amendments that have been put forward really don’t address the primary concerns that have been articulated by landowners to our caucus and as well, I know, to the government. I don’t think they go far enough. I think there’s an opportunity for us to do a better job on this bill or, alternatively, to realize that it’s not fixable and start over. In any event, we can’t know until there’s an opportunity for us to meet with people who are directly impacted and get much more comprehensive advice about the rationale behind it and how to address the concerns that have been rightly raised by landowners across the province.

You know, in the House the leader of the third party has talked about the wide-ranging penalty options that this bill would give the government with respect to someone who may well appear to be about to breach the legislation. I’m not sure – I haven’t had a chance to read it that closely – if the person who appears to be about to be in contravention of the legislation is subject to or eligible for up to two years of imprisonment. That just sounds quite outrageous to me, frankly. In any event, even if the person who appears to be about to be in contravention of the act isn’t necessarily the one that is eligible for imprisonment of up to two years or a fine of \$100,000, then certainly other people who haven’t been consulted with respect to the use of their land and the significant impact on the value of their land that this legislation would put into place are still subject to penalties that, frankly, it doesn’t appear to me that large companies repeatedly exploiting our environment are subject to.

The penalties here would be greater than they would be if you were, for instance, to repeatedly lie to the ministry or dump toxic waste into a river, all those kinds of things. I believe that it may well be the case, the two-year imprisonment. I’m not sure if there is the capacity for us to imprison people for repeatedly dumping toxic chemicals into our water system and not reporting, but it does appear that we could imprison somebody who appears to be about to act in some way that might possibly be in breach of this legislation.

This is why we think that proceeding to have this piece of legislation referred to a committee for more thorough and comprehensive consideration of the many very significant implications that it brings to bear on property rights in the province is a good thing, and it is for that reason that I would support this amendment.

Thank you.

The Deputy Speaker: The hon. Member for Calgary-McCall on the amendment.

Mr. Kang: Thank you, Mr. Speaker. It’s a great pleasure to rise in support of the amendment to Bill 19. Enough has been said about Bill 19. There are government amendments coming. If it was such a good bill, you know, we wouldn’t need to have any amendments come forward. I think it was just hastily done and put forward.

Sure, you know, there is a lot of development that has to go. We need the ring roads. We need the utility corridors. We need the rights-of-way. We cannot stop the progress, but we have to do

everything in such a way that it is kind of a win-win situation for all of the stakeholders. There’s no doubt that we need better utility transportation corridors in Alberta, and we have to have better planning for growth and development. All these utility corridors, ring roads, highways, even the bullet train, if we get it some day, between Calgary and Edmonton, are going to play a key role in the progress of our province and, in turn, in Canada.

4:20

This bill is going to have a lot of impact on landowners, on the rights-of-way. If land is currently being used for agricultural purposes and we want to put a highway through it, it’s going to have a big impact on the farmer. If a transmission tower is going up, to build a transmission tower, it may not have that big of an impact. There are so many ways that landowners are, you know, being affected by this bill.

This has become an extremely controversial bill, like Bill 46, where the rights of the landowners were being trampled on. You know, it was just like taking control of their land. This will provide limitless government restriction on privately held land for the purpose of future development. I think, you know, there was no time limit when it was going to be done. Let’s say that if a person was living in a house and the government was acquiring their land four years down the road and they put the control order in, then their life is put on hold. They may not be able to do anything to the property. They may not get any offers. Then four or five years down the road the government says: “No. We don’t need your land.” There’s a big stigma attached to the property.

The same goes for a business. If somebody owns a business on the land and then four, five years down the road the government says, “No, we don’t need it,” those poor people’s lives have been on hold, and they could have probably, you know, done better things had they got out in time, sold their property on time.

There are so many issues with Bill 19. I think that had it been very well thought out to begin with, the minister wouldn’t need to bring any amendments to the bill. This amendment, I think, is going further to let cooler heads prevail. Over the summer let’s do the consultation with the stakeholders. And all those amendments coming up: you know, we can have discussions on those amendments, too. Government can put forward their position with the landowners, saying: “Okay. This is what we are doing to improve that bill further.” That will pacify their concerns, too, on the bill. It is very important that this bill should be taken to Albertans for a full consultation. That will help a long way to correct what has been hastily put together.

For those reasons I support the amendment put forward by the Member for Edmonton-Gold Bar. I think we should all support the amendment and send this bill to the Standing Committee on the Economy in accordance with Standing Order 74.2.

Thank you, Mr. Speaker.

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

Mr. Mason: Thank you very much, Mr. Speaker. I’m pleased to speak to this amendment to Bill 19. As I understand it, the amendment will also have the effect of closing debate on second reading of the bill itself, so I’m going to take the opportunity to address myself to the bill generally as well.

Mr. Speaker, Bill 19, in my view, is one of the most ill-advised pieces of legislation that this government has brought forward in the time that I’ve been here. The bill broadly gives the government, in my view, too much control over land at the expense of the rights of landowners in this province. I find it ironic in a way that it’s the

New Democrat opposition that is standing up and has stood up from the beginning for the rights of property owners in this province against a Conservative government whose alleged ideology is strongly in defence of property rights. But you wouldn't know that from this bill.

I want to indicate that I think it's interesting that previous governments, Conservative governments and Social Credit governments, have been able to manage periods of rapid economic growth in this province without this type of legislation. They've been able to make it work, and this government has not. Their answer is to give themselves more power, and I don't think that that's warranted in this particular case. I want to deal with the amendments that the government has brought forward as well because the government has made the claim that these amendments have essentially drawn the teeth of the bill and made it into a very docile and somewhat warm and fuzzy piece of legislation that people don't have to be worried about.

I'd like to deal a little bit with the government amendments. They have placed an emphasis on consultation provisions, and I think that this particular change is laughable. All the government is proposing to do is take the same provisions about consultation – and the wording even is identical except for the addition of the second amendment, which is a bit different – and put them in their own section with their own title. This is just a matter of optics, and it involves no legislative change. The main problem with this section remains, which is that though it requires landowner consultation, there are no details given about how that consultation will take place, and that issue is not addressed by this change.

Secondly, there is a time limit for the government to approve a project area, and that would place a two-year limit on the government to complete consultations and make a decision on whether to approve the project area. That amendment requires the government to diligently pursue a project and limits the period of uncertainty for affected landowners while the government decides whether to approve a proposed project area. It may be an improvement because it keeps the consultation process from dragging on too long, although two years is a very long time, and keeps people whose land is being considered for a project from being up in the air for more than two years. However, it's not the time limit that landowners have been asking for.

People want a time limit on how long an area of land can be designated as a project area before the government actually goes ahead with their project. The limit on the consultation period, Mr. Speaker, is fine, but it allows the government to continue to freeze the land indefinitely with no guarantee of when the development will happen or if it will happen at all. The government can cancel the project at any time without consequence. The government may try to say that this amendment addresses people's concerns about the lack of timelines in the bill, but it does not.

The third point in terms of government amendments that I'd like to address is the purchase of land provisions. That would require the government to enter into negotiation to purchase a landowner's land in an approved project at the request of the landowner, and the compensation will be based on market value. Now, this proposed amendment does address a problem in the original bill, so this amendment would be a positive change. The ministry has insisted that it would be prepared to buy any land that was part of a project from day one, but this was never enshrined in the legislation. This amendment will change that, and it will guarantee that landowners are always able to sell their land at any point in the process, so that's a positive thing.

The fourth is the removal of section 13. The government has said that section 13 has been misinterpreted to mean that Bill 19 over-

rides the Expropriation Act. To eliminate the confusion, the government has suggested that they would remove that. This is really just a question of clarification. The removal of section 13, however, is a matter of optics and doesn't change anything in the legislation.

4:30

There are a number of things that the government amendments have not addressed. Landowners whose land is part of a project area still do not get any form of compensation for the development restrictions placed on their land. There is no limit on how long land can be under a project order, and the government can cancel a project order at any time without penalty. The details of the consultation processes are still left to regulation, belying the government's claim that this increases transparency. The minister still has the power to choose which appeal body will hear an appeal of an enforcement order, giving him inappropriate influence over the hearing and ruling on the appeal. An injunction can still be sought for someone who "appears" to be "about" to commit an offence. Finally, these proposed changes do not remedy the fact that no landowners were consulted in drafting the bill. These amendments do not address the concerns of Alberta landowners or of the NDP caucus.

Mr. Speaker, if I can turn to the amendment, I suggest that the amendment by the hon. Member for Edmonton-Gold Bar is appropriate and timely. We have established these standing committees so that we can consult with the public on pieces of legislation, particularly where there are a number of issues that need to be resolved. This particular piece of legislation, I think, fits that intention to a T. There's a great deal of concern about this bill and the provisions in it, and I do not believe that these have been assuaged entirely by the government's amendments or by their propaganda campaign among landowners in the province.

I think that an all-party committee which could hold public hearings on the act and identify concerns and identify ways that these concerns can be addressed is a very appropriate thing, so I will be supporting the amendment that has been proposed by the hon. Member for Edmonton-Gold Bar. I think it's a good suggestion and that we could all benefit by some consultation with the people of this province on this issue. I would further suggest that very serious concerns among a great many Alberta landowners and others remain. I think that the committee could do some good work with respect to that, and I encourage members to support it.

Once again, Mr. Speaker, in conclusion, I just want to say that I'm surprised that the government requires this power and requires this authority in order to make this province work. I do not see the difficulties in the face of any competent government in making sure that there's timely development of this province economically, agriculturally, and in any other way. If the government had enough foresight and ability to plan and was as transparent as it would like Albertans to believe, I think we could make this province work for all of us without resorting to draconian legislation that tramples on the rights of property owners in this province.

I'm proud to say that Alberta's NDP will stand up for people's legitimate property rights against the excesses of a government that wants to develop the province often in ways that the people of the province don't wish. We can look at the terrible black eye in the tar sands. We could look at the development potential of nuclear power or attempts to foist power lines on people without appropriate consultation and, in fact, the government's agencies using spying to undermine the legitimate activities of people who dissent from the government's direction. These are not things that I think the government should be proud of. They're not democratic, and they

are certainly not transparent or open. They, in fact, smack of a government that, in my view, is becoming increasingly not only secretive but authoritarian as well and less tolerant of dissent and unwilling to brook any disagreement with its plans in order to advance the interests of its friends, whether they be a power company, a nuclear power company, an oil company, or whatever. That's the crowd the government runs with, Mr. Speaker, and people have to be very careful about getting in their way.

I think we would learn a great deal by passing this motion, by having public hearings with respect to this bill, and I suspect that we would end up with a much better, stronger, open, and democratic bill than what is before us today, Mr. Speaker, so I'd urge all members to support the amendment.

Thank you.

The Deputy Speaker: Any other hon. members wish to speak on the amendment?

Seeing none, the chair shall now call the question.

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

[Several members rose calling for a division. The division bell was rung at 4:36 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Chase	MacDonald	Pastoor
Hehr	Mason	Swann
Kang	Notley	Taylor

Against the motion:

Allred	Horne	Prins
Anderson	Jacobs	Quest
Blackett	Klimchuk	Redford
Brown	Leskiw	Renner
Calahasen	Liepert	Rogers
Campbell	Lindsay	Snelgrove
Dallas	Marz	Tarchuk
Denis	McFarland	VanderBurg
Drysdale	McQueen	Vandermeer
Fawcett	Oberle	Woo-Paw
Forsyth	Olson	Xiao
Hayden	Ouellette	Zwozdesky

Totals:	For – 9	Against – 36
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[Motion on amendment to second reading of Bill 19 lost]

The Deputy Speaker: We shall now go back to the debate on second reading of Bill 19. The hon. Minister of Infrastructure.

Mr. Hayden: Mr. Speaker, I believe that everyone has spoken.

The Deputy Speaker: Hon. minister, we have some procedure.

Hon. Member for Calgary-Varsity, do you wish to speak?

Mr. Chase: I wish to speak to Bill 19, yes, if I may be permitted to do so.

The Deputy Speaker: Go ahead.

4:50

Mr. Chase: I'll be brief and look forward to answers or responses from the Minister of Infrastructure.

We did our best in terms of putting forward an amendment, which was very much shot down by all government members present, which clearly indicates to landowners where this government stands, the speed that they believe this bill necessitates, the rush to expropriate. Basically, the race is on.

I do not understand why it's more important to get something done fast rather than get something done well. I do recall with regard to Bill 46 attending public hearings, one out in Ponoka and another in Camrose. There was a mood of unrest, particularly in Ponoka, where I accompanied the hon. Member for Edmonton-Gold Bar. Landowners were extremely concerned about the government's ignoring of surface rights and perceiving what they saw was in the interests of power companies, or you could substitute any other industrial private enterprise.

I remember the number of people who asked the representative for Ponoka to justify the reasoning behind the bill. I also remember driving down the highway and seeing the very large signs that had been erected along the way: kill Bill 46. So I don't understand why the government is wishing to rush ahead with such limited consultation on a bill that is going to impact, as the hon. Member for Calgary-McCall explained, the progress of this province. We want a mechanism that does things right, a mechanism that sort of balances consultation with collaboration. Right now we have neither.

The consultation, what little there has been, has been very unsatisfactory. From the reports of the few meetings that have been held, there was tremendous anger demonstrated towards the government. In Camrose similar concerns were expressed over Bill 46: that the government wasn't listening, that the government had their own agenda. There have been so many circumstances where the government has taken more land than they required and then basically flipped the land. Having purchased the land at a large cost in terms of taxpayer dollars, they then flipped it, and instead of traditional real estate practices and getting an increase on their initial investment, they sold it considerably below market value frequently around ring roads to individuals who then subdivided the land and made tremendous profit at the expense of taxpayers.

Now, Bill 19 seeks to move forward and create a balance between individual rights and collective rights. You know, we don't live in a world where everything is always wonderful, where everybody comes to agreement, but what Bill 19 proposes to do as a resolutionary process does not protect individuals. It puts the government in a position of basically being a bully, dictating how the rules are going to be applied. It doesn't matter whether the family has lived on the land for generations. That's not taken into consideration. If the government has their eyes on a piece of land, according to Bill 19 they're going to get it one way or another. The various ways the government has allowed, whether it be the spying or the refusal to hold hearings, is not only a concern to members of the opposition, but it's a concern to all Albertans that they won't have a fair hearing process.

I referenced, when talking about the amendment, what happened in the little village of Tomahawk and the fact that the evacuation in case of a sour gas well blowout would have compromised any of the safety services because the evacuation area included within it the fire department. Now, eventually, much to the relief of the citizens of Tomahawk, especially those whose children were attending the school, the company itself backed away. It wasn't an ERCB ruling,

as I recall, but it was the company's choice. I appreciate the fact that the company was being a good citizen and basically cutting their losses.

We experienced in Calgary a lengthy hearing with Compton, and the CEO of Compton said that the chances of a sour gas well blowout were the square root of zero. The government is showing similar arrogance by believing that they know best. This government, on one hand, will get after us for talking about governance, about oversight, about stewardship, yet, on the other hand, they will be very overpowering in their desire to dictate to Albertans, to landowners how limited their actual rights are.

The business of holding the land for two years as opposed to four years before some resolution is required is only a slight improvement. As the hon. leader of the third party and the hon. Member for Edmonton-Strathcona pointed out, the idea of putting people's lives on hold for an indeterminate time or a determinate time in the case of two years is not acceptable. If the government inconveniences the landowner and then chooses an alternate route, within Bill 19 I don't see any clauses offering a significant amount of the equivalent of damages or compensation for the inconvenience and the sleepless nights the landowners have faced as the government's shadow approached nearer and nearer to their land.

Bill 19 is flawed. It's unfortunate for the 36 members of the government who are on record today as supporting what would be looked at as speed as opposed to a thoughtful procedure; it must be very disheartening. If the government in its wisdom or lack thereof decides to hold another rural consultation or public forum, I'm sure that similar types of anger will be shown as what bubbled up over Bill 46. I think there was an accusation of a senior taking a swat at one of the ERCB officials, and the hearings in that particular case were cancelled because there was a perceived danger for the government regulators, the participants.

I would like to think that there would be a peaceful, collaborative, collegial conclusion to Bill 19. I for one have stood up in this Legislature and praised the notion of the rapid rail and reducing the carnage on highway 2. Of course, anyone who's representing a southern locale also has vested interests in making this highway more secure, and that's what the rapid rail project would accomplish.

The government has a couple of choices in terms of using the CP right-of-way or making deals with landowners along the way. Regardless of the route they eventually choose – and the residents of Red Deer would hope that they would choose the route that goes by the airport as they've already acquired land for the building of the railroad station there; obviously, that is their preference – hopefully they do choose sooner rather than later to build this rapid rail system as maybe an extension of the Green TRIP, which, unfortunately, has got stalled if not completely cancelled.

5:00

We're here as representatives of a democratic system of government where no matter who you are, if you have landed immigrant status, if you're over 18 years of age, you have the right to express an opinion, but Bill 19, like its predecessor Bill 46, very much diminishes your right as a landowning individual to have your say. The government holds all the cards. The government directs the hearing process, the government sets the rules in regulation as opposed to legislation, and the government dictates as opposed to collaborates, and this, unfortunately, is the way more and more legislation is going in this House. We see things moving from discussion, from legislation, into regulation. What's the point of us being here as 83 elected members if there's a predetermined result? What's happened to democracy in Alberta? Bill 19 denies it.

Thank you, Mr. Speaker, for this opportunity.

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

Seeing none, would you like to close debate before I call the vote, hon. minister?

Mr. Hayden: Very briefly, Mr. Speaker, in closing debate. Thank you very much. I want to thank the hon. members for their interest and their comments. There has been a lot of discussion in the Legislature and throughout Alberta. My colleagues and I have been listening to Albertans and speaking with them all across the province.

I was very pleased that just a couple of weeks ago the association that represents all of the rural municipalities in the province invited me to speak to their membership because of the inaccuracies and the misrepresentations that have been made around the province with respect to this bill that indeed, Mr. Speaker, have frightened landowners. They had before them a resolution to delay this bill, but after they had the opportunity to ask questions – and they asked questions until all the questions were asked – and the presentation was made, they overwhelmingly rejected the idea that we should delay moving forward with a bill that mandates consultation with landowners, writes out very plainly that there are a number of options with respect to compensation, and puts clarity and plain language in the need for this province to plan ahead and do these processes properly.

This bill, Mr. Speaker, is about protecting Alberta property owners. It's about involving them in the system and consulting them, and I'm very proud to have been a part of it.

Thank you, Mr. Speaker.

[Motion carried; Bill 19 read a second time]

Government Bills and Orders Committee of the Whole

[Mr. Marz in the chair]

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

Bill 6 Protection of Children Abusing Drugs Amendment Act, 2009

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

Mrs. Forsyth: Thank you, Mr. Chair. I'm pleased to provide the committee with information on Bill 6, the Protection of Children Abusing Drugs Amendment Act, 2009. The amendments to the PCHAD legislation build on the program's positive performance over the past two and a half years and are based on input from stakeholders. These stakeholders range from children who have been through the program to their parents and guardians, AADAC staff, protective safe house staff, police forces, court services staff, and children's services.

The amendments address six key areas: lengthening the maximum confinement period from five to 10 days with authority for the court to further extend the confinement period for an additional five days when warranted; addressing discharge issues, including discharge for the purpose of transferring a child from PCHAD into a voluntary program where appropriate; clarifying the role of parents and guardians in better supporting families; easing police transportation pressures; broadening the process for reviewing PCHAD court orders; and providing for the expiry of PCHAD orders.

The PCHAD legislation came into effect on July 1, 2006. Since its introduction more than 1,500 children have been through the program. The amendments seek to better support children and their families, which is why an information process is being introduced. Over the course of this program's operation it has become apparent that some parents and guardians are accessing PCHAD court orders as a first step in addressing a child's drug use problems. These parents and guardians are not always aware of the other programs and supports available to assist their child and their family.

In response, the amendments require that before an application can be made for a PCHAD order, the applicant must attend an information session that will explain what PCHAD does and what it does not do, help parents and guardians determine whether this is the right program for their child, and provide parents and guardians with information on other programs and services that may be better suited to their needs or that may provide additional support.

The proposed amendments are also designed to make the court process more accessible. For example, a child, the parent or guardian of the child, or the PCHAD co-ordinator will be able to apply to the court for a review of the order. The review may be about the appropriateness of the order or the need to further extend the program for up to five additional days. The court will be authorized to permit evidence to be heard by telephone, audio-visually, or by means satisfactory to the court. Greater flexibility in hearing evidence will enable the participation of all interested persons. It improves access to the court and enables the court to hear from all sides before reaching a decision. It is a practical step in improving access and guarding the rights of the child.

Another practical measure is the amendment addressing police assistance with transportation of a child. In some cases undue pressure was being placed on some police services to apprehend and convey a child to a protective safe house. While police involvement may be required in some cases, it is not always necessary. To alleviate pressure on police forces and still properly support families, provision is made for police to assist the family, which will not always require full apprehension and conveyance. This is important on a number of fronts. It is necessary to ensure police services are available when required, but it also tailors police assistance to what is actually required. Providing for police support when necessary and tailoring the support to specific circumstances maintains important and appropriate support for families. The moderate use of police services is also important in providing a measured response to children who enter PCHAD.

During second reading there was a concern raised regarding the confinement period only being extended to 10 days or possibly 15 days. There was a suggestion that the confinement period should be much longer. In response, I can advise that the 10- to 15-day time period aligns the PCHAD program with other youth treatment programs offered by AADAC. The amendments propose a five- to 10-day extension to the confinement period so that children in the program can be provided with more stabilized services. Experiences with other addiction programs for youth indicate that the proposed time period is appropriate. Furthermore, PCHAD is a specialized program, and it is important to balance program objectives with the rights and interests of the children involved. The confinement period must be kept to a reasonable period.

5:10

There was also concern about whether children in the PCHAD program are or will be referred to treatment programs that are not accredited or that are operated by untrained staff. The bill does not contemplate that approach, nor has that approach been part of the program. Under PCHAD assessment, detoxification, and stabiliza-

tion services are provided by trained AADAC staff. Residential services are specifically contracted through AADAC to youth facilities that are accredited to provide custodial care and supervision. The program is regulated under the PCHAD legislation, which specifically obliges the PCHAD co-ordinator to provide these services.

With regard to comments claiming that there are insufficient programs for PCHAD youth to access, PCHAD youth and their family members are accessing AADAC treatment services post-PCHAD at a higher rate than children and families who attend voluntary youth programs. Youth can continue with voluntary detoxification and residential treatment programs that best suit their needs. These programs may include therapeutic wilderness programs, residential addiction and mental health care programs, intensive day treatment programs, or outpatient services.

Some suggestions were made in second reading that the number of youth services beds has been reduced. However, there were 68 beds for youth in July 2006, and there are 69 today. Further, the integration of AADAC into Alberta Health Services will provide stronger addiction and mental health programming. The move will make more facilities and a larger pool of qualified health professionals available to support youth addiction and overall mental health programming.

I am confident that these amendments coupled with Alberta Health Services' province-wide health services mandate and this government's commitment to addiction and mental health programming as outlined in the children's mental health plan will result in improved youth addiction services. As I noted during second reading, this is a specialized initiative that is designed to improve the safety, security, and well-being of children and families in Alberta. It speaks to the responsibility of families, communities, and this Assembly to help children in need overcome significant alcohol and drug abuse. These amendments reinforce this initiative and will better support children and their families in the program, ease undue pressure on police forces, and better facilitate the court process.

I ask all members to support this bill. Thank you, Mr. Chair.

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

Mr. Chase: Thank you. I very much appreciate, as I stated in second reading, the hon. Member for Calgary-Fish Creek bringing forward Bill 6, Protection of Children Abusing Drugs Amendment Act, 2009, PCADAA. I want this thing to work every bit as much as the minister wants it to work. Because I believe there have to be facilities available and that there has to be a reporting as to the success of the program, I am putting forward an amendment, which I would ask the pages to deliver to your desk, Mr. Chair, and to then distribute to all members. I'll wait for that distribution to take place before speaking to the amendment.

The Acting Chair: We'll just give the pages a moment to circulate that amendment. We'll refer to this amendment as A1.

You may proceed.

Mr. Chase: Thank you very much, Mr. Chair. What I am proposing under amendment A1 to Bill 6, Protection of Children Abusing Drugs Amendment Act, 2009, is as follows. I am moving that Bill 6, Protection of Children Abusing Drugs Amendment Act, 2009, be amended in section 11, in the proposed section 10, by adding the following after subsection (2):

- (3) On or before April 1 each year, the Co-ordinator shall prepare and submit an annual report to the Minister respecting;
 - (a) the exercise of the duties and functions of the Co-ordinator, and

- (b) the availability of treatment programs and services, and the level of staffing to support such programs and services, for children who are subject to protection orders under this Act.
- (4) Within 14 days of receiving a report under subsection (3), the Minister shall table it in the Assembly if it is then sitting, or if it is not then sitting, within 14 days of the next sitting, at which time the report automatically stands referred to the appropriate Policy Field Committee established by the Legislative Assembly.
- (5) When a report is referred under subsection (4), the Policy Field Committee shall promptly consider it and report back to the Assembly within 3 months.

What I am hoping to achieve by what I hope is interpreted as a friendly amendment is to put some operating dates and some co-ordinating details to this bill. The hon. Member for Calgary-Fish Creek and myself and anyone who has any kind of connection to children, particularly those suffering the vulnerability to addictions, want whatever the intervention is to be successful. My concern is that extending a five- to a 10-day program is the equivalent of almost a catch-and-release circumstance. We recognize the addiction problems, we bring the addicted individual and their family into a resolution, but at the end of that 10-day period, if there is no program to which we then would refer the individual for further treatment, then I don't believe the intervention has any chance of being successful.

The main part of this amendment in section (3)(b) talks about "the availability of treatment programs and services, and the level of staffing to support such programs and services, for children who are subject to protection orders under this Act." Unless we have a professionally accredited institution or service to which we refer these children, then our best laid intentions are not going to account for much. If we simply catch them but we don't treat them, this five- to 10-day period, I'm assuming, is an entry into treatment.

What I'm requiring or suggesting is that there are reporting periods, there is a report card for the program, there are conditions to make the program successful. I've suggested April 1 because under normal circumstances the Legislature is on at that time. I've recognized the importance of the minister, who will receive the report first and, you know, will have two weeks to look over the report before tabling it.

I've also asked that besides the minister having reviewed the report, to recognize that there are treatment facilities to whom the children can be referred, and I'm talking about accredited, clinically staffed, educated individuals looking after the treatment beds.

If all of those conditions can be fulfilled, I'm asking for another layer of oversight, and that's the Legislative Assembly. I'm also asking that a judgment be made not only by the minister but that members of the Legislature have a chance to look at the document. If they see concerns, if they think things are going well or if they have concerns, then within the standing policy field committees that have been established, all-party representation, within a three-month period there is an actual review.

5:20

I believe that this is a very soft, nonintrusive amendment which is asking for structure. It's attempting to guarantee that the reasons for apprehending the children, intervening in their lives in the first place, will meet with success. Just simply having a bill but not having the programs of referral is not going to achieve the outcomes that either the mover of the bill or other members had in mind, whether they have similar concerns as I do, having been a teacher previously or in my role in Children and Youth Services. I believe that we all want the best for children, and through this amendment I'm attempting to structure that referral process.

Thank you for allowing me the opportunity to introduce the amendment. I look forward to discussion with regard to it.

The Acting Chair: The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Well, Mr. Chairman, thank you very much. I've listened very intently to the mover of the amendment, and I can honestly say without any question whatsoever that we as a government are not prepared to accept this amendment. What the member is recommending is redundant and very elusive to the fact, which I find very fascinating, over the last several weeks about this uncredited treatment centre. I know that he is referring to AARC, the Alberta Adolescent Recovery Centre.

You know, I promised the minister that I wasn't going to get into a great deal of debate about this particular issue, but I think it's important to realize the fact that the information that this particular member has gotten has been on a documentary that CBC put forward on a Friday night. I had actually decided to watch that particular documentary on CBC, and I've never ever in my life seen anything so blatantly one sided and cruel and vicious and mean as that particular documentary was on AARC.

Now, you know, Mr. Chairman, I can tell you that I and many members in this Assembly have been supporters of AARC over the last I don't know how long. I can't even count how many graduations I've been to at AARC. I always say when I go to another graduation at AARC that I'm not going to cry, and I end up crying anyhow because of listening to not only the child that's been through the program but the parents, the siblings, and the whole family involved in the process of healing.

I will share with the Assembly an incident that happened to my best friend's son. In coming over to talk to my husband and me and trying to explain to us why they haven't kept in touch with us and dealing with a very addicted son at that time, we spoke for hours. I said, "Well, what can we do for you?" And she said, "How about giving us a hug?" Their son went through AARC. That was probably a 10-month period, and I can only tell you what that particular place did for their son and their family.

So, Mr. Chair, I wish the hon. member . . .

The Acting Chair: If I could remind the member that we are speaking on amendment A1.

Mrs. Forsyth: I am speaking on the amendment, only I'm speaking to the amendment honestly instead of elusively like this particular member. The answer is, Mr. Chairman, that the government is not prepared to accept this amendment.

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

Mr. MacDonald: Thank you very much, Mr. Chairman. I listened to that refusal, if I could call it that, with interest, to say the least.

Certainly, dealing directly with amendment A1, this amendment to Bill 6, one has to look at these changes to the drug abuse program that had been described earlier by previous speakers. These potential amendments will force young adults with addictions into safe houses for up to two weeks and a day. I think that in light of what we've heard initially with this discussion and initially with the bill, this seems to be a work-in-progress. It's a positive step. I know there are issues around rights, but I think that in light of what has gone on in communities across this province, this legislation was needed.

Specifically to this amendment. Now, why would we have on or before April 1 of each year the co-ordinator preparing and submit-

ting an annual report to the minister respecting “the exercise of the duties and functions of the Co-ordinator” and looking at “the availability of treatment programs and services, and the level of staffing to support such programs and services, for children who are subject to protection orders under this Act”? Well, I think we should support this amendment if for no other reason than the past behaviours of some children’s authorities and the minister of children’s services.

The hon. Member for Edmonton-Strathcona can perhaps correct me if my memory is deficient, but up in the northwest corner of the province I think there were issues around timely reporting of information that was almost a statutory obligation that that information be provided. It wasn’t done in a timely fashion. In my recollection certainly it was not done in a timely fashion. There had been some issues that had been overlooked.

Now, for the hon. Member for Fish Creek to suggest that there’s some sort of conspiracy by the Member for Calgary-Varsity in proposing this amendment is, I think, to put it politely, Mr. Chairman, ridiculous. I think the hon. Member for Calgary-Varsity has – in light of what happened in other departments, with other children’s authorities, this is another rung in the ladder of accountability. I think it is a very good and sound and reasoned amendment, and it should be supported by all hon. members of this House.

In conclusion, I would like to remind all hon. members of the various annual reports from the department of children’s services and the fact that some of the authorities pass their budgets, their allocation from our government estimates, in a timely fashion. Sometimes they do it in advance of the tabling of the government estimates here, sometimes two to three weeks later, but in some cases, Mr. Chairman, it’s not done for months. In two cases in the last five years it wasn’t done at all. So there’s not a strong track record here of one authority and one department following what should be routine budget practices.

This amendment A1 as proposed by the hon. Member for Calgary-Varsity would certainly help Bill 6, Protection of Children Abusing Drugs Amendment Act, 2009, in the process so that the minister could follow through on what the intent is of this bill.

Thank you.

The Acting Chair: Are there others that wish to speak on amendment A1? The hon. Member for Edmonton-Strathcona.

Ms Notley: Thank you. It’s a pleasure to be able to rise to speak to amendment A1. This is an interesting amendment, one that I only just had the opportunity to look at when it was distributed a few minutes ago. I think it’s an amendment that’s worth considering because, when I look at the amendment, there is certainly one portion, or piece, to the amendment which I think gets to the heart of some of the criticisms around Bill 6.

To be clear, that doesn’t negate the fact that there is value to Bill 6 and value to the scheme that it purports to amend, but of course just because there is value to something doesn’t mean that it can’t also be improved. I think this amendment gets to the heart of where improvement is required.

5:30

I’d like to start just for a moment to comment on some of the suggestions made by the member from I believe it was Calgary-Fish Creek. In looking through this, I am not clear on how this amendment, actually, is being somehow directed towards the Alberta Adolescent Recovery Centre. Frankly, I do think that that facility and the approach that this government has taken to that facility warrants an open and less emotive debate in this House than it has

gotten to this point. I certainly have spoken to people who’ve been involved in that program, well beyond those who were featured on the program that the member mentions, who suggest that there are some concerns there. I’ve also spoken to parents who are deeply appreciative of what that facility has offered to their family.

I would suggest, however, that even if one accepts only those testimonies, the measure of the quality is in the exception to the rule, and the somewhat, I would suggest, emotive and defensive unwillingness on the part of the government to discuss whether or not there are mechanisms in place to protect against the exception to the rule, frankly, surprises me. I remain very confused by the reaction that we get when this particular program is raised.

Notwithstanding that, I don’t think that’s what this amendment is actually about. I think it’s about what the member who proposed it suggested it was about and to get back to the point that I thought really gets to the heart of the matter, which is section (3)(b): “The availability of treatment programs and services, and the level of staffing to support such programs and services, for children who are subject to protection orders under this Act.” I think that we like to be able to fix problems with a statutory wave of the wand, with the granting of authority here or the granting of a right there. Certainly, there’s no question that that’s one of the least expensive ways to resolve the problem, but often it’s not really the most effective nor the way at all to solve a problem.

Now, in this case this act is a tool, I think, in the tool chest for communities, families, caregivers to address the problem associated with child addiction to drugs and alcohol, but I would suggest that it’s only one tool. Of course, the other tool is the financial and resource commitment to that effort. I think that section (3)(b), in particular, gets to that issue and whether or not that issue is really being properly addressed through this bill or through the actions of this government.

I’m happy to be corrected on this by any member opposite, but I have in my head from having read any one of copious, copious piles and piles of paper in the last month or so – and I can’t remember the source of it – that it was just announced that the High Prairie centre was closing. I have nods here that, in fact, it is closing. I’m not sure if this centre would be a place where children covered under this act would go. I may be incorrect. But if it is a place where they would go, I think what we’re actually seeing is a reduction in the number of beds that are available to receive these children and to provide the kind of comprehensive services that are contemplated, I think, by everybody, at least with respect to their best intentions. So that’s a problem.

I think that, you know, the Auditor General has commented on it. External experts have commented on it. People who work within the system have commented on the deficits in our system in terms of providing for children’s mental health and addiction services across the province. Whether they’re children’s mental health or addiction services that are provided through court order, through involuntary means, or, frankly, whether they’re even provided through voluntary means, there is an incredible – incredible – deficit of services across this province that simply is not going to be fixed through this particular mechanism because the problem is not in many cases the fact that people won’t stay there. The problem is finding a place that’s appropriate for them to stay.

Now, I’m not saying that that’s the only problem. There are times when this kind of authority is required. You know, I’ve also talked to parents who’ve been in that situation. I feel for their situation. I know they appreciate the authority in some part that comes through this amendment. But, really, I think we could be doing a lot more in terms of finding a more comprehensive voluntary program and, ultimately, involuntary program.

I'm concerned that the number of beds that are available is not enough. I'm also concerned that this is one of these things where children whose guardians or parents have the wherewithal to go to court to do this, you know, will then get the beds, and children whose guardians or parents do not have the wherewithal to do this don't get that benefit. Again, it speaks to the fact that this is only dealing with a small piece of the pie.

Going back to this amendment, what I like about this amendment is that it talks about giving us a very clear and regular assessment on the availability of treatment programs and services, where those spaces are, and what the programs look like. I think that's something we need more information about. I don't believe we have enough information about that right now. I think that this would help both, you know, the minister as well as this Assembly.

Whether it ultimately needs to come directly here – you know, as I said, I've barely had a chance to look at this amendment. Ultimately, what it's getting at in terms of identifying the shortage of service is something that I think is valuable in this amendment. It's for that reason that I support the principle that's being reflected here, which is the idea that we need to look less at granting rights – and that's fine – but to do it without an associative or corresponding dedication of resources is really to get a lot of good public attention but to not ultimately make a serious impact on the problem that has been identified.

Thank you.

The Acting Chair: Are there others?

Are you ready for the question on amendment A1? The hon. Member for Calgary-Varsity.

Mr. Chase: May I close the debate or discussion on this amendment before a vote is taken?

The Acting Chair: You can go ahead and speak.

Mr. Chase: Thank you very much. I'll be very quick. I offered this, I guess, rather naively, in good faith. In the process the hon. Member for Calgary-Fish Creek has basically sullied my reputation, has accused me of being elusive and having ulterior motives. She has somehow connected this amendment to the Alberta Adolescent Recovery Centre, and the only thing I can potentially see that has any connection to that is that I'm asking for a level of staffing; I'm talking about programs and services. I didn't even mention residential treatment centres. I didn't even mention regulation or accreditation. These are things that I believe every program that deals with human beings, addicted adolescents in this case, should have.

5:40

Now, the Member for Calgary-Fish Creek went off on a tangent with regard to the AARC program. I was initially concerned about the program by CBC's *The Fifth Estate*. I do agree that there were sensationalistic tactics used, including a discussion in the parking lot, where Dr. Vause was filmed without his knowledge. However, my concerns with regard to AARC go way beyond anything that is intended or included in this amendment. To set the record straight, I've met with Dr. Vause. I've attended the program and spent about three and a half hours there. A very good friend of mine, who is the principal of the alternative high school that a number of students who are about to graduate from the program attend, is supportive of the intent of the program, as I am supportive of the intent of the program.

If the hon. member has some concern about redundancy, I would like her to demonstrate in future discussions where the referral and the length of the referral and the fact that a place with treatment beds and accredited workers is built into this bill is because I have not seen that. I want children who are apprehended to meet with success. I want the addictions situation to be broken, and without providing specific dates and details, without having services to refer children to, without some type of transparent, accountable reporting program, the intent to have an impact on children's lives will not be met.

I am sorry that the Member for Calgary-Fish Creek does not believe that I am sincere in wanting to see children being well treated, their addictions broken. I can't change her opinion of me, but that's the least of my concerns. I am standing up for children. I want them to have successful intervention treatment.

Mr. Liepert: Standing up for the CBC.

Mr. Chase: This goes way beyond CBC, minister of health. CBC touched on a program which you have chosen to ignore.

The Acting Chair: Through the chair, please.

Mr. Chase: Sorry. Through the chair.

I have spoken to Inspector Slater of the sexual crimes unit of the police. He is continuing his investigation, an investigation that was undertaken two years ago and was welcomed, I might add, by Dr. Vause and the AARC and the individuals associated with it. I have also talked to the deputy fire chief, who has expressed concerns about fixed, barred windows, none of which comes into this amendment. Okay? You made the connection, Member for Calgary-Fish Creek. [interjection] Through the chair. You made this ulterior motive, this "elusive" connection. I needed to deal with it.

The hon. Member for Red Deer-North, I believe, tried to bring in a 90-day treatment program for kids suffering from crystal meth. That was reduced to five days. The hon. Member for Calgary-Fish Creek is taking the five days to 10 days, and there it stops. Without a referral program, without a reporting, this becomes window dressing as opposed to actual intervention.

Thank you for the opportunity. I hope some members will see beyond the prejudice and recognize the needs of children. That's the intent of this amendment. I hope you'll support the amendment regardless of the individual who is proposing it.

The Acting Chair: Are there others who wish to speak on amendment A1?

Hon. Members: Question.

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

[Several members rose calling for a division. The division bell was rung at 5:46 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Marz in the chair]

For the motion:

Chase
Hehr

Kang
Notley

Pastoor

Against the motion:

Allred	Horne	Ouellette
Anderson	Jacobs	Quest
Brown	Klimchuk	Redford
Calahasen	Leskiw	Renner
Campbell	Liepert	Rogers
DeLong	Lindsay	Snelgrove
Denis	McFarland	Tarchuk
Fawcett	McQueen	VanderBurg
Forsyth	Oberle	Vandermeer
Hayden	Olson	Woo-Paw
Totals:	For – 5	Against – 30

[Motion on amendment A1 lost]

The Acting Chair: Pursuant to Standing Order 4(3) the committee shall now rise and report progress.

[Mr. Marz in the chair]

Dr. Brown: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports progress on the following bill: Bill 6. 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 Acting Speaker: Having heard the report by the hon. Member for Calgary-Nose Hill, do you concur in the report?

Hon. Members: Concur.

The Acting Speaker: Those opposed? That's carried.
The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Speaker. I would move that the Assembly do now adjourn until 1:30 p.m. tomorrow.

[Motion carried; the Assembly adjourned at 5:59 p.m. to Wednesday at 1:30 p.m.]

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