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The Honourable Kenneth R. Kowalski, Speaker

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The 27th Legislature

Second Session

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Legislative Assembly of Alberta

1:30 p.m.

Tuesday, April 28, 2009

[The Speaker in the chair]

Prayers

The Speaker: Good afternoon.

Let us pray. On this day let each of us pray in our own way for all who have been killed or injured in the workplace. Life is precious. When it is lost, all of us are impacted. In a moment of silent contemplation may we now allow our thoughts to remember those taken before their time, those who have suffered through tragedies, and reach out to the families, friends, neighbours, and communities most immediately impacted. May God provide them eternal peace. Amen.

Please be seated.

Introduction of Guests

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

Mr. Horner: Thank you, Mr. Speaker. Today I have the honour of three introductions of grade 6 classes. The first that I'd like to introduce to you and through you to all members of the Assembly is a group of grade 6 students from Sturgeon Heights school in St. Albert. They are accompanied by teachers Mr. Matt Ohm and Mrs. Lorna MacKay and teacher's assistant Mrs. Collette Hartmetz as well as parent helper Mrs. Dillis Brown. I believe they are in the public gallery, and I would ask that they rise and receive the traditional warm welcome of this Assembly.

Mr. Speaker, my second introduction is also a grade 6 class from my constituency. They are students from l'école Broxton Park school in Spruce Grove. I might add, too, that I chatted with them on the steps leading up to this Chamber. Both classes that I'm introducing have already participated in the mock Legislature. Among other things they passed school uniforms and separate schools for boys and girls.

L'école Broxton Park school is accompanied by teachers Mme Bérénice MacKenzie and Mrs. Fran Korpela and parent helpers Mrs. Teresa Yamada, Mr. Gary Lundman, and Mrs. Alana Regier. I believe that they are in the members' gallery, and I would ask that they rise and receive the traditional warm welcome of this Assembly.

My third introduction is on behalf of the Solicitor General and Minister of Public Security. It is a great pleasure to introduce to you and through you to all members of the Assembly a group of very special students from St. Matthew Lutheran school in Stony Plain. They are seated in the members' gallery this afternoon, Mr. Speaker. With your permission I would ask our special guests to rise and receive the traditional warm welcome of this Assembly.

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

Mr. Denis: Thank you very much, Mr. Speaker. It gives me great pleasure to rise and introduce to you and through you to members of this Assembly two good friends of mine, Laila and Alice Goodridge, who are sitting in the public gallery. Alice is a native of Hagen, Saskatchewan, but lived most of her life in Alberta and now is visiting us from New Westminster, B.C. Her granddaughter Laila is a native of Fort McMurray but, most importantly, is the president of the University of Alberta Conservative club. I'd ask that they please stand. Give them the traditional warm welcome. Thank you.

Ms Notley: Today I am very pleased to introduce to you and through you to this Assembly members of the board of directors of the Alberta Workers' Health Centre. They are Russell Eccles, Non-Academic Staff Association at the University of Alberta; Wally Land, Communications, Energy & Paperworkers Local 855 from Hinton; Liz Thompson, Health Sciences Association of Alberta; Nancy Furlong from the Alberta Federation of Labour; and Kevin Flaherty, executive director of the Alberta Workers' Health Centre.

Today is the International Day of Mourning for workers who were killed and injured on the job. Last year 166 workplace fatalities were recognized by the WCB in Alberta. This number highly underrepresents the true totals since most deaths resulting from occupationally related illnesses go unreported as such. The centre believes that every worker is entitled to a safe and healthy workplace. It supports all workers, both unionized and non-unionized.

I would now ask that my guests rise and receive the traditional warm welcome of the Assembly.

The Speaker: It's my pleasure today to introduce you to a person who arrived in the world a few years ago, a number of years ago, and that's the hon. Member for Calgary-Nose Hill, who is experiencing an anniversary today.

Ministerial Statements

The Speaker: The hon. Minister of Employment and Immigration.

International Day of Mourning

Mr. Goudreau: Thank you. Every year on April 28 we take a moment to remember those who are seriously injured or killed on the job. Every one of these workers has family, friends, and co-workers. Their lives can be shattered in a split second. On this International Day of Mourning we renew our commitment to making sure Alberta workers come home healthy and safe at the end of their workday.

Mr. Speaker, 60,692 Alberta workers suffered disabling injuries in 2008. This was about 2,000 less than in 2007. However, there were also 166 workplace fatalities in 2008. I know we all agree that even one fatality is one too many, but 166 serves as a wake-up call since that is 12 more than in 2007.

We have strong workplace health and safety legislation in place in Alberta. We have a prime contractor clause that ensures there is one employer who has overall responsibility for health and safety at each work site. We perform five times the number of inspections we did 10 years ago, and we write almost 10 times the number of orders for safety infractions. Mr. Speaker, 2008 was a record year for Occupational Health and Safety Act prosecutions, with 22 convictions and over \$5 million in court-ordered penalties against employers; 88 per cent of that money went to alternative sentencing to fund programs for the health or safety of workers.

Taxpayers expect us to do our job protecting workers by enforcing safety standards, and we do. We can still redouble our efforts to work with our partners and improve health and safety in Alberta workplaces because at the end of the day workplace health and safety is a responsibility governments share with employers, unions, safety associations, and workers. We expect our partners to do their part. The government will be reviewing the Work Safe Alberta strategy with these partners to see where we have been effective and where we need to improve. The budget for occupational health and safety has been increased by more than \$5 million for the 2009-10 fiscal year so that we can implement any changes found to be necessary.

Fittingly, Mr. Speaker, North American Occupational Safety and Health Week takes place right after our day of mourning so that we

can make people aware of the need for improved health and safety at work. A complete list of activities taking place across Alberta is available online at employment.alberta.ca/naosh. I encourage all MLAs to go to local events and show your support.

I know, Mr. Speaker, I speak for all my legislative colleagues when I say that our hearts go out to those whose lives have been forever changed by workplace injuries and fatalities.

Thank you.

The Speaker: On behalf of the Official Opposition the hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you, Mr. Speaker. On this International Day of Mourning those of us in the Official Opposition offer our condolences to the many friends, family members, and loved ones who have lost someone due to a workplace fatality. Workplace fatalities are avoidable tragedies, making the loss all the more heart wrenching and senseless.

The Alberta government must do more to safeguard the lives of all workers. In 2008 we lost an average of three workers per week as a result of workplace incidents or occupational disease. Workplace fatalities have risen 34 per cent in the last three years.

1:40

Albertans go to work to support their families and contribute to the Alberta prosperity and economic growth. Their hard work benefits us all, yet when it comes to protecting these people from avoidable workplace accidents, Alberta unfortunately lags behind other jurisdictions. Farm workers, for example, work without the protection of the Occupational Health and Safety Act. Workplaces are currently not required to develop or post health and safety rules at the job site. These outdated policies must be changed if we're going to be sincere in our efforts to finally reduce workplace deaths and accidents.

In addition, the Alberta government should implement mandatory health and safety committees for workplaces with 20 workers or more, and they should make accident investigation reports admissible as evidence at trials and public inquiries. Taking these actions now could save many lives and reduce the number of needless, costly workplace injuries.

I'm grateful to Alberta workers. Every day they roll up their sleeves to keep Alberta's economy going. The least we can do is to pass legislation that will make their workplaces safer so that they can return home each and every day after their jobs to their families.

Thank you.

The Speaker: This would be with respect to a request to allow the hon. Member for Edmonton-Strathcona to participate. I'll have to ask. If any member is opposed to granting unanimous request, please say no.

[Unanimous consent granted]

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

Ms Notley: Thank you, Mr. Speaker, and also to members of the Assembly for giving me the opportunity to rise and speak on a day that has taken on greater and greater significance and is marked around the world.

Every year too many workers lose their lives as a result of work-related injury, illness, and disease. The numbers are discouraging. Workers shouldn't have to risk their lives or their health when they go to work. Mr. Speaker, it's not enough for this government to use

vague language about renewing age-old commitments to making sure Alberta workers are healthy and safe at the end of their workday. It's not enough to say that we have strong workplace health and safety legislation in Alberta because, frankly, we don't. And it's not enough to say that we perform five times the number of inspections we did 10 years ago because it still isn't enough.

We owe it to the families left behind when a worker dies to do much better. It's time for this province to appoint special prosecutors to lay charges against employers when their actions cause death or serious injury. It's time for us to hire more inspectors to ensure employers comply with the law. It is time to ensure that all Alberta workplaces have mandatory health and safety committees. It's also time for this government to enact new regulations that deal with known dangers in today's workplaces, including workplace violence, exposure to toxins and carcinogens, repetitive stress injuries, and injuries caused by poor ergonomics, workplace harassment, and stress.

Finally, we need to remove that employer escape clause that says "as far as . . . practicable" from the health and safety act, where it does not belong. Every workplace death or injury is preventable. In the last 10 years 1,283 Albertans, some as young as 15 years old, have needlessly died in the workplace. How many more will be killed before this government finally takes the action we need?

Members' Statements

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

Student Engagement Initiative Media Award

Mrs. Sarich: Thank you, Mr. Speaker. April 26 to May 2 is Education Week in Alberta. Alberta students benefit from an education system that is progressive and engaging. One example of this is Speak Out, Alberta's student engagement initiative, that was launched in November of 2008 to encourage our youth in our province to engage with government in strengthening their education experience. To encourage students to speak out, a public service announcement was recently produced for Alberta Education. This excellent piece of work was recently awarded a bronze Telly award in New York for outstanding achievement in the educational category.

The Alberta Education Speak Out team worked in collaboration with Dynacor Media Group and student volunteers from across the province to create and produce an engaging, creative, and informative public service piece. Several students volunteered to be filmed and provided their perspectives on education, Mr. Speaker. Three students were from Edmonton, two were from Camrose, and the final pair were from the Fort McMurray area.

The Telly awards were founded in 1978 to honour excellence in local, regional, and cable TV advertising. Today the Telly is one of the most sought-after awards by industry leaders. The 29th annual Telly awards received over 14,000 entries, from all 50 U.S. states and five continents. This award for the Speak Out team is significant because it was selected from amongst submissions by industry giants like Disney, Harpo Studios, TSN, and Warner Bros.

I would like to direct members of this House to the Speak Out website, www.speakout.alberta.ca, where they can see for themselves the thoughts and ideas of the thousands of people across the province who have been engaging in this initiative.

Mr. Speaker, I would like to congratulate all those involved with the Speak Out public service announcement for their outstanding and creative work.

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

Funding for Small Nonprofit Organizations

Ms Woo-Paw: Thank you, Mr. Speaker. I rise today to speak on the Calgary Chamber of Voluntary Organizations' 2009 report entitled *No Small Thing: Calgary's Small Nonprofits, Charities and Grassroots Groups*, an exploratory study of 20 groups that had a budget of under \$100,000 and under four paid staff.

According to Statistics Canada's national survey of nonprofit and voluntary organizations two-thirds of Alberta-based nonprofits and charities operated with less than \$100,000 in annual revenue in 2006.

The study provided the following recommendations. Increased recognition and valuing of the contributions of small organizations to the development of healthy and vibrant communities, particularly by government, the corporate sector, and other large organizations, would help these groups to be included for research and future investments. More funding stability and improved funding practices are needed as small groups are particularly vulnerable to funding fluctuations. This would help support their core operating costs. Small nonprofits need increased access to affordable operating space that provides the opportunity to share office, reception services, file storage, and meeting space.

Participants identified the need for more collaboration between organizations in the face of competitive pressures, and providing support to interested groups would help to address difficulties in finding potential partners. Greater co-operative arrangement of business services such as audit and accounting services, insurance and benefits, human resource management, and web support would be helpful in increasing operating efficiencies and reducing costs. These small nonprofits also have a strong desire to build better connections with the business community. Lastly, in-kind donations of items like computers, software, and vehicles would help build the technology capacity of these groups and enable them to focus funds to service delivery.

Mr. Speaker, our small organizations are led by people driven by the cause of their organization, and the role they play in weaving the fabric of Calgary's volunteer landscape is indeed . . . [Ms Woo-Paw's speaking time expired]

The Speaker: Hon. Leader of the Official Opposition, you're going to give a statement today? Proceed.

Swine Flu Pandemic Planning

Dr. Swann: Thank you very much, Mr. Speaker. Because of the developing swine flu threat, the World Health Organization has raised their pandemic alert level to 4 out of 5: a global epidemic, a new virus for which there is no current vaccine. This is the most serious alert level since the Hong Kong flu outbreak of 1968-69, during which a million people died world-wide.

Albertans can have confidence in the dedicated and competent professionals and ready availability of treatment, including antiviral drugs, but clearly this administration has no reserve in our underbuilt system, and Alberta is seriously compromised in providing timely, quality care for new cases and contacts.

While there are encouraging signs that this flu won't be as serious as the Hong Kong flu, it raises disturbing questions about Alberta's preparedness for any large-scale emergency, including industrial and vehicular disasters. Right now serious overcrowding and lack of hospital capacity is a fact of everyday life in Alberta's health care system. We simply do not have health care sufficient in professionals and space in our facilities to meet existing demand.

Emergency departments are so full that doctors are examining patients in their waiting rooms, and people with flu-like systems who

come to these clinics or emergency departments expose others waiting for care. These must be isolated. Where are we going to find the isolation rooms in emergency and in clinics?

Some patients will need admission to hospital for treatment. Again, where are the isolation beds to deal with this? Already hallways are jammed with patients. Rooms intended for single or double occupancy have additional patients. In a worst-case scenario, with staff sick and off work from influenza, these challenges will be compounded yet again.

The unfortunate reality is this: Alberta, even after the SARS outbreak, reduced its investment in public health as well as beefing up spaces for professionals and patients. It seems that prevention is not a priority for the Stelmach administration. The solution is that we need to get back to the foundation of primary care: public health services, family doctors, nurses, and home care. Not sexy, just . . .

The Speaker: Hon. member, you've gone past the time frame allocated. Secondly, you violated one of the rules of the House by naming a member.

1:50

Oral Question Period

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

Labour Protection for Paid Farm Workers

Dr. Swann: Thank you, Mr. Speaker. Paid farm workers in Alberta are exempt from occupational health and safety, mandatory Workers' Compensation Board coverage, and the labour code. The government has been consulting on this matter for over a decade while 182 farm deaths and thousands of reported farm injuries have occurred. To the Premier: as a farmer why has your government in 2009 still not taken action to protect paid farm workers with the same rights as all other workers in Alberta?

Mr. Stelmach: Mr. Speaker, as I mentioned a couple of times in the House over the last few weeks, the minister of agriculture and the Minister of Employment and Immigration are holding consultations with the agriculture community and other interested parties. Once the consultations are complete, then that information will come forward to government. We'll accept whatever we hear from the people and then look at how we can change legislation if necessary.

Dr. Swann: When, Mr. Premier? When?

Given that a provincial court judge has recommended that all paid employees on farms should be covered by occupational health and safety, an act which would prevent some fatalities, when will the Premier make the necessary changes to include paid farm workers under the Occupational Health and Safety Act?

Mr. Stelmach: Mr. Speaker, I believe that the two ministers can inform the House of how the consultations are proceeding.

Dr. Swann: What does the Premier have to say to those injured farm workers and the families of those farm workers killed on the job, whose only option is to turn to costly lawsuits because this administration has failed to protect them and give them equal rights?

Mr. Stelmach: Mr. Speaker, whenever there's an accident – it doesn't matter if it's in a farmplace or a small business or large business – we take the issues very seriously. That is why we're holding the consultations. We'll bring forward the information to the House. We'll have an opportunity to discuss it and hear from all

sides on the issue and come up with a policy that's going to serve Albertans well.

The Speaker: Second Official Opposition main question. The hon. Member for Edmonton-Gold Bar.

Workplace Health and Safety

Mr. MacDonald: Thank you, Mr. Speaker. Last year there were 166 workplace fatalities in Alberta. That's three deaths per week. Joint work-site health and safety committees, a very effective tool to help reduce workplace accidents and deaths, are not mandatory in Alberta as they are in the rest of the country. They are only issued by ministerial order. To the Premier: why does Alberta continue to lag behind the rest of the country as far as providing efficient, safe occupational health and safety rules on our job sites?

Mr. Stelmach: Mr. Speaker, the number of fatalities was up slightly. The number of injuries has actually decreased in the province of Alberta. That's given the fact that there was a large increase in the workforce in Alberta. We've got to find a balance and, certainly, prevent those fatalities. Many of them were traffic fatalities. There were some right on the job site.

I know that companies are working in partnership with the Alberta government. We're doing whatever we can to ensure that we protect the workers, that do a good job for all Albertans.

Mr. MacDonald: Mr. Speaker, a 34 per cent increase in workplace fatalities over a three-year period is not a statistic that's up slightly, as the Premier maintains.

Of the 24 workplaces which have a ministerial order to operate a joint health and safety committee, none are at an oil sands operation. However, there are ministerial-mandated committees at Lucerne Foods, Keyano College, and Sealy Canada. To the Premier: why are oil sands operations not deemed dangerous enough to have a mandatory health and safety committee ordered by your government?

Mr. Stelmach: Mr. Speaker, the minister responsible has all of the information.

Mr. Goudreau: Mr. Speaker, we're very, very concerned any time the number of injuries goes up. The hon. member talks about the oil sands. The oil sands lost-time claim rate is substantially lower than the average of all industries in Alberta. We continue to work with oil industries to make sure that they're as safe as possible. Again, the oil sands subsector is the second safest, right behind exploration.

The Speaker: The hon. member.

Mr. MacDonald: Thank you. That's interesting. To the hon. Minister of Employment and Immigration: one of the reasons why the oil sands operations are safer is because they're union sites.

Now, again to the Premier: today on this International Day of Mourning will the Premier commit to making joint health and safety committees mandatory at all Alberta work sites where there are 20 or more employees?

Mr. Stelmach: Mr. Speaker, we'll work with industry to make sure that we find efficient ways of ensuring the health and safety of workers. The oil sands do have a good record. There are other small businesses; sometimes there are some issues there. We're going to work with all industry, both large and small, and work out

a plan to make sure that we do protect the safety of workers in the province.

The Speaker: Third Official Opposition main question. The hon. Member for Calgary-Currie.

AIMCo Governance

Mr. Taylor: Thank you, Mr. Speaker. In questions yesterday into AIMCo's decision to invest in Precision Drilling, it was established that AIMCo's vice-chair and the founder of Precision are business partners. That the founder of Precision Drilling stepped down from that company 16 months ago is not relevant. There are two things at issue here: first, that it is not good practice for an active investment banker to be on the board of AIMCo because of the inevitable potential conflict-of-interest problems and, second, that public agencies are accountable to their ministers even when set up to operate at arm's length. To the Premier: since it's pretty key if AIMCo is going to invest public funds here at home in Alberta business to follow best practices so that everything passes the smell test, what policies or codes of conduct are in place at AIMCo governing conflict of interest?

Mr. Stelmach: Mr. Speaker, AIMCo follows a code of conduct. We recently did a complete review of our agencies, boards, and commissions. That was additional work that the government did to ensure that we have a very clear delineation of responsibility. I'm sure that the AIMCo chair would provide any information very specific to whatever the member is asking.

The Speaker: The hon. member.

Mr. Taylor: Thank you, Mr. Speaker. Well, given what the Premier just said in answer to that question and since this government has released the agencies governance framework and just recently Bill 32 as well, will the Premier point out to the finance minister that according to those documents she is accountable for AIMCo's activities and the codes of conduct they have in place? Yesterday in question period she didn't really seem to want to have anything to do with AIMCo.

Mr. Stelmach: Mr. Speaker, of course, that's a matter of opinion of the member. The province of Alberta has about \$75 billion worth of assets that AIMCo is managing. They are doing a good job, especially in light of many of the issues that other fund managers are experiencing across the country and around the world. They made a decision based on the evidence that was presented to the board. In a democratic state, which we are here in the province of Alberta, yes, at the end of the day the responsibility lies with the highest office, which is the government of Alberta.

The Speaker: The hon. member.

Mr. Taylor: Thank you, Mr. Speaker. Well, if everything does pass the smell test, I wonder if the Premier can explain to me why one of the corporate registration documents I tabled yesterday regarding the business partnership, a document we accessed last Thursday off the Alberta corporation nonprofit search, was altered to remove all references to directors or shareholders of the company and, further, that it was altered on Sunday. I'll table those documents at the appropriate time.

Mr. Snelgrove: Mr. Speaker, let's talk about the smell test.

Yesterday that hon. member got up in here and indicated there was a relationship of something untoward between Mr. Gosbee and Mr. Swartout. Swartout retired in 2007 and has no shares in Precision Drilling. Mr. Gosbee has no shares in the company and no personal interest in it. They have a business sideline that has precious little or nothing to do with it. It's a helicopter business to do skiing.

So it's all right for them to stand up and impugn two very successful, respected Alberta businessmen and then say: it's true because I've got a document. That's the smell, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-Highlands-Norwood, followed by the hon. Member for Lethbridge-West.

2:00 Nuclear Power Consultation

Mr. Mason: Thanks very much, Mr. Speaker. When it comes to nuclear power, this government has put the horse before the cart. It is increasingly evident that the Tories have already decided to support the development of nuclear power in our province and are now making a big show of pretending to care what Albertans think. Under the guise of public consultation the government has a website full of so much pro-nuclear propaganda that it might as well have been paid for by Bruce Power. I want to ask the Energy minister: why won't he admit that this government has already decided in favour of nuclear power and is now merely attempting to convince Albertans to go along?

Mr. Knight: Well, Mr. Speaker, what I will admit is that the government of the province of Alberta has a very solid program to go forward and ask Albertans for their opinion with respect to this very serious issue. It's very obvious that there are some members – there may be a number of them over there; I'm not sure – who have already made up their minds. Thank you very much for that. We will mark them down. However, I now want to hear from the rest of Albertans.

Mr. Mason: Mr. Speaker, he doesn't want to hear from Albertans. The evidence is clear. This government supports nuclear power, and they're providing one-sided and misleading information to Albertans to try and get them onside. Their nuclear panel was made up of hand-picked nuclear supporters and its findings predetermined. The government is misleading Albertans with pro-nuclear propaganda, and they're shutting ordinary Albertans out of consultation meetings. To the Minister of Energy: why are you denying Albertans the opportunity to speak up at public meetings if not because you want to shut them out of a decision that's already been made?

Mr. Knight: Mr. Speaker, I don't think it's worth the time to stand here and repeat again for – I don't know – the second or third time what it is we are doing with respect to the consultation with Albertans. What we're doing, the consultation that we're doing, the information that came out of the workbook that we produced in the last month or so: that was all based on research, not rhetoric.

The Speaker: The hon. member.

Mr. Mason: Thank you very much, Mr. Speaker. Well, they're researching the ways that they can try and convince Albertans to support nuclear power. The proof is in the propaganda pudding. This Tory government's claim to open consultations is a sham. It's clear that their mind is already made up. Their nuclear power was biased. Their website is full of pro-nuclear propaganda. Its so-called consultations with ordinary Albertans are a joke. They're not

even invited to your meetings. Again to the Minister of Energy: why are you pretending to care what Albertans think about nuclear power when the decision has already been made?

Mr. Knight: Well, again, Mr. Speaker, I don't know what is one-sided and biased about selecting a group of individuals that would have the opportunity to be unfettered in their discussions relative to this issue. I don't know what's one-sided about the ability for every Albertan, if they so choose, to receive a workbook and some background information relative to this. That's not the only information they can receive. There is information that abounds on this topic. The members opposite are absolutely within their rights to give that information to anybody they would choose.

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

Alberta-Canada Growing Forward Program

Mr. Weadick: Thank you, Mr. Speaker. Yesterday we heard in this House from a member opposite that the Minister of Agriculture and Rural Development made an announcement around more ad hoc funding for agriculture communities. Our producers and processors in and around Lethbridge are very interested in funding support for agriculture. In an attempt to get accurate information that is based on fact rather than speculation and attempts to grab headlines, my questions are for the Minister of Agriculture and Rural Development. Will you please clarify what type of funding was announced last Friday?

The Speaker: The hon. minister.

Mr. Groeneveld: Well, thank you, Mr. Speaker. What I believe the member opposite was referring to yesterday was the announcement of our Growing Forward programs, which are a collaboration between the federal and all provincial governments, but you'd never know it by the way the question was asked; I'll tell you that. It replaces the old agriculture policy framework and is not ad hoc funding. Quite frankly, it's the complete opposite of ad hoc funding. It's strategic grant funding that is designed to help industry be competitive, innovative, and proactive in managing risks. All programs are also cost shared, and industry must make their own financial investments in the projects.

The Speaker: The hon. member.

Mr. Weadick: Thank you, Mr. Speaker. My first supplementary is to the same minister. My agricultural producers and processing industries are facing incredible challenges from intense global competition. Can you describe some of the programs and what they will mean to the agriculture industry?

Mr. Groeneveld: Well, Mr. Speaker, Growing Forward programs in Alberta were specifically designed to achieve results that will lead to long-term industry success. A hog producer could apply for a grant to upgrade his facility to be highly efficient, which helps environment and the bottom line. A commodities association could opt to implement enhanced biosecurity measures programs for their membership. A food processor could enhance food safety protocols to adopt new, state-of-the-art technologies, quality-added and value-added opportunities. All of these programs enable Alberta producers in agribusiness to become competitive, profitable, and industry leaders.

The Speaker: The hon. member.

Mr. Weadick: Thank you. My final question is to the same minister. How has the agriculture industry responded to this announcement?

Mr. Groeneveld: Well, Mr. Speaker, unlike the member from across the way, who always seems to look for the worst in anything that happens in this province, the reaction from producers, processors, and commodity associations has only been positive. Yesterday I met two family-owned and family-run processors based right here in Edmonton who would be eligible for the program the member opposite tabled, and they were very appreciative of the program. These family-run companies employ quite a number of Edmontonians, but I suspect the members across the way really don't care about that. They only care about headlines and not about jobs and growth of Alberta business.

The Speaker: The hon. Leader of the Official Opposition, followed by the hon. Member for Calgary-Montrose.

Physician Supply

Dr. Swann: Thank you, Mr. Speaker. A decision to freeze hiring for doctors is a scary prospect, especially at these times. What's more concerning is that neither the minister nor the Premier seemed to be aware of the situation. The minister of health gave a response that was later refuted as incorrect by the spokesperson of the Health Services Board. The lack of communication or even understanding of what is happening by the members who are ultimately responsible for it casts doubt on their credibility in managing this health care transition. To the minister: will he clarify what is actually happening with the Health Services Board, and will there or will there not be a freeze?

Mr. Liepert: Well, Mr. Speaker, the reason the Premier and the minister of health refused to confirm the allegation made by the Leader of the Opposition is because it was not correct. Let me state for the record: there is no hiring freeze. I'll repeat that: there is no hiring freeze. We need general practitioners, family doctors, in all parts of this province, and efforts are going to continue to ensure that we, wherever we can, fill those vacancies. What has happened is that a number of positions that are more specialist in research are being reviewed to ensure that they fit within our focus on research in this province, going forward.

Dr. Swann: Well, the truth is, Mr. Speaker, that the Health Services Board is now backing away from the hiring freeze due to complaints from the medical and academic communities. Can the minister explain who was consulted before the decision was made to release the memo advising of the freeze?

Mr. Liepert: Well, Mr. Speaker, I can only restate what I said in the first place: there is no hiring freeze. I can repeat it 10 times if it helps. There is no hiring freeze. There never has been a hiring freeze. What there is is a number of positions; a number of individuals internationally had been contacted for potential recruitment. In light of a new focus on medical research in this province we want to ensure that the right people, that fit within that medical research focus, are the ones that we actually recruit.

Dr. Swann: Well, Mr. Speaker, yesterday a spokesperson for the Health Services Board dismissed this memo on a freeze, sent last

Wednesday, as no longer valid and, quote, old news. End of quote. It's very concerning that changes are implemented in such a haphazard way, that memos are sent one day and then considered invalid the next. Why the flip-flop, Mr. Minister?

2:10

Mr. Liepert: Mr. Speaker, this particular Leader of the Opposition has stood here on several occasions during this session and talked about smarter spending in health care. Well, I would suggest that as we develop a research policy within Health, working with the Department of Advanced Education and Technology, smart spending would mean that we should be recruiting people that fit within that research strategy.

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

Mineral Exploration Tax Credit

Mr. Bhullar: Thank you, Mr. Speaker. I have had several conversations about mineral exploration tax credits with many constituents. They believe that they're a valuable tool to encourage investment in our province in these uncertain times. My question is to the Minister of Energy. Why does Alberta not have a mineral exploration tax credit?

The Speaker: The hon. minister.

Mr. Knight: Thank you very much, Mr. Speaker. Alberta doesn't have a mineral exploration tax credit per se. Instead, we have other programs in the province of Alberta that were introduced to encourage development. Some recent ones that we've done are programs to encourage drilling and production of wells. On the mining side studies indicate that Alberta does have a favourable regime from the perspective of regulation, land-use rules, overall taxes, and business attractiveness. We remain open to suggestions to become competitive in areas where we're not competitive and remain competitive in areas where we are. I believe we'll continue to do that.

The Speaker: The hon. member.

Mr. Bhullar: Thank you, Mr. Speaker. My first supplemental is to the same minister. It was announced that the province is developing these incentive programs to provide short-term, targeted assistance to junior and mid-cap companies. Can flow-through shares be one of these incentives?

Mr. Knight: Well, Mr. Speaker, again that's a very good question. The information that I have would certainly indicate that flow-through shares are currently allowed under the federal income tax system, in section 66 of the Income Tax Act, for qualifying resource expenditures.

The Speaker: The hon. member.

Mr. Bhullar: Thank you, Mr. Speaker. My final question, also to the same minister: what sort of incentives currently exist for mineral investment in Alberta?

Mr. Knight: Mr. Speaker, our strengths would include a great tenure system in the province of Alberta, an extensive mapping database that's provided through the knowledge and expertise of the

Alberta Geological Survey. That is available to all explorers. We believe that the political stability in the province of Alberta is also a great incentive.

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

Air Quality Monitoring

Ms Blakeman: Thank you very much, Mr. Speaker. Alberta's asthma rates are among the worst in the country, and Alberta is the only province that refuses to participate in the national air quality health index. This index emphasizes the link between air quality and health and is as simple to understand as the UV index. My questions are to the Minister of Environment. Why has the minister refused to adopt the national air quality index, when it would allow parents to turn on their televisions and find out whether it was safe to let their asthmatic children go and play outside?

Mr. Renner: Mr. Speaker, Alberta has no opposition to a national standard. However, we have a disagreement with the federal government on how this particular standard was established. We have already in place in Alberta a detailed network of air quality monitoring systems. We're more than pleased to participate in any kind of a national reporting standard, but we don't want to take what we have in Alberta, which is a very detailed, quality system, and water it down so that it fits into some kind of a national system, where other jurisdictions don't have the capacity that we do to monitor it.

Ms Blakeman: Well, actually, the standards are weaker.

Can the minister explain why Alberta's measurement of five pollutants in isolation from one another and a 20-year-old method would be considered better than the new national standard, which measures the interactive effects of the three pollutants that are not safe at any concentration?

Mr. Renner: The answer to the question is that in Alberta we believe that it's necessary to monitor a much longer list of air pollutants because of the amount of emission sources that we have within this province. We feel that we have a unique circumstance here in Alberta. That unique circumstance needs to be dealt with in a unique way. I emphasize that we have a system in Alberta that we believe to be superior to the one that is being proposed through the federal government.

Ms Blakeman: Now, you shouldn't be going this one alone.

Back to the same minister: given the government's past support and use of population-based health studies for the UV index and for the campaign against smoking, does the minister support the use of these population-based health studies for air quality monitoring?

Mr. Renner: Well, Mr. Speaker, air quality monitoring is something that is critical if we're going to be able to implement what we feel to be our priority, and that is the cumulative effects regulatory regime. We need to understand what the desired outcomes are, and we need to be able to understand what the monitoring techniques are that will be required so that we can determine whether or not we have achieved those outcomes. How they fit in or not with all of the ancillary kinds of information sources is very much part of that discussion.

The Speaker: The hon. Member for Calgary-Mackay, followed by the hon. Member for Calgary-Varsity.

Second-language Education Programming

Ms Woo-Paw: Thank you, Mr. Speaker. With the future economic and social success of our province so inevitably linked to international immigration and international trade, instilling an understanding of global issues and culture in our youth is critical. Perhaps the most salient expression of culture is language. My questions are relative to international language instruction in Alberta, and they're directed to the Minister of Education. How many schools or what percentage of schools in Alberta offer second-language programming for students in grades 4 to 9?

The Speaker: The hon. minister.

Mr. Hancock: Well, thank you, Mr. Speaker. All school jurisdictions across the province offer programming in second languages, and about 71 per cent of our grades 4 to 9 schools are offering those second languages, so a very significant proportion of our students have second-language programming available to them in grades 4 to 9.

The Speaker: The hon. member.

Ms Woo-Paw: Thank you. How does Alberta compare with other jurisdictions in Canada in terms of second-language programs?

Mr. Hancock: Mr. Speaker, we have in Alberta the widest range of language programming available in the country, including the choice of French language programming plus 10 provincial programs in Blackfoot, Cree, Chinese, German, Italian, Japanese, Latin, Punjabi, Spanish, and Ukrainian. As well as that, many of our school jurisdictions have locally developed programs in additional language areas such as Arabic, American Sign Language, Dene, Filipino, Greek, Hebrew, Korean, Nakota, Polish, Russian, Saulteaux, Swedish, Tsuu T'ina, and Vietnamese. International languages as well as our native languages here at home are very important to students and very important for the learning experience.

Ms Woo-Paw: I'd like to know if there's a difference in the offering of second-language programs between rural and urban jurisdictions in Alberta.

Mr. Hancock: Well, Mr. Speaker, as one might expect, there's a wider range of offerings available in urban schools, but it's important to note that our rural school jurisdictions also have a wide access to programming available. The Peace River jurisdiction, for example, offers German and Cree in addition to French-language programming. In Red Deer public schools you can take Chinese, German, Japanese, and Spanish. I might say that with distance learning opportunities students anywhere in the province can participate in virtually any language of their choice online.

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

School Infrastructure Funding

Mr. Chase: Thank you, Mr. Speaker. Edmonton's aging schools desperately need upgrading. Edmonton public is facing a \$63 million asbestos liability, and 16 school preservation requests remain a high priority since none of the projects were approved last year. This isn't about asking for more money; it's about using limited resources more wisely. To the minister: given that the projected cost to preserve Edmonton's schools is \$12.7 million more this year than

it was last year, when nothing was done, will the minister commit to approving the projects with the highest priority this year so that costs do not continue to escalate?

Mr. Hancock: Mr. Speaker, I'd invite the hon. member to attend at committee on the estimates tomorrow night, and he can perhaps show how he can accomplish what he's talking about without spending more money or where, in fact, there could be a change in priority, from his perspective, as to where the \$790 million that we're spending this year on new projects and maintenance projects across the province might be rejigged. We're spending more money than any jurisdiction on schools. We do have lots of work to do in the area, no question about that. We're looking for innovative ways to both stretch the dollars we have and to bring new dollars into the process. But it's a very important area: to make sure that we have schools where children need them.

2:20

The Speaker: The hon. member.

Mr. Chase: Thank you, Mr. Speaker. Given that the Edmonton public board is facing a \$700,000 deficit from previous relocations of portables and needs another eight portables moved, will the minister review the approval process to ensure that cost-effective practices which increase much-needed classroom space will be adequately funded?

Mr. Hancock: Well, Mr. Speaker, we have been reviewing both the approval process and the capital planning process. We're working with school boards across the province and with the Ministry of Infrastructure to make sure that our capital planning and the capital improvement process are both effective and efficient and that we make sure that we can prioritize the most important areas based on health and based on capacity needs, based on where the highest priority is. Yes, so very much we're engaged in that process.

The Speaker: The hon. member.

Mr. Chase: Thank you. Again to the minister: given that six years ago it was recommended by the Commission on Learning that classes from junior kindergarten to grade 3 should have no more than 17 students, why is it that out of Edmonton's 153 schools, 120 of those schools still have more than the recommended number?

Mr. Hancock: Well, Mr. Speaker, it's a fairly complex issue, believe it or not. There has been a significant amount of resources invested in school boards right across the province to help those school boards achieve the class size initiative, and they have across the province at every level except the grades 1 to 3 level. I've had those discussions with the board chairs and superintendents across the province about the need for us to deal with that, but as the hon. member will know, it's about where the schools are located. It's about the class sizes in those schools and the capacity of those schools. There are a number of factors which go into making sure that we meet those class sizes where and when possible.

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

Workplace Health and Safety (continued)

Ms Notley: Thank you, Mr. Speaker. In the last 10 years 1,283 Albertans have died on the job, and each one of these deaths was

preventable. However, ministerial regret and sympathy will prevent nothing if not followed by real action. More inspectors, mandatory committees with authority, clear safety standards, and special prosecutors: these are the things that would keep Albertans safe at work. To the Minister of Employment and Immigration: why won't the minister replace condolences with the real action needed to protect Alberta workers?

Mr. Goudreau: I think, Mr. Speaker, I did indicate in my statement earlier today that we are doing a lot. We're adding a lot more resources in safety inspections – we're working with those employers who show to be the most in violation – and we continue to invest additional funds and resources to improve the amount of inspections that we do. We are adding to the levels of prosecution.

Ms Notley: Well, Mr. Speaker, it doesn't seem to be working. In 2006 124 people died, in '07 154 people died, and last year 166 people died. Every year the minister says that one death is one death too many, every year we have over 100 of those deaths, and every year the numbers go up. It's time for a demonstration of real ministerial responsibility, so here's a performance target for the minister. Will the minister put his job on the line for Alberta workers and commit to handing his job over to someone else next year should he fail to reduce the number of work-related deaths in this province?

Mr. Goudreau: Mr. Speaker, I'm going to say again that workplace injuries or fatalities are totally unacceptable in the province of Alberta. We are recognizing that numbers change from year to year, but given our population growth and the amount of employment that we've seen, the numbers of new businesses in the province of Alberta, our workplace fatality rates have basically stayed constant. While we continue to remain very concerned about the increases in fatalities due to traumatic workplace injuries, the long-term trend for workplace injuries is again downward. We have a tremendous amount of actions and strategies aimed at reducing those traumatic injuries.

The Speaker: The hon. member.

Ms Notley: Thank you, Mr. Speaker. Well, in fact, the injuries in the province have not gone down; WCB has just renamed them. Meanwhile the number of work-related deaths is worse than the stats because countless victims are rejected by the WCB. For example, the Alberta Cancer Board says that far more people are dying from work-related ailments than this government admits. Why won't the minister stop repeating these platitudes and reduce workplace deaths by providing real legislative and inspection protection for Alberta workers and their families?

Mr. Goudreau: Mr. Speaker, we are very concerned about these increases that the member talks about, so new government initiatives are proposed for a lot of areas. The Work Safe Alberta initiative is going into a new planning phase and will be recommending some targeted activities related to things like motor vehicle incidents, workplace traumatic injuries, cancer and other occupational diseases.

The Speaker: The hon. Member for Calgary-Hays, followed by the hon. Member for Calgary-McCall.

FNMI Education Funding

Mr. Johnston: Thank you, Mr. Speaker. In the 2009-2012 business plan, released previously by the Ministry of Education, a new

business plan goal was revealed that focuses on success for First Nations, Métis, and Inuit – FNMI – students. My question for the Minister of Education is: why has it taken so long for the minister to take an interest in First Nations education, and why now?

Mr. Hancock: Well, Mr. Speaker, First Nations and Métis education has been part of the education business plan for a number of years. We've decided this year that it was necessary to be more focused and to concentrate greater efforts on the education needs of FNMI students. A number of reasons for that. First of all, the achievement gap between FNMI students and the general student population is significant and shows no signs of narrowing. We have the third-largest FNMI population in the country, and it's growing at a great rate. Children and youth are the fastest growing segment of the aboriginal population, and by 2017 they'll have grown by 39 per cent. It's always been important but never more important than now to focus on that particular area.

The Speaker: The hon. member.

Mr. Johnston: Thank you again, Mr. Speaker. To the same minister. This may be an admirable goal, but it comes in a period of fiscal restraint. Is the minister going to provide additional funding to help school boards implement this new business plan goal?

Mr. Hancock: Mr. Speaker, we have for a number of years been providing supplementary funding for self-identified FNMI students, and this year that will be \$1,155 per student registered. We have about 35,770 self-identified students, resulting in about \$40 million. There's money already being invested in that area in this year's budget, but we need to make sure that that money is being invested effectively and that we're getting the results, so focusing in on what we're doing, sharing best practices, and making sure we have accountability factors in place so that we know that we're getting the results that we need.

The Speaker: The hon. member.

Mr. Johnston: Thank you, Mr. Speaker. My final question to the same minister is about tracking results. Up till now school boards have not had to report on FNMI students' data publicly. Will they now do so under this new goal?

Mr. Hancock: Yes, Mr. Speaker, they will, but it'll take a little bit of time to get that in place appropriately. The reporting will be part of jurisdictional three-year education plans and annual education results reports, and that will start in 2010. We need to capture the information so that we can assess whether or not we're being effective, so the accountability piece is very, very important. But it's also important that we do it in a sensitive way, in a way that makes sense for the purposes not of demeaning or diminishing any particular category of students but making sure that we have the information so that we can be effective in the use of our resources to achieve the results needed.

The Speaker: The hon. Member for Calgary-McCall, followed by the hon. Member for Calgary-Fort.

Reciprocal Drivers' Licences

Mr. Kang: Thank you, Mr. Speaker. The Minister of Transportation has talked a lot about moves to improve driver licensing for many immigrants coming to the province. The government has full

reciprocal licensing with only nine countries. Could the minister tell us how long it takes on average for an immigrant from India or the Philippines to get their driver's licence converted into an Alberta licence?

Mr. Ouellette: Well, Mr. Speaker, when they follow the rules that are there, I can't tell him the exact timing because everything is different, but I can tell you that it's a heck of a lot faster than it used to be.

The Speaker: The hon. member.

Mr. Kang: Thank you, Mr. Speaker. It's not a heck of a lot faster than what we anticipated.

To the minister again. Things may be better, but they aren't yet good enough. What is the minister doing to speed up this process?

Mr. Ouellette: I'm glad that he admitted that things are better, and they are happening faster. Mr. Speaker, we are always working with other jurisdictions. As you know, we have to verify the paperwork that comes in with the immigration people, and as fast as they can get that verified for us, we go ahead and issue them a licence.

The Speaker: The hon. member.

Mr. Kang: Thank you, Mr. Speaker. I'm not afraid to speak the truth. Things are getting better, but they are not good enough. We should be ready for the next boom.

To the minister again: will the government start a program to give temporary licences to drivers from countries without reciprocal licensing after they have passed their test and while the government is waiting on confirming the validity of their original licences?

Mr. Ouellette: Mr. Speaker, we have looked into that. I think we are working on trying to proceed with some of that. The biggest thing you have to remember, that I say in this House all the time: the first thing we have to worry about is the safety of Albertans on our roads, and we have to make sure that they have the proper paperwork in place to get a reciprocal licence.

The Speaker: The hon. Member for Calgary-Fort, followed by the hon. Member for Edmonton-Riverview.

2:30 Municipal Transportation Funding for Calgary

Mr. Cao: Well, thank you, Mr. Speaker. Transportation issues are in the forefront of the daily lives of Albertans, particularly in the communities that have experienced unprecedented growth in recent years, such as Calgary. My question today is to the hon. Minister of Transportation. What types of funding are available to municipalities to assist them in their local needs for transportation?

Mr. Ouellette: Well, Mr. Speaker, my department alone administers roughly \$1.3 billion to municipalities in this province for their infrastructure work, which I think is close to double any other jurisdiction in the whole country. Depending upon the particular program, the grants may be used for transportation-related projects, for water and waste-water projects. Municipalities may also access capital grants under the municipal sustainability initiative, which is under the Minister of Municipal Affairs. He may wish to supplement on how MSI works in the province or for Calgary.

The Speaker: The hon. member.

Mr. Cao: Thank you, Mr. Speaker. To the same hon. minister: how much money is collected through the provincial gas tax, and how much of it flows back to Calgary?

Mr. Ouellette: Well, Mr. Speaker, Calgary receives 5 cents per litre on all road fuel sold within the city limits. The provincial fuel tax is 9 cents per litre, so Calgary would receive over half of the money from our road fuel taxes within city limits. That works out to roughly \$100 million for the city of Calgary. In addition to that, the federal government rebates \$58 million in federal fuel tax to the city of Calgary, which flows through our department.

The Speaker: The hon. member.

Mr. Cao: Thank you, Mr. Speaker. To the same hon. minister: can the hon. minister tell us the amount of transportation grants that the city of Calgary has received annually and the number of transportation-related dollars that the province spends directly in and around the city of Calgary?

Mr. Ouellette: Well, Mr. Speaker, Calgary received roughly \$350 million this year through my department's grants alone, just my department. We're also investing \$425 million in the Stoney Trail northwest ring road and another \$650 million in the northeast leg. We're hoping to start on the southeast leg next spring. That'll be another huge-ticket item. Finally, we're investing about \$18 million in the Deerfoot Trail this year.

The Speaker: The hon. Member for Edmonton-Riverview, followed by the hon. Member for Athabasca-Redwater.

Nuclear Power Consultation

(continued)

Dr. Taft: Thank you, Mr. Speaker. This government's workbook on nuclear power is very obviously one sided. For example, the workbook describes the capital cost of both coal-fired and nuclear plants as if they were exactly the same when nuclear plants can be far costlier to build. Does the Minister of Energy think his workbook on nuclear power is fair and accurate?

Mr. Knight: Well, Mr. Speaker, again I would suggest that it's not one sided because an individual believes that it's one sided. Because a member has a certain view, that doesn't make it one sided. The research that's done there is credible and scientific, done from credible sources. There's a full bibliography in the panel's report. The workbook is based on the information in the report. It is not my research. It's done from credible sources.

Dr. Taft: Well, the workbook is one sided because it only presents one side of the case, and that's pretty obvious to anyone who looks at it. For example, the first nuclear power plant to be built in Europe in the last 30 years was to have opened next week in Finland, but it won't because it is as of today 37 months behind schedule and 50 per cent over budget. To the Minister of Energy: wouldn't the minister agree that this kind of information should have been included in this workbook?

Mr. Knight: Well, Mr. Speaker, I don't pretend that everything about every nuclear installation around the world is or is not included in the workbook. What I did say was that the research that was done there, done by credible people, backed up by credible scientific sources is all available for any member or any Albertan to

look up for themselves if they would prefer to do that. The upshot of this whole thing is that this government has not made any predetermined decision about this issue. We are willing and open, and we are listening to the rest of Albertans before we make any decision.

Dr. Taft: Electrical users in Finland were promised that a new nuclear power plant would provide competitively priced electricity, but industrial users in Finland are now calculating that nuclear power will add billions to their electrical costs. This is the only example of a new power plant in the last 30 years in Europe, so it is relevant to what's going on here. If the minister is open on this issue, will the minister issue a second workbook that provides both sides of the nuclear debate instead of the one-sided view that the current workbook provides?

Mr. Knight: Well, Mr. Speaker, what I can tell you, the House, and all Albertans is that the workbook is a tool that we're going to use to engage Albertans. It was tested with average Albertans, who found that it was balanced and did not lead them to any conclusion.

Relative to the cost of nuclear energy the cost of that energy from a nuclear plant was from the panel's work. The panel considered information from the Canadian Energy Research Institute, the U.S. Department of Energy and national laboratory, the Public Services International Research Unit, the University of Greenwich, and the International Energy Agency.

The Speaker: The hon. Member for Athabasca-Redwater, followed by the hon. Member for Calgary-Buffalo.

Temporary Foreign Worker Advisory Offices

Mr. Johnson: Thank you, Mr. Speaker. In my constituency I recently attended an information session for temporary foreign workers, and I was impressed by the presentation and the opportunity for workers to speak to an adviser from the temporary foreign worker advisory office in person, right in their local community, two hours from Edmonton. My questions are for the Minister of Employment and Immigration. Why were the advisory offices created, and are they able to engage workers who may be leery of bringing their concerns forward?

Mr. Goudreau: Mr. Speaker, the offices were set up to help people who may be vulnerable. These were set up to help them understand their rights and responsibilities. Alberta has set an example in Canada by opening these offices both in Edmonton and Calgary. We've got a very proactive approach to delivering local presentations to workers, employers, and other public groups. Last year office staff participated in over 100 presentations and meetings. Those are just one of the many things that we do as part of our advisory offices.

Mr. Johnson: To the same minister: if a worker or a concerned constituent feels there is an issue warranting investigation by this government, what do they need to do in order to have your department look into it, and how do we protect them from reprisals, which they're often fearful of?

The Speaker: The hon. minister.

Mr. Goudreau: Well, thank you, Mr. Speaker. Basically, we need someone to report a complaint or problem, and it is very, very hard to help if we don't have specific complaints to follow up on. There

is a lot of hearsay, but unless somebody comes in with something very specific, it's very difficult. I know this can be difficult, but temporary foreign workers' information and concerns are also handled in a very confidential manner. They can get assistance from the advisory office through our helpline, by e-mail, or in person.

The Speaker: The hon. member.

Mr. Johnson: Thank you, Mr. Speaker. Some would have us believe that this is a rampant issue in Alberta and that a majority of employers here are taking advantage of their temporary foreign workers. Does this minister's office have statistics on how widespread this issue actually is, and are we seeing continuous improvement in this regard?

The Speaker: The hon. minister.

Mr. Goudreau: Well, thank you, Mr. Speaker. There are 2 million working Albertans in this province, and temporary foreign workers make up about 2 and a half per cent of those 2 million workers. Temporary foreign workers have the same workplace rights as any worker, and most employers treat them well. In fact, in Alberta 98 per cent of our employers don't have any complaints against temporary foreign workers. Any allegations of mistreatment are taken very seriously, and all complaints from temporary foreign workers and other workers are investigated.

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

2:40 Grizzly Bear Management

Mr. Hehr: Thank you, Mr. Speaker. The Minister of Sustainable Resource Development has been waiting on DNA data to take action on the declining grizzly bear population, yet we are now told the information will not be ready until later this year. For five years we've been waiting for this, and during that time the population continued to decline. To the Minister of SRD: why has the minister not taken any action aside from suspending the grizzly bear hunt to stop the decline?

Dr. Morton: Mr. Speaker, the hon. member is wrong on almost every count. We've taken half a dozen different strategies to deal with grizzly bear issues since then in addition to suspending the hunt, in addition to doing the DNA study, in addition to doing the BearSmart communities, and also integrated resource management and reducing impact. Let's start with a new question that gets closer to the facts.

The Speaker: The hon. member.

Mr. Hehr: Well, thank you, Mr. Speaker. Will this minister commit to listing the grizzly bear as threatened now to minimize the population decline until all the DNA data can be analyzed?

Dr. Morton: Mr. Speaker, the hon. member knows very well that I won't commit to anything until the results of the study are in. The people over there always want science-based policy. That's all we hear. Well, we want the results of the study in before we make a decision. You guys are always in a hurry. Be patient.

Mr. Hehr: Well, I don't think we have to wait for science. There are only about 230 bears left. Why don't you just list them as threatened now and save us the time in waiting for it?

Dr. Morton: Once again, the hon. member is just picking numbers out of thin air. There's absolutely no evidence to support either the number that he just gave or the fact that there are fewer bears today than there were when the study began. There is no reliable baseline count. As I said, be patient. You guys are always in a hurry. When the numbers are in, we'll make the right decision.

The Speaker: Hon. members, that was 102 questions and responses today. In a few seconds from now I'll call upon the remaining members to participate in Members' Statements.

Members' Statements (continued)

The Speaker: The hon. Member for Battle River-Wainwright.

Alberta-Canada Growing Forward Program

Mr. Griffiths: Mr. Speaker, I rise today to highlight an important partnership that was announced last week. The five-year Alberta-Canada Growing Forward agreement provides for a cost-shared investment and commitment to moving our agricultural industry forward. It is part of a strategic national framework that's focused on concrete actions to help position our producers for long-term success.

Alberta's agricultural industry is export oriented, and in today's highly competitive global economy our producers, processors, and other agribusinesses need to make changes in order to compete. That is what Alberta's Growing Forward programs are designed to help support.

Just as important, Mr. Speaker, Growing Forward recognizes that industry needs to be a leader in creating our own success. Grants are dependent on industry members also investing in projects. Simply put, Growing Forward is designed to help industry help itself. This partnership is very responsive to Alberta's needs. It gives us the flexibility to focus on the specific areas that industry in this province needs to further develop in order to advance. The program includes ones that will help industry differentiate its products for priority markets and integrate best practices to further protect our land and water. The bottom line is that Growing Forward programs will help industry become more competitive and innovative, manage risk, and contribute to the priorities of Albertans.

Alberta's agricultural industry helped build this province. With the strategic support provided through Growing Forward, this industry will continue to make an important contribution to Alberta's economy, its rural communities, and its future.

Thank you, Mr. Speaker.

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

National Immunization Awareness Week

Mr. Berger: Thank you, Mr. Speaker. Keeping up to date with immunizations is important. The World Health Organization reports that each year immunizations save over 3 million lives worldwide. However, just as many lives are lost each year due to diseases that are preventable with existing vaccines. Immunization is one of the best health measures that Albertans can take to protect themselves and their families from disease and illness.

Children, teenagers, and adults all have varying needs for immunization. Keeping immunizations up to date is a lifelong process, that begins at birth and continues throughout a lifetime. The need for immunizations includes occupational requirements, foreign travel, underlying illness, and age. The number of vaccine-

preventable diseases is growing, and immunization vaccines provide one of the most effective, long-lasting methods of preventing infectious disease in all age groups. Immunizations can help Albertans to protect themselves against diseases such as measles, influenza, the meningococcal virus, and hepatitis A and B. Immunizations also help reduce the burden on Alberta's health care system, which can result in fewer hospital admissions and reduced medical care.

Mr. Speaker, I'd like to take this opportunity to recognize this week as National Immunization Awareness Week, and I encourage all Albertans to talk to a doctor, a pharmacist, a nurse, or a public health official for more information on immunizations.

Thank you.

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

Alberta Land Surveyors' Association

Mr. Allred: Thank you, Mr. Speaker. The Alberta Land Surveyors' Association kicked off their centennial celebrations at their 100th annual general meeting in Banff last weekend. The theme of their annual conference was Honouring the Past, Celebrating the Present, Looking to the Future.

The association was created by the Alberta Land Surveyors Act, which was introduced in this Assembly in 1910 by the hon. Jean Leon Côté, a Dominion land surveyor and MLA for the riding of Athabasca. His Honour Jean Leon Côté of the Alberta Court of Appeal is the grandson of J.L., as he was affectionately known.

Subsequent to the passing of the Land Surveyors Act the association was formed, with William Pearce, another dominion land surveyor, as president. Pearce was known as the czar of the prairies for his intimate involvement in irrigation, resource development, and general land management in this new province. Lionel Charlesworth, another DLS and provincial director of surveys, was the first secretary-treasurer. Initially there were 45 members, all of which were dominion land surveyors practising in the province. The Alberta Surveys Act was passed the following year.

The Alberta Land Surveyors' Association is still a relatively small professional association after 100 years, with only 388 members today. Despite their small size they are very active and are recognized as one of the leading professional associations in North America.

Mr. Speaker, colleagues, please join me in congratulating the Alberta Land Surveyors' Association on 100 years of maintaining an orderly system of stable, well-defined land boundaries in the province of Alberta.

Presenting Petitions

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

Mr. Mason: Yes. Thanks very much, Mr. Speaker. Today I'd like to present a petition which reads:

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government to continue to cover under the Alberta Health Care Insurance Plan all health services which promote health and wellness, including chiropractic services.

The petition today has 370 signatures.

Introduction of Bills

The Speaker: The hon. Member for Battle River-Wainwright.

Bill 43

Marketing of Agricultural Products Amendment Act, 2009 (No. 2)

Mr. Griffiths: Mr. Speaker, thank you. I rise today to request leave to introduce Bill 43, the Marketing of Agricultural Products Amendment Act, 2009 (No. 2).

These amendments support freedom of choice, Mr. Speaker. They support giving individual producers the right to decide how their hard-earned money is spent. Under the amended act producers in four commodity groups – beef, pork, sheep and lamb, and potato growers – will be able to request refunds on the service fees they pay to agricultural commissions that represent them. These proposed changes are about the viability of the agricultural industry. They're about ensuring that commissions are responsive to the needs and wishes of their members. This act will bring uniformity of regulation to all 13 boards and commissions that do not set prices or function as marketing boards.

I look forward to the debate and discussion on this bill. Thank you, Mr. Speaker.

[Motion carried; Bill 43 read a first time]

2:50

The Speaker: The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Speaker. I move that Bill 43 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

The Speaker: The hon. Minister of Culture and Community Spirit.

Bill 44

Human Rights, Citizenship and Multiculturalism Amendment Act, 2009

Mr. Blackett: Thank you, Mr. Speaker. I respectfully request leave to move first reading of Bill 44, the Human Rights, Citizenship and Multiculturalism Amendment Act, 2009.

The proposed changes will update and make the legislation and the commission more effective and efficient and in line with current and future realities.

Thank you very much, Mr. Speaker.

[Motion carried; Bill 44 read a first time]

Tabling Returns and Reports

The Speaker: The hon. Minister of Aboriginal Relations.

Mr. Zwozdesky: Thank you, Mr. Speaker. In accordance with section 211 of the Metis Settlements Act I'm tabling five copies of the Métis Settlements Appeal Tribunal 2008 annual report. The Métis Settlements Appeal Tribunal, referred to as MSAT, was established in 1990. Along with the Métis Settlements General Council and local settlements' councils it acts as a courtlike body, ruling on land, membership, and other matters. Finally, in 2008 the MSAT office co-ordinated 1,038 inquiries and projects, more than double the number from the previous year. This is a true measure of the valuable service that MSAT provides to Métis settlement members in Alberta.

Thank you.

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

Mrs. Sarich: Thank you, Mr. Speaker. I have two tablings this afternoon. I would like to table the appropriate number of copies of information regarding the 2009 excellence in teaching awards semifinalist regional celebration, the itinerary and program, which honoured all the recipients. That'll be for the Edmonton celebration.

My second tabling, Mr. Speaker, is the 2009 excellence in teaching awards semifinalist regional celebration that took place in Calgary, the appropriate itinerary and a listing of the celebrants for that particular evening.

Thank you.

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

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. I have two tablings today. The first is information I got from the Employment and Immigration office last October. It is a ministerial order, and it lists the work sites requiring a joint work-site health and safety committee here in Alberta.

My second tabling is a copy of a petition which is essentially a cease-and-desist order for the hon. Minister of Health and Wellness requesting the hon. minister to stop dismantling our public health care structure. It's put out by the Friends of Medicare.

Thank you.

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

Mr. Taylor: Thank you, Mr. Speaker. I have one tabling today, five copies of documents I referred to in question period from the Alberta corporate registration system regarding R.K. Heli-ski Panorama Incorporated, documents which were altered or changed on Sunday from the documents which I tabled yesterday, that we accessed on Thursday.

The Speaker: Hon. Member for Calgary-Buffalo, do you have tablings?

Mr. Hehr: No.

The Speaker: Edmonton-Highlands-Norwood.

Mr. Mason: Yes, I do, Mr. Speaker. I have two tablings today. First, I'd like to table the appropriate number of copies of the Alberta nuclear consultation online workbook, which can be accessed through the Alberta Energy home page. I referred to this document in my questions today.

My second tabling, Mr. Speaker, is a letter from a constituent, Mr. Guy Pallister, who indicates that he wants me to voice his concerns at the Alberta Legislature and that he is appalled that a picture of a U.K. beach was used in the promo of an Alberta tourism advertisement. He believes that someone's head should roll on this blunder.

Orders of the Day

Government Bills and Orders Second Reading

Bill 29 Family Law Amendment Act, 2009

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

Mr. Denis: Thank you very much, Mr. Speaker. I'm pleased to rise

today to begin debate on Bill 29, the Family Law Amendment Act, 2009.

Mr. Speaker, you may recall that in the fall 2008 session this Legislature passed Bill 15 to establish the child support recalculation program. This is a new and much-needed service for separated and divorced parents and the children of their relationships. The program will annually recalculate child support orders based on changes to parents' incomes. This process will be an administrative one so that parents do not have to go to court. The child support recalculation program will improve access to justice by offering a simple and low-cost way for parents to keep their child support orders current. It will help ensure that children receive the best support their parents can offer as their financial circumstances change from year to year. It will help child support payers whose incomes have gone down by reducing the amount of child support that they're obliged to pay, and it will also help children and support recipients by increasing the child support they receive if the payer's income has in fact gone up. In either case it will help parents meet the obligations they have in law to ensure that their child support orders are adjusted in order to match their incomes. This new program is expected to open by the end of this year.

Now, Mr. Speaker, although the child support recalculation program will share some resources with the maintenance enforcement program, parents can be clients with either program or both programs depending on their specific needs or circumstances.

For the child support recalculation program to adjust support annually based on the parents' incomes, the program needs income information from both parents. Bill 15 requires that parties registered with the recalculation program provide the program with documentation each year to show their current income. Mr. Speaker, that documentation is expected to be copies of the parent's income tax return and notice of assessment for the last taxation year as well as a short questionnaire. This information will allow the program to determine the party's income and set child support accordingly. It will make sure that the support to be paid reflects both good earning years and bad earning years over time.

Mr. Speaker, it's an unfortunate fact, however, that not all parents live up to their own obligations when it comes to child support. Even though parents registered with the child support recalculation program will have a legal obligation to provide their income disclosure, we know, unfortunately, that some will not. One parent's failure to disclose their income as legally required should not mean that the other parent is denied services from the new program. If it did, the whole purpose of the program, to keep parents out of court and to allow an easy, low-cost way to have child support amounts adjusted, would be defeated.

Bill 15 attempted to address this issue. Bill 15 stated that if a party failed to provide the required income disclosure, recalculation could still proceed based on a deemed 10 per cent increase in that parent's income. In other words, if the payer of child support did not give the recalculation program their tax return information, that program would recalculate the child support as if the payer's income had gone up by 10 per cent. The 10 per cent figure was chosen based on other recalculation programs throughout Canada.

Mr. Speaker, Alberta Justice staff have spent a lot of time over the past few months consulting with the public, with judges, with lawyers, and with others on the new child support recalculation program. Those consultations and information received from other jurisdictions suggested that in some cases the deemed increase of 10 per cent would be insufficient to provide income disclosure incentive. Consultations also suggested some unfairness in applying a flat 10 per cent deemed increase to all orders regardless of how much

time had passed since the parent's income was last determined. It was felt that older orders needed a deemed increase of an amount higher than 10 per cent to promote income disclosure. Other provinces reporting low compliance by parties in providing their tax returns to facilitate recalculation also felt the same way. This is, of course, a real concern as compliance in Alberta could be even lower than other programs because we'll be recalculating orders that are much older than those that are being recalculated by other jurisdictions in the country.

Now, Mr. Speaker, the five existing recalculation programs in Canada are in British Columbia, Manitoba, Prince Edward Island, Newfoundland, and Nunavut. They only recalculate orders granted after their recalculation programs were created. Alberta will not make people go back for a new order so that they can participate in this program. Rather, our program will help parties with child support orders dating back to May 1997, when child support guidelines were first introduced. If the order used in the child support guidelines has set the child support and other means to meet the recalculation program's criteria, it will not matter when it was granted.

3:00

By the way, Mr. Speaker, the child support recalculation program will be widely accessible and will have even more success in assisting parents who do not wish to use the court process. However, the older the child support order that is being recalculated, the more likely that the 10 per cent deemed increase will fall short of that parent's actual income increase since the order was granted. This could actually encourage payers not to disclose their actual income as 10 per cent could be less than the increase that they actually realize.

Mr. Speaker, when we considered the Statistics Canada figures on average income increases and the consultation feedback, it became clear to us that Bill 15 needed to be amended. A more effective way needed to be found to encourage parties to comply with their obligation to provide income disclosure. We want this program to recalculate as many cases as possible based on the parents' actual income, not deemed income.

Bill 29 provides the additional encouragement to promote income disclosure and produces a fair result for parties and children if disclosure is not provided. The amendment would remove the blanket deemed increase in income of 10 per cent. With the proposed amendment the more time that has passed since the court recalculation program last set the parents' income, the higher the deemed increase will be. The minimal deemed increase of 10 per cent will be applied when no income information has been provided and the latest court order recalculation was completed less than one year before. For older orders another 3 per cent will be added for each additional year since the order was granted or recalculated. The deemed income increase will be escalated up to a maximum of 25 per cent, which would be applied to the order where five years or more have passed since the income was last determined.

Mr. Speaker, as I've said, the proposed amendment, one, will encourage parents to provide income disclosure to the program; two, is fair if income disclosure is not made; and finally, better protects Alberta's children, ensuring that they receive the financial support that they deserve even if their parents choose to withhold information regarding their income. I would encourage all members to support Bill 29.

With that, I would move to adjourn debate of this bill.

[Motion to adjourn debate carried]

Bill 31

Rules of Court Statutes Amendment Act, 2009

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

Mr. Denis: Thank you again, Mr. Speaker. I'm pleased to rise again today but this time to begin debate on Bill 31, the Rules of Court Statutes Amendment Act, 2009.

The *Rules of Court*, which govern practice and procedure in the Court of Appeal and the Court of Queen's Bench, are going through major revisions. The last time this happened was in 1968, when I wasn't even on this planet, Mr. Speaker. It is a special privilege for me to be able to argue this bill. I must remember that when I began articling the first time, I learned my first principle. The first rule I learned was rule 13, dealing with service of documents. [interjections] I think I may need to serve some of the members here with some notices today as well.

Over the next several years I became familiar with many of these rules, but more importantly I realized how much these rules affect not only the court but also the business outside of the court. Mr. Speaker, the rules affect how people, lawyers and nonlawyers, view the justice system as a whole. A common criticism I have heard is that the current rules are complex, they are cumbersome, and they do not effect timely resolutions. This is why I'm pleased to bring in the new rules on behalf of this government. The purpose of these rules is to maximize the rules' clarity, their usability, their effectiveness, as well as to contribute to a fair, timely, and cost-effective civil justice system. The new rules will improve the public's confidence in our justice system.

Implementing these new rules requires consensual amendments to be made to many statutes in order to reflect the different procedures and terminology used in the new rules. For example, under the new rules it will not be necessary to specify in an act the kind of application that is to be made in the court. As a result, phrases in an act such as "application by notice of motion" or "application by originating notice" are being changed to simply "application." An example of an amendment reflecting the updated terminology used in the new rules is as follows: if an act states that a person may be examined on their affidavit, the word "examined" will be replaced by "questioned."

One of the main things this bill will do is consolidate the authority of the *Rules of Court* in the Judicature Act. This will ensure that there is no confusion about which statute has the ultimate authority for introduction or amendment of a rule and will make the legislation more user friendly by locating any and all related provisions in one place.

Mr. Speaker, this bill also limits the number of years that a nonjudicial member can serve on the Rules of Court Committee and limits the number of times that they can be reappointed. This is to encourage a balance between renewal and experience on the committee, which makes recommendations to the minister on the amendments to the *Rules of Court*.

This bill will also relocate provisions regarding the enforcement of money judgments from the *Rules of Court* into the Civil Enforcement Act. The end result will be that all substantive provisions relating to the enforcement of money judgments will again be located in the Civil Enforcement Act and the civil enforcement regulation, making the legislation in this area more coherent, more integrated, and user friendly, again to both lawyers and nonlawyers.

Mr. Speaker, this bill is the result of literally years and hundreds, if not thousands, of hours of consultation with stakeholders and their volunteered time. I'm very proud to present it today. I would also like to add that I've always believed that one of the greatest gifts to the modern world has been the rule of law, being that the law must

be prospective, well known, and have the characteristics of generality, equality, and certainty. Bill 31 is consistent with this and will be a credit to our legal system. I'd encourage all members to support Bill 31.

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

[Motion to adjourn debate carried]

Bill 32

Alberta Public Agencies Governance Act

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

Mr. Horne: Thank you very much, Mr. Speaker. I'm pleased to rise for second reading of Bill 32, the Alberta Public Agencies Governance Act.

This bill focuses on Alberta's nearly 250 agencies, boards, and commissions. These organizations are situated across the province and play a key role in the lives of Albertans. They also administer a sizable portion, about 50 per cent, of this province's operating budget.

Mr. Speaker, the focus of Bill 32 is to improve the effectiveness of Alberta's agencies, boards, and commissions by ensuring that we have the right people for the job, by requiring competence-based recruitment and appointments, and by encouraging agencies to improve their effectiveness through orientation, evaluation, and training of their members. The bill will also ensure that agencies and the responsible ministers understand their mandates and respective roles and responsibilities. It will do this by requiring agencies to have a written statement of their mandate, their roles and responsibilities, and their codes of conduct and will clearly articulate the respective responsibilities of agencies and ministers.

Bill 32 will clarify the relationships and accountabilities between government and agencies, including policy-making and information sharing. It will also require periodic reviews of all agencies to ensure that they are operating as effectively as possible. The Alberta Public Agencies Governance Act will enhance public awareness by requiring information about agencies to be made publicly available.

Mr. Speaker, the Alberta Public Agencies Governance Act builds on the work done by the Board Governance Review Task Force, which was struck by our Premier in 2007. This was one of the key actions under Premier Stelmach's commitment to govern Alberta with integrity and transparency. This task force was charged with providing recommendations to improve the transparency, accountability, and governance of Alberta's agencies, boards, and commissions. In October 2007 the task force released its final report, which included 15 recommendations.

The first of these recommendations was for an Alberta public agencies governance act that would institutionalize a governance framework for agencies, that provides clear agency mandates and a competence-based appointment process. As a result, the public agencies governance framework was developed and then released in February 2008, and that brings us to today and the Alberta Public Agencies Governance Act, which provides the legislation to implement the policies set out in the framework.

I'd like to point out, Mr. Speaker, that implementation of the public agencies governance framework is already under way for many agencies. For many agencies Bill 32 simply formalizes what has already been in place. It cements the solid relationship between government and agencies. The bill builds on those efforts and will ensure further transparency with respect to agency governance, agency mandates, and their activities.

Mr. Speaker, I'd like to talk for a few moments about the principles underlying Bill 32. First, the bill is based on the principle that

having the right governance structure in place is critical for any organization to achieve its goals and objectives effectively and efficiently. Public agencies are no exception to that rule. The next key principle is that of accountability; that is to say, who is responsible to whom and for what.

3:10

Mr. Speaker, agencies operate as an extension of government, carrying out tasks delegated to them through legislation and by the executive branch of government. Once government has delegated authority to an agency, the agency then becomes responsible to government. Given this, the bill reflects the principle that agencies are responsible to the minister of the portfolio under which they fall, and as elected officials ministers are accountable to the public.

Ministers and agencies have the same fundamental objective, to promote the best interests of Albertans, but advancing this common goal is only possible when the parties work co-operatively. Therefore, another key principle underlying Bill 32 is that there should be free and open communication and a co-operative and collaborative working relationship between an agency and its responsible minister.

Mr. Speaker, another principle of Bill 32 is the need for flexibility in governance structures. This reflects that Alberta's agencies, boards, and commissions come in many shapes and sizes. They range from large organizations with multimillion-dollar budgets to small advisory groups that do not administer a budget. They may deliver services, provide advice to government, manage Crown assets, or perform regulatory or adjudicative functions. Given these differences it would obviously be counterproductive to impose a one-size-fits-all governance standard.

Another key principle underlying this bill is the need for openness and transparency with respect to agency governance, mandates, and activities. This reflects the large number of agencies that currently exist and the importance of the roles they play in the lives of Albertans each day.

With that background, Mr. Speaker, I will leave details of specific features of the bill to other speakers in second reading.

I'd like to make a few final comments regarding application of this proposed legislation. The bill applies to all public agencies. This includes any agency for which the government appoints the majority of its members. However, this bill does not apply to the following: the provincial court of Alberta; a body all of whose members are elected officials; a purely advisory agency that does not administer a budget and whose members are unpaid; a body established under federal law; a body whose establishing enactment or instrument provides that it will be dissolved within one year; or a body chaired by a minister or government employee, a majority of whose members are ministers or government employees, as long as it does not perform any adjudicative functions. Further, the bill does not apply to officers of the Legislative Assembly such as the Auditor General, the Ethics Commissioner, the Information and Privacy Commissioner, the Ombudsman, the Chief Electoral Officer, and the Legislative Assembly Office.

With that, Mr. Speaker, I'd just like to close by saying that I look forward to the balance of debate on this bill.

At this time I would move that the House adjourn debate.

[Motion to adjourn debate carried]

Bill 33

Fiscal Responsibility Act

Ms Evans: Mr. Speaker, it's my pleasure to rise today to speak to Bill 33, the Fiscal Responsibility Act.

We're in the midst of some challenging times, and Bill 33 provides a simpler framework that enhances the flexibility needed to address today's economic climate while still retaining elements of fiscal discipline.

Our previous fiscal framework legislation has been the solid foundation of this government's commitment to fiscal responsibility, but it needs to be updated to reflect today's economic realities. I'd like to point out that since implementation of the fiscal responsibility framework, in 1993, the Alberta government has made major changes to it every four to five years, generally to reflect changes to the province's fiscal situation.

In addition, our current framework has become quite complex, requiring transfers between funds, which are often confusing to Albertans. The result was a lack of the transparency that we've promised those same Albertans. The changes within Bill 33 simplify the framework, make it clearer and more transparent. It also provides the enhanced flexibility necessary to fulfill our commitments we've made to Albertans in Budget 2009.

Bill 33 contains a number of basic elements from our past fiscal frameworks, which have helped us to position Alberta to build on our strengths as we move forward. In terms of deficits, they will only be allowed if offset by a transfer from the sustainability fund. When it comes to debt, government will only be able to borrow for certain things, including capital investment, support for capital projects owned by school boards, postsecondary institutions, and health authorities, as required by self-supporting corporations such as the Alberta Capital Finance Authority, and to fulfill our commitment to pay back funds owed by the pre-1992 teachers' pension plan to the post-1992 plan. Government will not be permitted to borrow for operating expense.

One of the main pillars of the act will see the sustainability fund expand to include the capital account and the amounts set aside from 2008-09 year-end results for carbon capture and public transit. This new single fund is allowed to offset approved deficits, and the confusing transfers between funds that currently take place are all eliminated.

Although it may be necessary to draw from this fund for the immediate future, it will be replenished as our fiscal circumstances allow, much as the original sustainability fund has been built up over the years. The act also demonstrates fiscal responsibility by putting limits on in-year increases in operating expense, which has been a successful element of past frameworks. This spending would be limited to 1 per cent of total ministry operating expense with an exception for things like disasters or emergencies or if there's a revenue associated with the expense. When it comes to nonrenewable resource revenue, the act will remove the limit on the amount of this revenue that can be used for budget purposes.

Overall, Bill 33 will continue our history of fiscal responsibility. It will help us to build on the work we've done in the past and help us deal with the current economic situation by increasing our fiscal flexibility.

I urge all members of this Assembly to give their support to Bill 33. Thank you.

I would like to adjourn debate on second reading of Bill 33.

[Motion to adjourn debate carried]

Bill 35 Gas Utilities Amendment Act, 2009

The Speaker: The hon. Member for Little Bow.

Mr. McFarland: Thank you, Mr. Speaker. I request leave to move

second reading of Bill 35, the Gas Utilities Amendment Act, 2009.

As mentioned at introduction, this is an administrative act to give legislative authority to a ruling of the National Energy Board. It's a small and minor amendment, as most members would see if they perused the legislation that was introduced last week. In fact, had the decision from the NEB come down a little bit sooner, Mr. Speaker, we'd likely be discussing this matter under Bill 28, the Energy Statutes Amendment Act, 2009, that I introduced last week as well.

This quasi-judicial ruling concerned the NOVA Gas Transmission pipeline owned by TransCanada PipeLines. Specifically, the ruling was to accept an application by TransCanada to make this pipeline be subject to federal regulation.

Mr. Speaker, many Albertans who've followed the history of oil and gas development will recall the establishment and subsequent growth of the Alberta Gas Trunk Line. Created over 50 years ago, this trunk line system was the underground highway that facilitated exploration and development of natural gas fields across Alberta. Over those decades the people involved – the company, the farmers under whose land much of the pipe was laid, and the provincial regulator – have become very familiar with each other. Quite rightly, people ask what this move to federal regulation will mean to them.

Both TransCanada and the federal regulator are engaging the agricultural community in consultation on where there may be differences in wording of various regulations. In fact, though, where the wording may be different, the practical result is that there will be negligible difference to individual Albertans. Under its new name of NOVA Gas Transmission this system is about to take on an additional and very important role to the province as a whole.

Mr. Speaker, people should know that Alberta is Canada's leading producer of petrochemicals. In fact, in 2007 the petrochemical and chemical industry produced over \$15 billion in products, almost half of which were exported. This is what we and others mean when we talk about adding value. We're talking about taking bitumen or natural gas and stripping ethylene from it to create a host of value-added petrochemical products. In order to grow that value-added industry, Alberta needs new, additional sources of feedstock. The NOVA gas system will accomplish that by feeding the Alberta gas hub with product from British Columbia and potentially beyond. The history of this gas transmission system is a success story of Alberta exploration and development. Now it's poised to provide the future success of our value-added industry.

With that, Mr. Speaker, I'd like to move that we adjourn debate on second reading of Bill 35. Thank you very much.

[Motion to adjourn debate carried]

3:20 Bill 37 Alberta Corporate Tax Amendment Act, 2009

The Speaker: The hon. minister.

Ms Evans: Thank you, Mr. Speaker. I'm pleased to rise today to move second reading of the Alberta Corporate Tax Amendment Act, 2009.

I would ask my colleague the proponent of this bill, the hon. Member for Athabasca-Redwater, to please speak to this bill.

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

Mr. Johnson: Thank you, Mr. Speaker. The Alberta Corporate Tax Act is generally amended every year to ensure that Alberta maintains

a fair, equitable, and competitive tax regime. The legislation will introduce a relieving provision into the Alberta royalty tax credit program this year. The provision ensures that participants in certain financing arrangements are not denied benefits in situations where wells were disposed of on rig release dates rather than finish drilling dates.

Also, in 2008 the federal government implemented new rules allowing corporations to report in the functional currencies in which they conduct their day-to-day affairs as long as they were in U.S., Australian dollars, the euro, or the British pound. For ease of administration Alberta will also adopt functional currency reporting. Amendments in this bill will require functional currency reporters to calculate their Alberta taxes payable in Canadian dollars using the average exchange rate for the year rather than the spot rate on the payment due dates as provided under federal legislation. This approach does not add any administrative burden and has the added benefit of retaining a relationship between Alberta's tax rate of 10 per cent and taxes payable in Canadian dollars.

In addition, Mr. Speaker, some issues remained outstanding from last year's introduction of the scientific research and experimental development credit. These amendments will address and provide additional certainty for taxpayers and company and government officials administering the credit.

Lastly, the other proposals largely correct technical deficiencies in parallel federal measures.

Thank you. With that, I would move that we adjourn debate on second reading of Bill 37.

[Motion to adjourn debate carried]

Bill 38

Tourism Levy Amendment Act, 2009

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

Ms Evans: Thank you, Mr. Speaker. I'm pleased to rise today to move second reading of the Tourism Levy Amendment Act, 2009.

I would ask my colleague the proponent of this bill, the hon. Member for Whitecourt-Ste. Anne, to speak to this bill, please.

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

Mr. VanderBurg: Thank you, Mr. Speaker. Just to refresh everyone's memory, Alberta imposes a 4 per cent levy on short-term accommodations like hotel rooms. As MLAs we've all travelled through our constituencies enough to see this charge on our bills, and there are a few issues about what is subject to the levy. This amendment act is meant to clarify the situation.

It used to be that when you pay for your room, you pay cash or you pay by credit card. Nowadays you can use reward points like air miles to pay for your room. This practice has brought with it some complications. How do you apply the 4 per cent levy on accommodations paid through reward points, Mr. Speaker? Currently it isn't clear, and the practices aren't consistent. That's why the industry has taken a look at the issue and asked us to come up with a fair and consistent approach, and we've done that.

When a person uses their reward points to book a room, the company operating the reward point program may pay the accommodation provider a certain amount of money. In other cases the operator doesn't receive money for a room booked with reward points. So this legislation aims to clarify what is subject to the tourism levy and make sure that the practices are consistent throughout the province.

In a nutshell, if the operator is paid for the accommodations, then the province of Alberta expects to be paid the 4 per cent levy. If the operator is providing the accommodations out of their pocket and is not being paid and the room is complimentary, we don't expect to get paid either.

As well, deposits and cancellations: the same approach, Mr. Speaker. You know, if the operator gets a deposit or a cancellation, you cancel the room, and you get a refund. We don't expect to have the 4 per cent tourism levy. But if they withhold your deposit or have a cancellation fee, we expect our pound of flesh as well. So that just kind of clarifies that situation.

Joint bank accounts is another issue that this legislation will deal with. If at any time the lodging provider fails to submit the tourism levy, then it's within the government's power to seize an operator's bank account. That's the existing process. The Tourism Levy Act, however, doesn't allow for seizing the bank accounts of the service provider when they are a joint owner. This amendment act does. It specifically proposes the ability to make proportionate amounts from a joint bank account of someone who has defaulted on paying the levy, not a big problem throughout the province, but we want to make sure that our acts are consistent, and this is something that is going to be done throughout the department.

Finally, there are a few other minor changes that are administrative in nature. The most efficient and effective way for Albertans' laws to work is to make sure that they are harmonious. These housekeeping changes do that by ensuring this legislation is consistent with all other acts in the province.

Thank you. I'd move that we adjourn debate on second reading.

[Motion to adjourn debate carried]

Bill 39

Tobacco Tax Amendment Act, 2009

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

Ms Evans: Well, thank you, Mr. Speaker. I'm pleased to rise today to move second reading of the Tobacco Tax Amendment Act, 2009.

I would ask with your permission to invite my colleague the proponent of this bill, the hon. Member for Lethbridge-West, to speak to the bill, please.

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

Mr. Weadick: Thank you, Mr. Speaker. This bill implements the tobacco tax rate increase that was announced in Budget 2009. Proposed amendments will also strengthen the tobacco tax framework and support the province's safe communities initiative.

By way of background, the act imposes a tax on tobacco purchased in Alberta. It also prohibits various activities and requires industry participants to register in order to import or sell tobacco in Alberta. Amendments are needed as the current Tobacco Tax Act does not effectively prohibit unwanted activity, and prosecutions are becoming difficult. To help ensure that tax is properly paid and only legitimate participants are involved in the industry, amendments strengthen prohibitions and clarify their application.

The bill also broadens seizure powers and adds the ability to seize joint bank accounts in proportion to ownership for those in default. To be comparable to other jurisdictions, fines are doubled and civil penalties tripled for unlawful possession for sale of tax-free tobacco or tobacco on which tax has not been paid. A late filing penalty for tax collectors will be imposed. Changes also enhance requirements for tax collectors and make reporting obligations more transparent.

In summary, these proposed amendments raise the tobacco tax rates, clarify prohibitions, and make enforcement more effective and efficient. In addition, providing more serious penalties will act as a greater deterrent to prohibit activities. I urge all members in this Assembly to give their support to Bill 39.

Thank you. With that, I would move that we adjourn debate on Bill 39.

[Motion to adjourn debate carried]

Bill 40

Alberta Personal Income Tax Amendment Act, 2009

Dr. Brown: Mr. Speaker, it's my pleasure to rise today to move second reading of Bill 40, the Alberta Personal Income Tax Amendment Act, 2009.

I want to thank the hon. Minister of Finance and Enterprise for the opportunity of sponsoring this bill. I'm pleased to review for the benefit of the hon. members the proposed changes to the Alberta Personal Income Tax Act. It's not a terribly complicated bill, and I'm pleased to say that it's one tax measure which I believe I actually understand, if not the arithmetic calculations then at least the principles underlying the changes.

The proposed amendments will accomplish two objectives. First, they will ensure that Alberta's dividend tax credit is administered in accordance with existing Alberta government policy. Secondly, they will align the eligibility for tuition credit for students to reflect the way that our tuition credits for foreign students are currently administered in Alberta.

3:30

First, dealing with the dividend tax credit, the legislation is being changed to ensure that Alberta's dividend tax credit will be consistent with the changes in the federal legislation. The proposed amendment will set Alberta's dividend tax credit rate for eligible dividends to be taxed at the corporate rate of 10 per cent for 2009 and for subsequent years. As an example, if a person has \$1,000 worth of income from dividends, the policy is that no personal tax is payable on that same \$1,000 of income. The rationale is that the income has already been taxed in the hands of the corporation, and therefore to avoid double taxation, the individual receiving such dividend income receives a dividend tax credit. As hon. members are aware, Alberta's corporate tax rate is 10 per cent, and our personal tax rate is 10 per cent. Therefore, the dividend tax credit should be 10 per cent to reflect the corporate tax already assessed on those funds.

In calculating the amount of the provincial tax credit, there's reference to a section in the federal Income Tax Act. Mr. Speaker, under the federal Conservative government the gross-up factor applicable to federal dividend income is going down to reflect reductions to the federal corporate tax rate. So adjustment of the formula in our act is required to ensure that Alberta's dividend tax credit, which is calculated based on the federal gross-up, does not also go down. The numerical ratios which are set out in section 2 of the bill reflect the adjustments necessary to maintain the status quo as to calculating Alberta's dividend tax credit. If we did not adjust the formulae in our tax act, we would in effect be double-taxing Albertans on a portion of their dividend income. In other words, the ratio set forth will ensure that for the 2009 through 2012 tax years Alberta's personal and corporate tax systems are integrated with the federal tax act, preventing dividends from being double-taxed.

Mr. Speaker, the second amendment entailed in this bill relates to the tuition credit. The proposed amendments will ensure that

eligibility for the Alberta tuition credit parallels eligibility for the federal tuition credit. This is required under the Alberta-Canada tax collection agreement. Section 41(1) of the Alberta Personal Income Tax Act is being amended to delete reference to section 15. To bring the legislation into conformity with present policy and with the way that the Canada Revenue Agency is administering tuition credits presently, we need to make this change. The objective of the change is to ensure that one does not have to obtain 90 per cent plus of their income – and the tax act actually says “all or substantially all” of one's income – from sources in Canada in order to claim tuition credit. As I stated, this amendment to policy is required under the tax collection agreement between Canada and Alberta.

Mr. Speaker, I would urge all hon. members to support the passage of Bill 40 and at this juncture would move adjournment of debate on the bill.

[Motion to adjourn debate carried]

Bill 41

Protection for Persons in Care Act

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

Dr. Brown: Thank you, Mr. Speaker. I'm pleased today to move second reading of Bill 41, the Protection for Persons in Care Act.

I'd like to thank the hon. Minister of Seniors and Community Supports for allowing me to bring this bill before the Legislature on her behalf. I want to acknowledge her strong support of the legislation and her interest in protecting those in our care facilities.

The Protection for Persons in Care Act, Mr. Speaker, is an important piece of legislation. It's meant to enhance safeguards and improve the prevention of abuse of adults who receive government-funded care or support services. The act was first proclaimed in 1998, and after more than 10 years of experience with this act, which I would note was first introduced as a private member's bill, we know that more can be done to promote the prevention of abuse and to strengthen our response to the abuse complaints.

There has been extensive public consultation regarding these amendments, which first came under legislative review in 2002. At that time Albertans told us to give the act more teeth, to make people more accountable for their actions, and to do more to deter abuse from happening in the first place. I also conducted a further review in 2006, including consultations with stakeholders most affected by the act. Based on these reviews, the act has been rewritten as Bill 41.

Overall, the protection of clients from abuse will be enhanced by improving prevention, monitoring, and follow-up when abuse has been reported. Some of the key changes to the act include expanding the scope of the act to apply to broader groups of clients receiving care and support services, such as individuals receiving home care services and those in mental health facilities; changing the definition of abuse so that it is not defined by intent but focuses on the act or omission by a service provider which causes harm to the client; and ensuring that there is a fair and unbiased process to address complaints by enhancing administrative fairness practices, including written notification, capacity to respond to allegations, and establishing an appeal mechanism.

Mr. Speaker, I would urge all hon. members to support the passing of Bill 41, the Protection for Persons in Care Act, and at this juncture I move adjournment of debate on this bill.

[Motion to adjourn debate carried]

Bill 42**Gaming and Liquor Amendment Act, 2009**

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

Mr. Anderson: Thank you, Mr. Speaker. Making Alberta communities safer is one of this government's key priorities. Albertans want and deserve the freedom to enjoy a night at a bar or nightclub without fear of violence breaking out and innocent bystanders being hurt. Two key amendments in Bill 42 will help prevent liquor-related and gang violence in bars and nightclubs.

Under these new amendments police would have the ability to identify and remove suspected gang members and their associates before an offence is committed. Mr. Speaker, the presence of these kinds of individuals is a danger to the safety of others. We understand there could be some concern that those powers could violate an individual's right to freedom of movement. However, this proposed amendment was given a thorough legal review, including a review by the Privacy Commissioner, and the powers being proposed are limited and specific to provide the police with the ability to address known problem patrons. Ultimately, we believe that the safety of law-abiding Albertans should be the priority, and if it makes it a little more inconvenient for gang members and their associates to conduct their shady rendezvous, so be it. I and this government will take the side of keeping Albertans safe.

Another proposed amendment would give bar operators a tool to deal with problem patrons. They would have the authority to collect, use, and share limited personal information with other licensees and the police. This limited information would be names, birthdates, and depending on the system used, photographs of the patron may be taken. Licensees would not have access to addresses, phone numbers, or driver's licence numbers. Because the collection, use, and disclosure of personal information will be contained in the Gaming and Liquor Act, the provisions of FOIP and PIPA will not apply. The idea behind these proposed amendments will allow police and licensees to work together to keep individuals who don't respect the law as well as gang members and those with ties to criminal organizations out of bars and lounges. For example, the police and licensees could agree that if a licensee identifies a person who poses a danger to patrons or the order of the operation of the business, the licensee may call the police. When the police arrive, they'll confirm the identity of the individual and remove that person from the premises.

There are several other proposed amendments to the Gaming and Liquor Act that are housekeeping in nature. These changes are designed to enhance the Alberta Gaming and Liquor Commission's governance practices and ensure that the act remains relevant given changes in technology in the business environment.

Mr. Speaker, liquor related violence is a community problem that needs a community solution, and these amendments have received the support of Alberta's police chiefs and bar operators. The presence of people who don't respect the law and those who are involved in organized crime in bars has grown in recent years, and violent incidents in these establishments is on the rise. Staff and bar owners say that when they go to work, they hear threats or sometimes have to break up fights in and outside their establishments. Dealing with these kinds of situations day in and day out has drastically increased the risk for anyone who wants to work in the hospitality industry.

These proposed amendments will bring police and businesses together in an effort to alleviate criminal activities and undesirable behaviour. This will be beneficial for the promotion of public safety and the orderly operation of licensed premises across the province.

I look forward to the debate and receiving the support of the members for proceeding with this bill.

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

[Motion to adjourn debate carried]

3:40

**Government Bills and Orders
Committee of the Whole**

[Mr. Mitzel in the chair]

The Deputy Chair: I would like to call the committee to order.

Bill 19**Land Assembly Project Area Act**

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

Mr. Chase: Thank you, Mr. Chair. I want to briefly summarize where we're at with Bill 19. Very early on in the process the Member for Edmonton-Gold Bar tried to provide both the government and Albertans in general an opportunity to have the discussions, participate in public forums, do the consultation, work collaboratively with Alberta landowners, whether they be rural or urban. Unfortunately, the notion of sending the bill to committee, which was among the first amendments provided, was not accepted by this government, so we see Bill 19 now in its Committee of the Whole stage.

Both the Member for Edmonton-Gold Bar and the hon. members of the third party, specifically the Member for Edmonton-Strathcona, attempted to bring out concerns with regard to the legality of the bill. We participated in a discussion on the difference between, for example, enjoining and arresting. It was pointed out that enjoining basically prevented individuals from following through on concerns they had with regard to their land being expropriated. They were basically rendered silent because they were not having an opportunity to participate further in hearings to argue their case. It was simply a circumstance where the decision had been made and they were out of luck. Their land was going to be taken.

We discussed a series of possibilities which would try and make a flawed piece of legislation at least to a degree more palatable and less subject to court challenges, as has been the case to date, but unfortunately that hasn't occurred. The last time I had an opportunity to talk in Committee of the Whole on Bill 19, the Land Assembly Project Area Act, I used the suggestion that this Bill 19 was putting the cart before the horse. I referred specifically to how badly Alberta needs a land-use framework act. We're still at least two years away from that act even being drawn up or presented to this House for further discussion, yet while we wait, numerous activities are occurring throughout the province, many of which are going to be very hard to reclaim or restore.

Despite former Environment minister Lorne Taylor's best intentions with water for life and the idea of scientific knowledge and the need to locate and get a sense of the size of our water resources so that we could then move ahead in protecting them, very little has taken place. Approximately a year and a half ago the government did provide I believe the figure was \$21 million toward water protection and water mapping. There has been a degree of progress on the mapping of aquifers, but we are still not at the point where we can protect underground resources when we're not sure where they exist.

In terms of expropriation or determining what activities go ahead,

for example, members of the Pekisko Group – and, you know, that included Ian Tyson, a landowner west of Longview – a number of individuals in that Longview area moving down to the Chain Lakes, moving along to the Livingstone Range, are very concerned about how the land under Bill 19 will potentially be used. Therefore, we need to put Bill 19, the Land Assembly Project Area Act, in sort of a cumulative perspective as part of the land-use framework.

Now, hopefully, somewhere in connection with Bill 19 there is a type of map that indicates where projected growth, projected development is likely to occur, say, five, 10, 15, 20 years out. I have had a chance to be at a number of presentations on where the effects of current progress if unaltered might lead. The map kind of indicated where historical development had occurred, and it indicated that if development were to continue at the current pace, this was what the map would look like. It was based on progress to date and, obviously, made certain assumptions. It did not draw conclusions, but it was extremely interesting.

I would hope, as I say, that in connection with Bill 19 the government would sort of lay out this map on a table and say to Albertans, “Here, for example, are two proposed routes for the rapid-speed rail,” that hopefully will come sooner rather than later. “Here are proposed routes for utility corridors. Here is the west route from Lake Wabamun. Here’s the east route. Here are the advantages and disadvantages of the two routes.” They would clearly lay out, for example, where the expansions on the Canamex highway would occur that have had a very determinant factor on southern Alberta, especially, obviously, between Lethbridge and the American border, Coutts crossing and so on.

If we had this tentative plan as part of the land-use framework in connection with Bill 19, I think it would take away a lot of the worries that landowners have. If it had any degree of accuracy, if the projections had validity, if there was scientific background to them, then Albertans could say: “Well, this land appears to be stable. There don’t appear to be any particular land-use changes that the government is considering. Therefore, I can go ahead with whatever it is on my land that I wish to do that, obviously, falls within provincial regulations.” But in failing to have that projection map, it leaves Albertans in a concerned state.

3:50

Now, with regard to Bill 19, the Land Assembly Project Area Act, as I say, I cannot separate the two from the land-use framework because they both deal with how land is going to be used and what degree of protection it will receive. The whole idea of watershed protection as a priority I believe has to be taken into account, whether we’re through Bill 19 proposing a highway, whether we’re proposing a utility corridor. For whatever it is that is going to leave a large footprint, whether it’s the direction a pipeline takes, there has to be a collaborative process beginning with the government saying that the number one priority is the protection of our water. From that, obviously, the protection of our air and the way we acquire the land and what we do with that land and how long we freeze that land in Bill 19 will then play out in kind of a natural order.

We have to start with, as I say, priority uses, watershed protection, river crossings, mapping the aquifers. We don’t want to develop a system, when we’re creating what will hopefully be a public good, from some kind of lack of scientific knowledge. As we proceed with Bill 19, it’s extremely important that the greatest amount of input from Albertans is provided. We haven’t reached that point, but I know, hon. chair, that there are other people who have concerns or who maybe can provide assurances. Therefore, I will sit down at this point and offer them the opportunity to provide those assurances or express their concerns.

The Deputy Chair: The hon. Minister of Advanced Ed. and Technology.

Mr. Horner: Thank you, Mr. Chairman. I wanted to just get on record a couple of things. The first thing I wanted to get on record was a clarification of something that I noticed in *Hansard* from last Thursday, I believe it was, when the hon. Member for Edmonton-Gold Bar had been waxing, well, on and on for awhile there and talking about a map that supposedly I might have in my possession as it related to Bill 19. It had no relationship to Bill 19, but somehow he suggested that I might have a map as it related to where this new corridor might go. It’s absolutely false, and I just wanted to make sure that constituents who read *Hansard*, as I’m sure some do, would not get that impression.

I also wanted to say, Mr. Chairman, that with the amendments in this bill as it’s now been amended, the concerns of the people in my constituency have been eased, and I support this bill a hundred per cent.

Thank you, Mr. Chairman.

The Deputy Chair: Any other members wish to speak? The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you very much, Mr. Chair. I’d just like to add my comments at the committee stage on this bill. I appreciate the comments of my hon. colleague from Calgary-Varsity, who went before and who really laid out sort of a very good synopsis of where we need to go in this province and a real devotion to understanding our landscape and our priorities as a province and our water and our wind and our more ecological resources as we go forward.

Really, what I appreciated most was that it does appear that we have a bit of a cart-before-the-horse scenario here in that Bill 19, what we’re going forward on, appears to be going before, really, a land-use framework albeit we are seeming to go down that path right now with at least the legal framework to allowing the land-use framework to come into play again some two years down the road. I guess that if all things work out the way we hope they do on a land-use framework, in two years this will come into play and give some guidance and some direction as to how the regional corridors are developed, on their interworkings with both the city and the surrounding towns and all the other jurisdictions, and, I guess, how we’re going to utilize the water in all these areas comes into play.

Bill 19 sort of supercedes that, and it really, I guess, stresses the fact that we should have been on this land-use framework about 10 years ago, like many of the other jurisdictions out there. Jurisdictions in both Canada and the United States have moved at a much more rapid speed on getting a land-use framework out there. Now, it would be of great assistance to have a land-use framework to enable something like Bill 19 to travel more smoothly and to allow people to have some direction as to where the province is going instead of having this come up without the mechanisms in place for people to understand the direction that this government is going.

Moving on from that, I do note that the hon. Member for Edmonton-Gold Bar did provide numerous amendments that would have given people a chance for more input. There was a feeling amongst many communities, mostly in rural jurisdictions of this province, that their voice wasn’t being heard. By having the amendment go to committee, it would have been an opportunity for us to field some more voices for democracy to do its thing and maybe some more time to get the information out to people or maybe to bring the bill together in a little more concise fashion. That would have alleviated many more concerns from people. That’s why we set up the committees: to hopefully allow for

democracy to proceed more smoothly, to allow for some contentious bills to be decided, debated, discussed, to hear from public groups, and to go forward.

For instance, last summer we discussed in committee a bill regarding weeds. You know, we heard from the community and many of the rural towns and the rural farmers and many of the other people who were more directly affected by weeds, and they gave us their input as to how these weeds should be dealt with both in terms of a fining mechanism and in terms of how many days to wait before people would receive notification of their fines. It was really quite detailed, and really I learned a lot about weeds. I'm sure that I would have learned a lot about Bill 19 and the reasons for it and all that stuff if we would have gone to committee stage with Bill 19. More importantly, not only would I have learned a lot, but the fact is that the people teaching me would have been the citizens of Alberta: what their experience is and what they wanted and what they would have liked to have seen out of Bill 19.

I could go on and comment about other amendments, but I won't. You know, we will need electricity corridors. There is no doubt about it. But the simple fact is that we are seen to do things, again, backwards here – and that's starting with the land-use framework and moving more fluidly to Bill 19 – going in this direction.

Nevertheless, those are my comments. I look forward to the province getting a land-use framework in place, sooner rather than later, that can hopefully implement the direction our province takes. Actually, a document I read that I think was released in January of 2008 or somewhere around there recognized that Alberta was at a tipping point, that we're going to have to really evaluate what goes forward on our land in terms of business opportunities as well as the development of citizens, how they participate with the land, how our agricultural community is going to go forward, how wildlife reserve areas are going to be able to be, and all that sort of stuff.

Anyway, those are my comments, and I thank you for allowing me to comment today at the committee stage.

The Deputy Chair: Any other members wish to speak? The hon. Member for Lethbridge-East.

4:00

Ms Pastoor: Yes. Thank you, Mr. Chair. I have had the opportunity to speak to this before, but I will take this opportunity again. I think the fact that, if I'm correct, this is the third week that we're talking about this bill should probably tell us something: that it probably should have gone back to committee. Certainly, I still am hearing from farmers and, actually, other landowners, those types of small acreage landowners, who still are very much afraid of this bill and feel that it really did require more public input and, perhaps, having gone to committee. That wasn't what they suggested, but what I'm saying is that had it gone to committee, we would have eliminated, perhaps, some of the people that have been contacted on this. It shouldn't have just been focus groups or sort of hand-picked groups but real people that are really involved.

Had it gone to committee, of course, we would have known that it would have all been Hansarded, it would have all been recorded, and it would have been open for anyone to actually understand some of the dialogue and discussion that had gone on.

Bill 19, of course, is really a follow-up and in many ways is tied to Bill 46, which in itself was a very controversial bill. Despite the fact that it was passed, there are still many people that understand and are opposed to it, opposed to what they were trying to do.

As has been said many times, the fact that we have to get utility corridors, transportation corridors, and all of those is certainly a given. I don't think that that's the question here today. What I've

said many times in this House I'll say again, that quite often what happens with bills from this government is that it's not necessarily what they're trying to do; it's how they try to do it. It more often is very – what's the word? – draconian I think was used by the minister of sustainable resources, and that will probably do for now. It really can be overbearing.

It might have been the goal of Bill 19 that the actual document is more restrictive than would appear to be required, and I think that still holds true. The sections related to enforcement orders and the injunction regarding the commission of offences are far stricter than really are necessary. Indeed, some sections such as 12(1) – and that is not one that was changed by the government amendments, which, of course, have passed – allow an injunction on the basis of suspicion of protest or action forbidden by one of the many regulatory powers in the bill, suggestive of a government that is afraid of almost any form of opposition. It seems to not be welcomed, and when it is, it is often put down, is degraded and a degradation of the people that actually want to honestly come forward and make a complaint or ask to have something changed.

The significant failings of the bill are that the committee – I'm sorry; I'm back to the committee – really should be able to study the bill and involve the public. What I had said before is that the public, to me, are those that could well be directly affected. Often big organizations are known to not have listened to their actual membership, and what comes through the presidency sometimes of large boards isn't really necessarily what the members of a particular group want.

Many of the discussions about this bill I don't think were put to a ballot in terms of what some of the people in these groups actually thought. I've certainly had people phone me and say that these are their concerns, but they don't want me to use their name because of perhaps a fear that something later on would be held against them, which I think is a pretty sad state of affairs when we have to say things like that.

There's no doubt that we need, as I've said, the transportation corridors, and we have to plan for growth and development. Certainly, I believe I heard yesterday in a budget discussion that in this province we are looking at 2 per cent growth for the next two years, which is fairly significant in a province that is already struggling to keep up with the growth that we've had over the last 10 years. We really have to be looking at the future, but I think what we should be looking at – and I'm going off on a little bit of a tangent here – is public transport. We're looking at, certainly, high-speed rail. I for one certainly support that, but I think we have to start those discussions quicker and get on with it.

One of the things we keep looking at is road transportation. I drive highway 2 all the time, and I can be very clear when I say that it's absolutely obsolete. We need four lanes on each side of the divide on that highway. There's a tremendous amount of traffic. Some of the traffic is trucks. I'm not trying to knock off the trucking industry, but a lot of those could be sent on high-speed rail. High-speed rail does do freight, certainly, in Europe as well as just moving people.

There are things that we should be looking at, and this bill is necessary so that we can look at those things and put that land aside. We had proposed amendments to introduce time limits and limits on the scope of the project area orders and to weaken some of the sections on offences and enforcement under the bill, and as we all know, those weren't successful. Actually, a number of those amendments were very good amendments, and I'm sorry that it's so confrontational that they probably weren't given the consideration that they actually deserved.

One of the other problems. Again, it was tried to bring this up in

an amendment. It sets out the criteria that public projects must meet. They will be transportation corridors, utility corridors in the main, but the bill also provides for water management as well as any project that the Lieutenant Governor in Council may call a public project. Now, this is, in my mind, a problem and one that should be raised. What's the point of the immediately preceding criteria when the fourth, which is (d), simply states that a public project is any project the government calls a public project. There's no legislative framework. It's simply a ministerial fiat.

Again, we're back to the fact – and this was discussed – that I think there is a flaw in the way this House operates, actually, in that before we even vote on a bill, we are not allowed to see the regulations. The regulations can be changed, so to speak, in the backroom. When we say Lieutenant Governor in Council, of course, we know that we mean the cabinet, but there are many people out there that don't realize that's what it is.

There's also a key section. It requires the Lieutenant Governor in Council to undertake a plan for the project, to make that plan public, and to notify and consult with the landowners in the project area. Quite an extent is necessary in each of these requirements but would be later determined by regulations. If a landowner is going to be notified about something going across his property and he wants to get the support of the people around him, it's a lot of work that he has to do to be able to notify his neighbours of what's going on, instead of having a very, very public notice that should be put in all the newspapers. In fact, it probably could be put on other websites, Facebook, whatever else is being used out there.

I think we know that sometimes newspaper readership actually can be limited, which is a shame because some of the good information that really should be getting out is not getting out, or people aren't reading it, and by the time it's twittered and tweeted and whatever those other things are, it really has been watered down to often not having very good information in it. It often comes down to opinions of people who really haven't the proper information to make those opinions.

4:10

There is a key section that is set up for later weak regulations, allowing the government to offer merely nominal consultation, planning, and notification. As I've said, it should be a very, very broad notification. It shouldn't just be a small group of people involved. Every time our land in Alberta is adjusted or changed in some way, it really does affect all Albertans. It directly affects the farmers that own the land, but it truly affects all Albertans in the long run. When we look at the future, it definitely affects all Albertans.

The government can fulfill the bill's requirements but not actually undertake anything meaningful. What kind of protection does this section provide the landowners? If the government won't state what kind of consultation and planning is required and, instead, later again puts it through regulations, how can it claim to be protecting the landowners' rights?

The notwithstanding clause allows the Lieutenant Governor in Council to make regulations relating to the project area that apply regardless of other legal and regulatory provisions. I think that this should be very carefully used because if they can override legal and regulatory provisions just by an order in council, which we know is in the backroom and not often brought out for public view or public discussion – this is something that is causing the people who are calling me to say: "What's going on here? What rights are we losing here in this province? Is this just a slippery slope to other uses and what could well be misuse by a government that has power through regulations?"

In section 3(1)(a) and (b), relating to the project area, they include controlling the use, development, and occupation of the land in the project area, but it also gives the minister the ability to exempt land that they choose from these restrictions. That is a very serious power. The minister is the arbitrator of landowners' activities. How will these decisions be made? Again, we're assuming they are being made by regulation. Doesn't this lead to an impression that landowners have to be nice to the minister because of the power over land use that the minister holds? These words that I've just said are being reiterated to me on the telephone. They're saying that, yes, they are afraid to speak out and would have preferred to be able to speak out in a committee as opposed to having a third party, someone like me, repeat what they've said. They wanted it out in the open, which would have been a committee.

They are talking about it requiring the minister to send notice to the chief administrative officer of affected municipalities and to the provincial registrar and to the last address of any person with land titles in the project area. It requires that similar notice of amendments to project area orders be sent out, and it requires similar notice of amendments to regulations governing the project area orders. It ensures that while the notice is required, it isn't in any way necessary for the regulations to have impact. In other words, even if no notice is given, everything can still go ahead. This is a problem and certainly, I know, has been discussed before, but I think it is worthy of being talked about again.

What is the point of having the notice if it isn't integral to the process? It shows that the government isn't really respecting the landowners. If they cared, then notification would be an entirely necessary part of the deal, and failure to notify would cause the project itself to fail or to at least go back to the drawing board until everyone who is involved is aware and has the ability to sit at the table to voice their concerns. The notification process isn't necessarily particularly difficult. Ultimately, it's a sign that the government doesn't really respect that landowners should be given notification in a very, very public way.

We were proposing an amendment. Right now it allows the minister to change enforcement orders by amending, adding, and deleting terms or conditions. We did propose an amendment to this section to cut out the section that the minister can amend or add conditions. It is an awful lot of power in one minister's hands. It allows additional penalties and powers outside of the process that has been set up previously. We think that it's unfair to landowners. Certainly, there are many landowners that also feel it's unfair; in fact, fear for this kind of power that should they step out of line, the enforcement police, so to speak, could move in on their property. People who have always lived on the land and have respected and honoured their ancestors, many people who've been three generations on this land, respect their privacy, respect their independence. This is the main thing that they feel that they're losing with this bill.

The other thing that would go along with that is that it allows the minister to apply to the Court of Queen's Bench for an injunction if it appears "that a person has done, is doing or is about to do any act or thing constituting or directed toward the commission of an offence under this Act." We think that the marked section is extremely problematic. Again, we did put in an amendment to pull that part. It is an awful lot of power in any minister's hands to be able to impose a penalty based on a suspicion. I believe that this is a flawed part of this bill. I think it's very heavy-handed. I think that if things are handled properly, it should never come to this sort of an action that would be required by a government on its own citizens.

The government does have a job to get these sorts of utility corridors. That is their job. However, they also should be of the people and for the people. I think that many of the people are

feeling that the heavy-handedness is taking away the fact that the government is for them. We should be protecting the people. We should be protecting all of the people. But in protecting the people and coming forward with the utility corridors that we need for the good of all, we still have to respect the people who will be directly impacted for the good of all.

We've certainly seen roads. This province is just over a hundred years old. We've gone from native pony tracks to wagon wheel tracks to sort of superhighways, if highway 2 could count as a superhighway, over just a period of a hundred years. We can see how quickly our society is evolving. As I've said before, 2 per cent growth in two years is fairly substantial to be putting on our roads.

Certainly, we have to do these things. Certainly, we have to think in the future. However, I think we also do have to have the deep respect for the people that truly are this province who we the government, sitting in this House, were elected to protect. We were elected to bring their thoughts to this House. We were elected to make sure that what we do is good for all but that it really is also good for the person that is directly involved and will be directly affected by any moves that are for the public good.

Thank you.

The Deputy Chair: Any other members wish to comment? The hon. Member for Calgary-Varsity.

4:20

Mr. Chase: Thank you. Not to prolong this much further, but what's missing with Bill 19, as was referred to with the prior bill, Bill 46, by the Member for Lethbridge-East, is consultation. That is what is absolutely necessary if we're going to go forward. The government has not only the right but the responsibility of moving forward on projects that are of benefit to the entire province, but in that moving forward, the province has to strike a balance. The way that balance can be achieved in Bill 19 or bills that follow with regard to land use is through the consultation process. We need to take this directly to Albertans and involve their input.

All members of our caucus and members of the NDP caucus have provided examples of concerns that people have raised. The newspapers, the media have been full of concerns. Unless these concerns are addressed and the value of these concerns is addressed in Bill 19, then this stigma of government power and influence and regulatory ability to change and turn a potentially innocent concern into a condemnation – unless we take those into account, we cannot expect Albertans to be onside with this piece of legislation or any other land-use designation legislation. So it's extremely important that we get this right, and at this point, unfortunately, that hasn't occurred.

I am hoping that the government may in the third reading, which we will be approaching shortly, have further amendments that will make this, as I say, flawed piece of legislation fly. If it proceeds as it currently is amended, then I'm afraid that we can expect the Alberta taxpayer to be on the hook for thousands if not millions of dollars in court costs because simply saying, "We want it; we need it" and then creating a series of laws to make expropriation easier rather than fair is going to be subject to dispute.

Thank you very much, Mr. Chair, for providing the opportunities to debate and express concerns in Committee of the Whole over Bill 19. I firmly believe that we need to do better if this province is going to progress.

Thank you.

The Deputy Chair: Are you ready for the question on Bill 19, the Land Assembly Project Area Act?

Hon. Members: Question.

[The clauses of Bill 19 as amended agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? That's carried.

Bill 6 Protection of Children Abusing Drugs Amendment Act, 2009

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

Mr. Chase: Thank you very much, Mr. Chair. The concern that I still have that I tried to address through an amendment is that after the 10-day period what treatment possibilities are there for these children that either voluntarily or through the court procedures have been taken into custody because of their addictions? I don't think there's a single member within this House who doesn't want what's best for children trying to break their addictions, but if we simply have a bill that is a holding bill that manages to keep kids off the street for a period of 10 days and if we have no place then to direct the children after that, then what's the point? If anything, it's injurious to the children and to their parents to give them a false sense of hope. Having recognized their addiction problem and having begun the preliminary process of dealing with their addiction, the program comes to an abrupt end.

I'm pleased, Mr. Chair, that we're in committee because I am looking forward to the opportunity to hear from the hon. mover of the bill what we can expect after the 10-day period. Do we, in fact, within the province have sufficient treatment beds in accredited facilities with individuals whose education provides them with the understanding and the background to deal with the addictions that the children are facing? Now, I realize that to provide counselling you don't have to have a doctorate, you don't necessarily have to have a master's, but you do have to have some type of relevant education beyond just simple field experience. We know that these children are going to need to be kept in custody – we call it protective custody – for some period of time.

I had a very interesting discussion this past Friday with a psychologist who explained that addiction, whether it be alcohol or drugs, is in some cases a predisposed genetic circumstance where some people might try a particular drug or they might consume a number of glasses of alcohol but not be adversely affected or almost instantly addicted, but the biological makeup of other peoples' brains predisposes them to addiction. For these people the 10-day period would not be sufficient for them to, you know, as we see portrayed in movies, break the habit or sweat it out or go through the bends or whatever other terminology you want to use in terms of trying to overcome their addiction.

I am hoping, as I say, that any member in this House who is more familiar with addictions treatment than I am can lay out, for example, how the PCHAD will direct us to a longer term addictions treatment. I know that we have nurses, or in their former lives nurses, and individuals with that type of background. I am hoping that somebody can provide assurances that once we have taken these

children into our temporary custody as Bill 6, the Protection of Children Abusing Drugs Amendment Act, 2009, from a five-day period to a 10-day period – I'm really looking for someone to give me hope that we have sufficient facilities within this province, with beds at the ready, to break this addiction cycle that is so detrimental.

When we look at what happened at West Edmonton Mall and the tragic death of a young, basically junior high school student or possibly just grade 10, age 14, this wasn't a case of addictions as Bill 6 is referring to, but it was drug related, and Bill 6 is trying to break that relationship between addiction and youth.

I will take my seat, Mr. Chair, knowing that this is committee. I'm hoping that questions I've raised will be answered so that I can have faith that Bill 6 is just the beginning of a longer term process of addiction treatment.

Thank you, Mr. Chair.

4:30

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

Mrs. Forsyth: Thank you, Mr. Chair. It gives me a great deal of pleasure to stand up and try once again to answer the questions from the hon. member in regard to some of the things that he's brought up. I want to remind the hon. member that Bill 6, first of all, is a first in Canada. It's been a very, very successful bill. It was brought forward originally by the Member for Red Deer-South. All of the amendments that have been brought forward in this legislation are amendments that were based on the staff that are working with these children, on the children themselves, which I think is absolutely fascinating, and the families that are dealing with these addicted children.

The 10 days that we're talking about in this particular piece of legislation, Mr. Chairman, are for detoxification and stabilization of these children. What happens from there, after that, is based on the wonderful people that work with these children, AADAC counsellors that are dealing with children and who know how to deal with children with addictions. It could be a voluntary component that they put these kids in. They could go back to the courts and have another five days to detoxify or stabilize these children.

I think that what we're looking at here, Mr. Chairman, is a unique piece of legislation. Amendments on the floor at this particular moment are all based on the professionals that work with these children.

The Deputy Chair: Any other members wish to speak? The hon. Member for Calgary-Buffalo.

Mr. Hehr: Yeah. Well, I appreciate the chair giving me the opportunity to speak, and I also appreciate the comments of the hon. member from the government side who gave some of those answers. I do really want to actually commend the government on having brought this forward and, again, extending the timeline from five to 10 days, with the opportunity of going back for an extra five days. I believe that the hon. Member for Calgary-Varsity would agree that this is a good first step.

Nevertheless, despite the assurances of the hon. member, what I think we're more getting at here is that we're hoping there is an AADAC counsellor available for these people and that there is some aftercare provided for both the family and the teenager. If there is going to be that, if that is what is available, I'm very happy to hear that.

I guess another thing we've been told or led to believe – not led to believe; I believe it's true. We have a crisis when it comes to spaces for addictions counselling. Are there going to be guaranteed

spaces for these people coming out of a 15-day treatment sentence when they have become addicted to, say, harder type drugs that need longer treatment times?

I know that I for one have watched on Monday nights this show called *Intervention* on I think it's channel 25. I can't remember. I'm not a regular viewer. That's Monday night *RAW*, so I switch back and forth between wrestling and the *Intervention* program. [interjections] I'm kidding. I'm kidding. I'm amusing myself a little bit here.

Anyway, back to that addiction thing. They do have the program on, and they're in addiction recovery for 30, 60, and 90 days. Right here we have an addiction counselling session that is going to go on for 10 days and then possibly another five. Clearly, although this is a great first step, hopefully for some of the people, because they're young and maybe they haven't been addicted that long, they are able then with their parents' help, with AADAC counsellors and all that, to move on with their lives and proceed from there.

What I think we're looking for is more of an assurance that when people get out of this program and they need an additional bed, those beds are going to be earmarked, whether it's through the safe communities program, whether it's through the ministry of health or some other cross-ministry movement where addictions are going to be dealt with, that is going to guarantee that: "Hey, this person is getting out of here in a couple of days, and we need to have a bed ready for them. Will that be available?" That's the type of assurance we're looking for, that whole wraparound care provision that will hopefully be there. In case the parents are not, the youth and maybe their counsellors can arrange to get a longer term stay with a bed available if that is necessary should they be addicted to harder drugs. I believe that's all we're getting at.

Other than that, this is, again, a very good bill. I wasn't here when this bill was first announced, but I'm glad to see that Alberta was the first to introduce legislation like that. Let's keep building on that.

We know from the example brought out that drugs continue to be a difficult thing faced by many of the youth in our society. Again, just to reiterate, the strength and the potency of the drugs is much more than it was when I was in high school. They are no longer gateway drugs, more or less. Really, people just become addicted almost immediately upon their use. That being the case, we have to do even a more diligent job of having methods available for people to try and give themselves opportunity to set things right in their lives and find themselves a way off the drugs and the destructive path they've been on.

Those are my comments. I know it's very difficult for the government to be able to assure me that a bed will be available if necessary, but that's what we're looking for, that there's a wrap-around care provision. I think some of the answer was provided, but that's what we're looking for.

Thank you very much, Mr. Chair.

The Deputy Chair: Any other members wish to comment? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. I do appreciate the Member for Calgary-Fish Creek providing some clarification. We've gone to almost a bidding process: "Do I hear five? Do I hear 10? Now we're up to 15." We're talking 15 days. I freely admit that I don't have a medical background, but I don't believe the stabilization and detoxification process can necessarily be accomplished, whether it's within a 10-day or a 15-day period. Take the testing of Olympic athletes, for example. The residual effects show up months after the fact. The reality is that the drugs are still within the system, and the withdrawal process, even in some strict cases when you have

different, less horrific drugs that you use as part of – methadone is the word I'm looking for, for example, for heroin treatment. Even when we have more medically appropriate drugs, it takes a long, long time to break that cycle of addiction.

Now, the hon. Member for Calgary-Fish Creek also brought forward the terrific intent of the Member for Red Deer-North. We all or at least a number of us in this House remember how quickly we pushed through that piece of legislation. It's extremely important that the Member for Red Deer-North through her consultation process came up with the figure of 90 days. She felt that it would take 90 days of treatment to break the addiction cycle with crystal meth.

Again, I'm not a pharmacologist, and I don't have a medical background, but given the different types of drug cocktails that are out there and that have various degrees of addiction, crystal meth apparently is probably number one in terms of how quickly it develops a dependency and how quickly it can destroy a person's mental capacities. If we're simply using what I referred to earlier as a kind of catch-and-release and hope-for-the-best kind of approach, which Bill 6 is unfortunately limited to advocating, then, you know, we cannot as Albertans be overly proud of our innovative strategy when it stops so short of the extended treatment and care that's provided. To be truly innovative, we've got to see the end results.

4:40

I think Bill 6 is a wonderful beginning, but it doesn't go far enough. It does not guarantee that after 10 or 15 days the type of treatment that addicted adolescents require will be provided either in terms of the individuals providing the counselling or the infrastructure in which the counselling will occur. Again, I'm hoping that someone can clarify the fact that we have X number of facilities with X number of beds that are ready and waiting and Y number of programs for these addicted children to move to after their 10- or 15-day introduction to the program.

Thank you again, Mr. Chair, for allowing me to participate. I want to thank the Member for Calgary-Fish Creek for offering some words of clarification. As I say, specific examples and a kind of an accounting of what facilities we have prepared to take the next step would be much appreciated.

The Deputy Chair: Any other members wish to comment? The hon. Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Chair. I, too, would like to say that I believe that this is a good bill. It is a good first step. Certainly, the intent is – I guess I could use the word – noble because, really, it is working in the best interests of our children, who, of course, are addicted and cannot help themselves. Cognitive abilities are definitely strained when one is addicted.

The one thing that I would like to see is a time frame on an evaluation, a review of how this is working. I'd like it to go fairly in depth. I'd like real numbers, with different kinds of follow-ups after those 10 days. Did they get the bed? Did they get the support? I think we all know that 10 days is, really, absolutely nothing in terms of the fight against any kind of addiction. I'd like to see those real numbers and to actually follow up on how successful the different steps have been in being able to get the young kids off it. [interjection] I'm hearing from my hon. colleague from Calgary-Fish Creek that some of these numbers are available, and I would be most interested in looking at them.

One of the things that I think is really important is the fact that the parents are involved. The parents that are dealing with these situations often feel like they're talking to brick walls, and there are

many, many tears. Parents, of course, have such an emotional attachment not only to the child but to the process. Often the emotions can get the best of both the children and the parents, and it's very difficult for the parents to be able to handle it. The help that they will get I think is very important. They have to be involved. It's saying that the parents will have to attend a mandatory information centre regarding PCHAD so that they're better informed of the programs before they can complete an application for a protection order.

Addictions hit all socioeconomic levels. It doesn't matter how educated the parents are, how they understand the process, how they understand what they're up against. It really doesn't matter when their emotions are involved. Often depending on the drugs these kids have used, of course, it can go almost overnight. Here's a kid that they never worried about. Here's a kid that was actually doing well in school, could well have been an athlete, and, boom, it hits them. Parents are totally at a loss on what to do.

Also, undereducated parents often are at a loss on what to do as well. Sometimes, particularly with the undereducated parents or even with the educated parents, the mom and dad are both working, and the kids sometimes get away from them because of the hours that they have to work. Again, it doesn't matter: educated or undereducated parents.

Sometimes the parents are actually users themselves. Certainly, they clearly aren't addicted. Often parents can be very functional users of drugs. Pot is one that would come to mind. So I think this is really forward-thinking that we're actually involving the parents and giving them the help that they need as well.

There was a news article on July 9, '07. A statistic was given, stating that almost 400 children had been sent to treatment and that at least 112 of them appealed, and 58 of the protection orders were overturned and that this translates to about 14.5 per cent of the protection orders being issued without enough basis to actually force the child into treatment. That's not how I would interpret that. I would have to see where the statistics came from and what the mandate was, you know, what they were really looking for because I think it's very, very sad that someone who has been given that opportunity to help turn their life around would appeal it.

Who's doing this appealing? Is it these kids who are on drugs? And if they're on drugs, they're either going up or going down. They're never really at that steady, in-between stage that could even remotely be considered a cognitive decision that would have any basis of a normal – perhaps that's not quite the right word – way of thinking. If you're going up or down on drugs, there is no way that your cognitive ability is at its best or how it should be.

The other question that has already been asked – and it's something that I'm very strong on – is on that 10 days. Okay. Fine. It's a good step, but it isn't even close to being enough. We really have to ensure that we have that backup support for these kids. We have to get them away from their friends, who will of course be more than delighted. We have to get them away from the teenage dealer, that is probably their classmate. We have to be able to identify how these kids got into the problem in the first place, which is a long psychological treatment.

We have to know who is giving them the drugs, what the atmosphere is that we do not want to send them back into so that they actually have a chance to be able to help themselves to understand that in the end, no matter what we do, no matter how much we support them, it's they that have to want to do it. Otherwise, it'll never happen. We can keep them in treatment. We can do all kinds of wonderful things. Until we can get through to their minds that they are the ones that have to want to do it and they are the ones that

have to want to change, then it's very difficult to consider that the treatment has been a success.

I think all we have to do is think about if even as adults we are taken off a medication, we're not just taken off that medication right now. We are teetered off of that, and sometimes it can take as much as 30 days to be teetered off a medication that you have been on for a great deal of time. If you're on it every day, then you may take it only every second day, every third day, and so on until the end of the month. So it's quite clear. How many people have tried to come off coffee? Yes, you can come off that, but the effects are still there, certainly, after 10 days. How about coming off cigarettes? Just coming off booze certainly takes longer than the 10 days.

4:50

Another research statistic that is interesting is that it actually takes three months to really change a habit. Even the habit of doodling can take three months to change. A physical behaviour such as pointing takes three months to really ingrain as a change of physical habit that you would want to make. For instance, changing bed-times, sleep times, or awake times takes three months, actually, to get through, to make that exact change. Certainly, I'm supportive of this bill, but again I would like to of course see it go further.

The transportation of the child to the treatment facility, that sometimes the police could assist the guardians in the transportation: I'm not altogether sure, but I think that's a good thing. I think some kids who aren't really, really hard-core drug addicts and who have had brushes with the police before will get, hopefully, a police officer – certainly, many of the police officers I know of in Lethbridge and in some other areas are very cognizant. I think that many of our police officers today, particularly where they're dealing with these kids, know the difference between the hard-core addict and the kid that has a hope of actually getting through. They can actually create that good feeling between someone who is there to protect them and someone who is also an authority figure.

I do believe that good police officers – and I know we have many of them – who have children of their own really can relate to these kids. I know that I've certainly had conversations with some. The last thing they want to do is take some kid and throw him in the back of their car, that, of course, has the bars between them and the front seat. They want to be able to talk to these kids in the back seat of their car. They want to be able to connect with them. I know that police officers are in some ways no different than the nurses that I'm aware of.

Time is of the essence, and it's so important that somewhere along the line we give police officers and nurses somewhere on that bottom line that – you know what? – to treat people with dignity does take time. Yes, it's money. It's got to show up somewhere on a bottom line. We can't just have people saying: "You're going to go pick somebody up. It's going to take 10 minutes. You'd better get on with it." It's just not how it works when we have to give people respect.

Mr. Chair, I think I will take my seat at this point. Again, just to say that I really believe that 10 days is a good start, that I don't think it's enough, and how important that follow-up support is. The follow-up evaluations must be kept up. I'm glad to hear that there are some, but we must keep them up on a very timely basis and be able to follow these kids. I think I'd love to see a kid followed for at least a year – let's see how it really works – not just within a month after they've left the treatment.

Thank you.

The Deputy Chair: Any other members wish to comment? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. One thing I've learned through 34 years of teaching is that you can't create parent profiles. You can't suggest – and the hon. Member for Lethbridge-East alluded to this – that drug addiction is upper class; it's white collar. Bill 6 recognizes, I believe, the fact that anybody's children can be addicted. It isn't necessarily that the parents are so busy with their double salaries or professions. It doesn't matter whether the parent is a stay-at-home mother. Despite the best intentions we have as parents or grandparents, kids can get sidetracked. With the best intentions that we have, sometimes we miss this.

Bill 6 is kind of like the safety net. It's the catch. It's the first attempt as a child is falling farther and farther, almost like an *Alice-in-Wonderland* scenario down the rabbit hole. In this case it's a hole of addiction. This is the first time that safety net reaches out and catches them. It holds them for, unfortunately, a limited amount of time. Bill 6 allows the safety net to last for 10 days, potentially 15 days, but at the end of that time the net starts to untangle. Unless we can guarantee that we have another net or somehow that we can strengthen this net that has temporarily caught the child and taken them out of the circumstance which led to their addiction, unless we can provide that assurance, then Bill 6 stops short of the intention of helping children to break their addictions.

The intention is great. We need the facilities, and we need the government funding commitments to follow through with these children. As the Member for Lethbridge-East indicated, we need to try and come up with whatever commonalities we can in terms of how effective the treatment program worked. We obviously want to repeat successes.

Therefore Bill 6 starts the process. It captures the child momentarily, but what do we do after Bill 6? Unfortunately, I don't see where we're headed after this piece of legislation. If three years down we extend the period to 20 days, I don't think it's going to capture the intent. We have to have a long-term commitment. Bill 6 begins it, but unfortunately it brings it to an abrupt end.

Thank you, Mr. Chair.

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

Mr. Hehr: Why, thanks, Mr. Chair, for giving me an opportunity to speak on this again. I don't mean to belabour the point that's been made by both my hon. colleagues and me in this debate, but the more I listen, the more this becomes clear. If we look at what it really costs the health care system and society in terms of what, I guess, drugs play and crime plays and health plays in the future of people who have become addicted in their teens or earlier to drugs, it's substantial on all three fronts: on crime, on health, on those individuals' ability to take care of their own families later on in life.

I would like to reiterate that this bill is a great start, but with those things in focus I think we do need some sort of follow-up or to have some necessary things put into place to ensure that these children, hopefully, if their parents are around, are given opportunities to whatever it is that is going to make their transition from drug use easier, more accessible, more, I guess, tangible in terms of actually achieving that. Yarding them off the street and then putting them back into the exact same situation they were in or hoping that their parents then can manage the situation, I think may be naïve thinking at best.

I'm sure that this bill in the past can point to success stories – I have no doubt about that – where a person who has been looked after for these five to 10 days and now 15 days will go back to their old lives and will be able to successfully break away from drug addiction; however, I don't know if anyone has done studies or numbers on it following what this bill has done. I'd hazard a guess that we're

not having as high a success rate as we could have if we had the follow-up care, the follow-up beds, the follow-up intervention by AADAC, or whatever it's going to be called under the new superboard, if those services are, hopefully, still there under the new superboard. That's all we're getting at.

I thank you again, to the Chair, for the opportunity to speak on this. With that, I'll take my seat.

5:00

The Deputy Chair: Any other members wish to speak? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. One of the concerns that this recession has brought out is the potential of cuts to the health care programs. First Nations children and First Nations individuals show up in disproportionate numbers in terms of addiction, and Bill 6 doesn't discriminate on the basis of a person's heritage. We have seen, for example, suicide prevention, the potential of that being cut. There is a very direct connection in Bill 6 between addiction and suicide. A number of kids either become so disoriented or so delusional that they cannot tell the difference between reality and a drug-induced circumstance. Their failure, the bouncing back and forth between the real world and the detox world, for example a 10-day treatment program, and with all of the loving care surrounding them and the intentions, children who are addicted are among the most likely to require suicide intervention.

The intention of Bill 6 is wonderful, but we've got to take this further. We've got to take into account where addiction leads. We have to include suicide prevention, not just simply temporarily break the hold it has on youth. We have to include education, with the hope that more and more children get the message early on about the problems of addiction, but for those that are affected, we have to break the cycle, and 10 or 15 days, unfortunately, is not going to provide that break.

I'm pleased that the government has taken into account the very preliminary need, as I used the image before, of catching children, but we then have to envelop them, protect them in a caring circumstance. We need to monitor that the programs in Bill 6 will achieve the success that's intended.

Thank you, Mr. Chair.

The Deputy Chair: Are you ready for the question on Bill 6, Protection of Children Abusing Drugs Amendment Act, 2009?

Hon. Members: Question.

[The clauses of Bill 6 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? That's carried.

Bill 7

Public Health Amendment Act, 2009

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

Mr. Chase: Thank you very much, Mr. Chair. The major rationale

behind Bill 7, the Public Health Amendment Act, 2009, is the control of health-related information, and there seems to be a tremendous amount of controversy with regard to who has the proprietary rights to that information.

In a series of outreach that the Liberal caucus participated in, I had an opportunity while down in Lethbridge to talk to a company that provides secure website compilation of records and so on. One of the concerns that was pointed out to me was the number of different health regions, the number of different computer systems that are unable to talk to each other in terms of sharing that information. A large concern has to do with how we protect the information that has been received and who should have access to that information.

Obviously, the chief medical officer of health is the health traffic control officer, but before that individual receives the information, there are so many different levels. Of course, consent by the individual is absolutely essential to direct where this information is going to be sent and with whom it's going to be shared. So consent is a large part of it.

The Auditor General talked about, basically, electronic hacking – I think he referred to it as prints; I'm not sure what the correct electronic term would be – evidence of individuals trying to break in and acquire information which they had no right to receive. Ideally, we can create a system which protects the information and shares it with those who need to have it. I've spoken before debate on Bill 7 about the need to have an electronic health card which carries the information, and in the advent of an injury we would have that information available on the spot. I know from my most recent visit to the Calgary Foothills hospital that they no longer have the plastic cards, so obviously their electronic information has been updated beyond that point.

One example of the tracking of information that Bill 7, the Public Health Amendment Act, takes into account is immunizations at the local school level. We've had examples where because their computers didn't have a scrambling code, information was taken from stolen laptops. I mean, prior to that time we might have had break-ins and files being interfered with or whatever, but the further we get in terms of electronic security, the greater the challenge to individuals to hack into those security situations. When you consider the hundreds of thousands of school-age children and the importance of the privacy of their information and then take it to the adult level where it's whether a person receives insurance, as Bill 7, the Public Health Amendment Act, suggests, then it's extremely important that we protect that information.

For example, there have been concerns raised over the chief medical officer's ability to access this information, as I mentioned, without consent. How much information is exposed in the public realm and for what purpose? Whether we get concerned about information leaving the country or leaving the province or leaving the confines of the chief medical officer, I think we need to be concerned about how that information is tracked.

5:10

We also have concerns about information that will then be prescribed in regulations. Without going into detail, unless we have a sense as to how in Bill 7, the Public Health Amendment Act, the regulations are going to achieve the protective intent of the information and the degree to which it is shared only with those who have the right to have that information, then concerns will continue to be raised about privacy. This is my first real opportunity in committee to express these concerns.

Overall, I believe that Bill 7, the Public Health Amendment Act, is headed in the right direction. How we control the information is absolutely essential, not only to our privacy but, most importantly,

to our health and the services that we receive. So much of our discussion during this time period is on maintaining our public health standards and expanding the universality of the services. There has been a lot of talk lately about cuts as opposed to improvements. This is always a very concerning discussion when our universal health is at stake.

I thank the hon. chair for allowing this first participation in Committee of the Whole on Bill 7, Public Health Amendment Act. I think the intention is good. If individuals who have a greater understanding of computer security can provide assurances as to how well the information is protected, I'm sure that will help in my decision whether to support this bill.

Thank you.

The Deputy Chair: Any other members wish to comment? The hon. Member for Calgary-Buffalo.

Mr. Hehr: Thank you, Mr. Chair, for giving me the opportunity to speak to Bill 7, the Public Health Amendment Act. At this time I note that the bill is headed in the correct direction. I believe this will lead to more reporting of public health care matters, that will give Albertans a greater sense of trust in the health care system than in the past was generally given. I believe that this will expand on the program, where you can access the inspection records of various things like restaurants and other businesses that are involved in the public realm.

We do have some questions on this. Again, like the hon. Member for Calgary-Varsity suggested, it is primarily due to the collection and dissemination of information that is going to be in the hands of the chief medical officer of health. I guess the question is: how much right to private information does the chief medical officer of health have in the name of public health surveillance? That is always one of those slopes. How much is necessary to ensure, I guess, society's health, to answer that question? Do they need to know everything? Do they need to know a little? That's one of those questions I have regarding this bill.

Also, this act changes the lines of reporting for the chief medical officer of health from an assistant deputy minister directly to the minister. I guess that change is in the right direction. However, why aren't we having the chief medical officer, who's in charge of Albertans' health, report directly to the Legislature? It seems like this would be an excellent opportunity for people to get a look at our health care system in the full light of day and to understand, then, what is happening. Let's face it. I firmly believe that the health system in Alberta is probably what our citizens are most interested in us doing correctly.

For instance, many times people don't pay attention until they get into a hospital or when they're suffering their last breath or they have a spinal cord injury or whatever you have. That's when they understand that their government is needed. That's when they understand that: "Oh, my goodness. I've been paying taxes, and thank goodness I've been paying taxes because – guess what? – I've got this nice public health care system that I can now go into and rely on." Why don't we have that person, who's in charge of what we have built here in Alberta in the name of public stewardship and of us coming together and collectively deciding how we're going to run our health care system, report directly to the Legislature? I think that would be a step in the right direction.

I think the hon. Member for Calgary-Varsity also went over numerous other things that were pertinent. The fact that the collection of information from students at school could then be possibly given to, I guess, other governments or other foreign officials, also gives us more concern. It's more along the lines of:

how much protection is going to be given towards people's privacy? I know this concern has seemingly come to grips with almost everyone in this modern world. Simply put, I guess, the advent of computers, with the advent of being able to transport people's information a great deal of distance in a short period of time, has alerted the public to the fact that we should be vigilant, even borderline hypervigilant, about the dissemination of this type of information.

I believe the hon. Member for Calgary-Varsity did an adequate job of highlighting those concerns, actually, more than adequate – more than adequate – and as I'm fumbling over my words here, I will rely on his statements in that regard and thank the chair for allowing me to speak on this bill.

Thank you very much.

The Deputy Chair: The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thanks very much, Mr. Chairman. I wanted to say a few words about the bill and indicate that the section of the bill that allows the chief medical officer to share information with foreign governments seems quite broad. According to the Information and Privacy Commissioner he's satisfied that it does strike a reasonable balance between protection of privacy and public safety. The reasons he might disclose the information – for the purpose of addressing public health matters, patient safety, quality of care, or the general public interest – put enough of a limit on the powers there.

I think that he's also a custodian of information under the Health Information Act, section 58(1), which requires him or her to "collect, use or disclose only the amount of health information that is essential to enable the custodian or the recipient of the information, as the case may be, to carry out the intended purpose." So there's another limit on the chief medical officer's power in the Health Information Act that pertains to this type of disclosure. However, the broadness of the provision still does cause us some concern. We need to make sure that private health information is not being released unnecessarily.

5:20

Privacy of health information is a hot issue right now, Mr. Chairman, with the Standing Committee on Health reviewing Bill 52, the Health Information Amendment Act, 2009. In that committee on January 21 the Information and Privacy Commissioner said that the monitoring of access to health information is conducted through a complaints-driven process. There is not a proactive system in place to make sure that health information is only being viewed by those people who should be viewing it. That, Mr. Chairman, is worrying.

Orphaned medical records are another example of how medical information has been mishandled in this province. Just recently there were newspaper articles about a woman in Didsbury whose father's medical records were lost. These issues alert us to the importance of making sure that there is a proactive way of monitoring what information is being shared by our public health system, especially when it's being shared with other governments and other countries.

The powers given to the minister and the health board to publish results of public health inspections and nuisance orders should be given instead to the chief medical officer because he is less political. This is, once again, an area where the decision has to go through the minister or board before information can be made available to the public. The chief medical officer should have more freedom to provide information to Albertans directly.

We need a strong public health system in Alberta, Mr. Chairman. Families here need to feel secure that the ministry of health is looking after their well-being by using preventative and educational approaches and not just by providing services once something bad happens. Giving the chief medical officer the ability to gather contact information from all schools in order to contact children and their parents about public health programs is a positive step to keep families feeling supported and informed. We can try to improve our public health system by giving the chief medical officer more power, but it won't do any good if the chief medical officer is not free to do his or her job.

Last August our province's chief medical officer along with three other top public health doctors did not have their contracts renewed for reasons that this government still refuses to divulge. Meanwhile, despite warnings from the outgoing chief medical officer that there was a serious syphilis outbreak in Alberta that required a broad-based information campaign, the minister of health refused to acknowledge the extent of the outbreak and cancelled plans for a widespread campaign. Because of the government's secretiveness, we still don't know why those public health officials left.

This kind of hush-hush political intervention does not belong in our public health system. If this is the way the chief medical officer will be treated by the government, then this change in legislation will be ineffective. The province's new public health model announced in September gives the chief medical officer a direct reporting line to the minister. If the minister is going to interfere in a politically motivated manner as he did in the syphilis case, then a reporting line to the minister is useless for creating accountability and better public health.

That concern, Mr. Chairman, gives rise to our amendment to the bill, which I will now send up to the table.

The Deputy Chair: We'll pause for a moment while the amendment is brought to the table and then distributed. This amendment will be amendment A1.

Hon. member.

Mr. Mason: We're ready to go? Thanks very much, Mr. Chairman.

I will therefore move that Bill 7, the Public Health Amendment Act, 2009, be amended in section 2 by adding the following after the proposed subsection (4):

- (5) If the Chief Medical Officer considers that the interests of the people of Alberta are best served by making a report public on health issues in Alberta or on the need for legislation or a change of policy or practice respecting health in Alberta, the Chief Medical Officer may make that report public in the manner the Chief Medical Officer considers most appropriate.

Mr. Chairman, if I may, just a few minutes on this amendment. This amendment would give the chief medical officer the option to report directly to the public on matters of public health. This would allow the chief medical officer to communicate with the public without ministry interference. This provision is very similar to one contained in British Columbia's Health Act which governs B.C.'s provincial health officer, which is their equivalent to our chief medical officer. Given some of the interference that we've seen in recent events, we believe that the chief medical officer needs a way to ensure his independence and his ability to act, when he believes the public interest requires it, without political interference.

Now, we know the government has claimed that they wish to increase the powers of the chief medical officer. The bill only increases those powers in a minimal way. The amendment would actually give the chief medical officer a substantive increase in reporting powers. The public has a right to be able to hear the concerns and opinions of the chief medical officer even when they

don't match up with the wishes of the government of the day and their political considerations, that may be involved.

The amendment, just to summarize, Mr. Chairman, gives the chief medical officer the legislative ability to report directly to the public with or without agreement from the health minister or officials in the department of health and gives him a responsibility thereby for communicating directly to the public on important matters affecting the public health. We think that this would strengthen the bill considerably and ensure that the chief medical officer has the independence necessary to pursue the public health and the public interest. So I would urge all of my colleagues to support this amendment.

Thank you.

The Deputy Chair: On amendment A1 the hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. What the hon. leader of the third party has pointed out is the need to have a balance between governance and health delivery. We've run into this circumstance of: who's in charge, and to what extent are they allowed to communicate their advice?

When we had the first news of syringes being used repeatedly for a variety of procedures at the Vegreville hospital, and then it turned out that this procedure had been abandoned in other hospitals, it's here where having a person directly in charge such as the chief medical officer, given their medical training and background and the fact that we have faith in their ability, is extremely important and that the chief medical officer be able to report directly to the people.

Now, whether or not the Legislature is in session, the appropriate sort of next circumstance I would like to think would be that the Legislature would receive a fairly immediate briefing. In the event that we're not in session, the chief medical officer should not have any restraints or layers or filters that he needs to go through in order to indicate a concern to the public.

The speed at which infections – MRSA, I believe, is the infection that travels so quickly through an open wound and can be acquired through just casual contact, brushing up against somebody in a gym circumstance. If it turns out that there seems to be a potential outbreak in a particular area of the province, whether it's due to the lack of simple activities such as are being recommended for the influenza, which is handwashing, or whether it's the need to wear masks or take precautions by wearing gloves or absenting yourself from particular types of activities, isolation, it's extremely important that the chief medical officer be able to issue these bulletins as quickly as possible, not to alarm but to create a sense that the health management of the province is in good hands given the number of circumstances, as I say, in the last two years where we weren't sure who was in charge and the bouncing of blame back and forth between various political layers and medical individuals, whether they be front-line nurses who had received a particular type of training which was now considered out of date but where the information was never passed on.

5:30

We now have the individual who's the go-to person, and that's the chief medical officer. What amendment A1 is saying is: recognize the individual's professionalism. He was basically hired and/or appointed by members of a government ministry, the ministry of health, I'm assuming with cabinet approval because of the importance of such a position as the chief medical officer. Allow him the professional judgment to make the necessary pronouncements. It's always a balance between the governance role that a government

needs to provide and the picking of individuals in whom Albertans can have faith to carry out their job, and I can't think of a job more important than that of the chief medical officer. Let's not have this individual encumbered by red tape, forced to filter information before a decision is made. Let's allow, as amendment A1 suggests, the opportunity for the chief medical officer to do what he has been chosen to do, and that's to protect the health of Albertans.

I support the intent of A1. Medical decisions need to be made by medical individuals. Governance requires the government to evaluate those decisions but not interfere with them.

Thank you.

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

Mr. Hehr: Well, thank you, Mr. Chair, for giving me an opportunity to speak on this notice of amendment to Bill 7, the Public Health Amendment Act, 2009. I'd really like to thank the hon. leader of the third party for bringing forward this amendment. It's similar to what I was discussing, actually, in Committee of the Whole before this amendment was brought forward, but it has given me some time to clarify my thoughts on the matter.

If you look at this, the chief medical officer is appointed by our government to look after, essentially, our province's health care system. Like I said in Committee of the Whole, I believe that what is most important to Albertans and most important to what we do under the dome and what we do here in governing in the public interest is to see that our citizens are healthy and taken care of in a publicly funded, publicly delivered health care system. The chief medical officer, as this government's representative on the front lines, shall we say, should have the ability to make a report on public health to the people of Alberta. I would suggest that the most logical place for that would be in this Legislature. They should have the ability to bring forward matters that he or she believes to be of fundamental importance to the way our publicly funded, publicly delivered health care system is run, how it can best be run, and to offer suggestions to the Legislature as to what is needed to be done, whether that's in terms of a change in policy or practice respecting health in Alberta.

I think that having the ability of the chief medical officer to make that report to the Legislature, to the public, would greatly add to our ability to provide excellent health care in this province. It would actually relieve the chief medical officer of some of the political apparatus that is currently in place that may actually work against what's in the best interests of the health of all Albertans. This amendment goes a long way to highlighting that ability, giving the chief medical officer the same sort of ability that other officers currently have to provide information to this Legislature. For instance, the Auditor General does so in a twice yearly time period. Obviously, the chief medical officer should have a greater ability than even the Auditor General to do so.

On that note, I am supportive of this amendment and thank the leader of the third party for bringing it forward. Thank you very much.

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

Ms Pastoor: Thank you, Mr. Chair. I, too, am standing to support this amendment. I just think that it is almost a no-brainer that medical decisions, especially at the level that this medical officer would be making decisions, should be made on a medical level and also that he should be consulting with other medical consultants, certainly not a politician. I don't think that medical emergencies should be politicized. Just the thought of it is very, very scary.

Last night in the estimates for Municipal Affairs I think the Minister of Municipal Affairs actually proved to me that, in my mind, he really got it. He was saying that emergencies should not be partisan, that his department would do the very best to make sure that all emergencies were looked after, period, and that it had nothing to do with partisanship. So kudos on that one.

One of the things that I've dealt with within the last month or so is the fact that the health minister actually said that it was his decision to not go forward with the public information program about the increase in syphilis in this province, and one of the considerations for that was cost. I mean, it should scare anybody to think that this kind of information is being withheld because of cost and the decision actually made by someone with no medical background.

We have a good chief medical officer. I think that some of the things that he's done in the last three days in regard to the swine flu have become, certainly, a topic of conversation everywhere. He's done a good job. He's brought it out in the open. He was right on top of it. He said that our labs are ready to go, to do the testing that we actually need. I think that at any given point in time there are thousands of people in this province that have what we would call the flu. People who feel that they've got the flu are being encouraged to go to our labs and actually be tested so that we here in Alberta and certainly in Canada will be able to get a jump-start on this, and nothing else would be spread.

I think that the SARS example in Toronto is another good example where the information wasn't forthcoming right at the very beginning. They had to scramble. They did handle it. Certainly, there were many, many unfortunate deaths with SARS, but it wasn't right out in the open to begin with. I think that's one good example of why medical emergencies should never, never, never be politicized, and we would politicize it by not allowing the chief medical officer to be responsible to this House. He absolutely has to have no constraints on him by having to report to anyone other than the House or have restraints put on him that may have any kind of a political overtone.

This is why I would support this in its entirety, and I think that if people in this House have actually listened and really thought about this, they would support it as well.

5:40

The Deputy Chair: Any other members wish to comment? The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: On the amendment, then, Mr. Chairman. Thank you very much. I think this is an important amendment. You know, I regret that nobody from the government side has risen to comment on it. I'm only assuming that that means it's a routine voting down of an opposition amendment, but this is an important amendment. It is, in fact, based on legislation that does exist in other provinces, specifically British Columbia, which gives a higher responsibility to the chief medical officer of health to report directly to the public on matters of serious concern to the public health. For example, with the current outbreak of swine flu, if actions were not being taken by the government for whatever reason that the chief medical officer felt were necessary, he could communicate directly to them without having to get his comments vetted by the minister or by the government. I think that's self-evidently important.

I want to just clear up a little confusion. This is not setting up the chief medical officer as an officer of the Legislature to report to the Legislature about these issues but to allow him or her to make public comments, through the media or through other means, directly to the public to inform them of threats to their health or steps that are being

taken to protect their health, things that they should do and things that they should not do in order to reduce the risk of the spread of disease. As we begin to see this development of what could potentially be a pandemic, I think it underlines the importance of the role of public health in our society and the role of responsible and objective people who are responsible for the public health.

It's by no means a new or a radical notion. In fact, it has been adopted, as I've mentioned, in other places. Clearly, we've seen, for example in the SARS epidemic and the situation that developed in Toronto, where the top people in public health in Toronto, in Ontario, were on the front lines in terms of communicating to the public, taking measures to protect the public, making sure the public was informed, and they became in many respects very well-known and very well-respected figures that the public looked to for guidance in a very frightening time. We simply want to make sure that this role is not constrained for any reason and that these responsible officials have the capacity to communicate directly to the public, should that be necessary, on matters affecting the public health.

That's the intent of the amendment, and I would encourage all members on both sides of the House to support this.

The Deputy Chair: Are you ready for the question?

Hon. Members: Question.

[Motion on amendment A1 lost]

The Deputy Chair: Back to the bill. Any other comments or questions on the bill? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much, Mr. Chair. I know that there are members of my caucus who would like to potentially participate in the Committee of the Whole process on Bill 7. In particular, I'm thinking of the hon. leader, the Member for Calgary-Mountain View. If you would consider the possibility, I would like to adjourn debate on Bill 7 so that other members of my caucus may have the opportunity to discuss it further.

[Motion to adjourn debate lost]

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

Mr. Chase: Well, thank you. I had hoped that reason would prevail, but in that it hasn't, then I stand up in support of reason.

My background in education indicates to me that education is an important topic, but health care is absolutely essential to our very being. Had it not been for health care, we wouldn't be here to be discussing Bill 7, the Public Health Amendment Act, 2009. I don't quite understand whether all members opposite think that this is just a wonderful piece of legislation that requires no amendment, no discussion, or that the authors of Bill 7 just by sheer intelligence or force of effort have come to the conclusion that this is the be-all and end-all in terms of legislation.

We have raised concerns with regard to how secure the information is. We have raised concerns about the extent to which the population is subject to surveillance. We have raised concerns with regard to the tracking and securing of information. With no privacy impact statement to be submitted, there is little assurance that this information will be used properly. There is no provision, for example, in section (4.1) that the information transferred will be stripped of any identifying features. This was what I was referring

to in our earlier discussion on Bill 7: encrypting. I wasn't able to remember that particular term, but that's the term, encrypting the information such that only those that have access to the code – of course, we're assuming that these are the people within the medical profession – would be able to access that information.

In one sense we support the idea of taking some of the power that had sort of been behind closed doors in the cabinet, otherwise known as the Lieutenant Governor in Council, and bringing it a little more forward to the public domain, but Bill 7, Public Health Amendment Act, 2009, doesn't deliver the information and the accountability far enough towards the public. Also, it doesn't give sufficient accountability to the chief medical officer.

If I were to go through the bill clause by clause, I could point out some of the concerns. For example, 66(4) allows the minister to make "a code, standard, guideline or body of rules" instead of regulation. Now, that's not such a bad idea providing that the regulations are published and available to the public, but as is so frequently the case, the regulations seem to be the sole domain of the cabinet, or the Lieutenant Governor in Council, as it is sometimes referred to. Because of this, neither members of the opposition nor the public in general have a sense of the type of regulations that are controlling the access to and transmittal of their information.

5:50

Now, with Bill 7, the Public Health Amendment Act, 2009, we have sort of sent out to various stakeholders and asked them to give us an account of their concerns. For example, the Canadian Association of Professional Access and Privacy Administrators have come out against some of the amendments proposed in this bill. The first issue they have is that school boards can be compelled to disclose students' and parents' names, addresses, dates of birth, and school. There is also a section that states that the chief medical officer of health can request any other information the regulations allow. While we believe that the medical officer should have all of the pertinent medical information available, there has to be some type of protection of privacy for the individuals involved.

A second issue that stakeholders brought forward with regard to Bill 7, the Public Health Amendment Act, 2009, is that the chief medical officer has the potential of disclosing information outside of the limits of this province. Parents and guardians need to be able to own their own information, and the way this legislation is currently worded, that privacy protection is not guaranteed.

Members from the Consumers' Association of Alberta echo the concerns brought forward by the Canadian Association of Professional Access and Privacy Administrators. They've pointed out that there needs to be strong evidence provided for the means that will be taken in the name of surveillance and interference in Albertans' lives. We have become a surveillance society, and some of that surveillance, as Bill 7 is proposing, in terms of watching at airports, particularly given the swine flu influenza, watching for people who are coming off at our international airports who have recently come from Mexico – that type of surveillance for the sake of the public good is extremely important. Other people would argue that the collection of information that we currently have from street cams and their locations and who reviews the information from which the surveillance is reported is also a concern.

Okay. Mr. Chair, we do have time, and I know it's the wish of the hon. Assembly to move Bill 7 forward to third reading. Therefore, I will not oppose our progress. We may bring forward amendments during third.

Thank you very much, Mr. Chair.

The Deputy Chair: Are you ready for the question on Bill 7?

Hon. Members: Question.

[The clauses of Bill 7 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? That is carried.

Hon. members, according to Standing Order 4(3) the committee will now rise and report.

[Mr. Mitzel in the chair]

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

Mr. Johnston: Thank you, Mr. Speaker. The Committee of the

Whole has had under consideration certain bills. The committee reports the following bills: Bill 19 as amended, Bill 6, and Bill 7. 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 of the hon. Member for Calgary-Hays, does the Assembly agree with the report?

Hon. Members: Agreed.

The Acting Speaker: Opposed? So ordered.

The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. I see it's just about 6 o'clock. On that note, I would move that we call it 6 p.m. and now adjourn until 1:30 tomorrow.

[Motion carried; the Assembly adjourned at 5:56 p.m. to Wednesday at 1:30 p.m.]

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STANDING AND SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY OF ALBERTA

Select Special Chief Electoral Officer Search Committee

Chair: Mr. Mitzel
 Deputy Chair: Mr. Lund
 Bhullar
 Blakeman
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