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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.

Monday, June 1, 2009

[The Speaker in the chair]

Prayers

The Speaker: Welcome.

Let us pray. As Canadians and as Albertans we give thanks for the precious gifts of freedom and peace which we enjoy. As Canadians and as Albertans we give further thanks for the precious gifts of culture and heritage which we share. Amen.

Hon. members, in the Speaker's gallery is a young lady named Akina Shirt, and she will lead us today in the singing of our national anthem in Cree. It was several months ago that she sang the national anthem in Cree at a hockey game televised nationally, across this country. For many Canadians it was the first time that they heard their national anthem sung in Cree. Today this will go across the province of Alberta, and it may very well be the first time for many people in Alberta that they will hear their national anthem sung in Cree.

[*O Canada* was sung in Cree] [applause]

The Speaker: Thank you, Akina. All the best in your singing career as you go forward.

Please be seated.

Introduction of Visitors

The Speaker: The hon. Minister of Aboriginal Relations.

Mr. Zwozdesky: Thank you very much, Mr. Speaker. It is such a privilege and an extra pleasure today to introduce some special guests, who are seated in your gallery, who are here to help celebrate Alberta's first-ever Aboriginal History and Culture Month, ushered in and prompted by the sponsorship of a motion by that name as brought in by our honourable and esteemed colleague from Lesser Slave Lake. Thank you, Honorary Chief, for doing that for us today.

Mr. Speaker, our guests include – I'll ask those that are here to rise, and if they're not here yet, they will be acknowledged later – from Treaty 8 the grand chief, Rose Laboucan; from the Métis Settlements General Council the president, Mr. Gerald Cunningham; from the Métis Nation of Alberta Association Mrs. Audrey Poitras and Vice-President Muriel Stanley Venne; and, on their way in, Regional Chief Wilton Littlechild from the Assembly of First Nations, Chief Allen Paul from the Alexander First Nation. I believe Vice Grand Chief Carolyn Buffalo from Treaty 6, as well, will be joining us. Please, hon. members, on this very special and historic first-ever Alberta Aboriginal History and Culture Month, welcome our guests with the enthusiasm they deserve.

Thank you.

Introduction of Guests

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

Ms Calahasen: Thank you, Mr. Speaker. It's my pleasure to rise today to introduce Akina Shirt. You've already introduced her. She's with her mother, Jean Cardinal. In February 2007, as you indicated, Akina sang the Canadian national anthem at a Calgary hockey game. She made history that day. She sang the anthem in Cree, as you indicated. This talented young woman was also asked

to perform the anthem at a Government House francophone event. Of course, she wowed the attendees by singing in three languages: Cree, English, and French. She also graced us with her talent today as she sang for us just moments ago, and she also opened our celebration of aboriginal history and culture earlier this afternoon.

Aside from being immensely talented, Akina is also actively involved with the community. She has become a public speaker, delving into topics such as education, what it means to be a role model, the importance of having supportive parents, and, of course, the perseverance to develop a talent or a skill. Mr. Speaker, I'd ask that Akina stand and get the recognition that she so deserves because she has one heck of a beautiful voice.

Thank you.

The Speaker: The hon. Minister of Agriculture and Rural Development.

Mr. Groeneveld: Well, thank you, Mr. Speaker. Today it's a great pleasure to introduce to you and through you to all the members of the Assembly a very successful and talented young Albertan, Rosie Templeton of Coaldale. Rosie, a grade 11 student in Kate Andrews high school in Coaldale, was chosen from among 90 of the province's top 4-H members as the 2009 Premier's award winner, the most prestigious accolade in the 4-H program.

Rosie is currently a member of the Readymade 4-H Beef Club and the South Country Judging Club. During her seven years in 4-H Rosie has held many executive positions, including her present tenure as president and previously as secretary, historian, and club reporter. Her exceptional skills, Mr. Speaker, have earned her this great honour.

In addition to her duties as the Premier's award recipient Rosie will serve as youth ambassador, representing 4-H events throughout North America and promoting the opportunities 4-H offers. Rosie is starting off her year in fine style, visiting us today and meeting with the Premier a little later.

Mr. Speaker, Rosie is seated in your gallery with her parents, Carolyn and Byron, and her sisters, Roberta and Jocelyn. I ask that they now rise to receive a very warm welcome from the Assembly. Rosie, by the way, is the blond one.

Mr. Dallas: Mr. Speaker, on behalf of the hon. Minister of Seniors and Community Supports I wish to introduce to you and through you to all members of the Assembly a group of 53 students from Red Deer-North's Gateway Christian school accompanied by two teachers and their five chaperones: Mr. Jim Driedger, Mrs. Klaaske DeKoning, Mrs. Rolanda Huizenga, Mrs. Connie Kloss, Mrs. Colleen Dilallo, Mrs. Melanie Boorse, and Mrs. Christine Hopkins.

Mr. Speaker, I'm proud to see these exceptional students from Red Deer here today. As our future leaders in Red Deer they're up here learning about Alberta's legislative process. I believe they're seated in both the members' and the public galleries, and I would now ask them to rise and receive the traditional warm welcome of our House.

The Speaker: The hon. Deputy Speaker.

Mr. Cao: Thank you, Mr. Speaker. It's a great pleasure to introduce to you and through you to all members of the House the Ogden House Senior Citizens Club and their kitchen band, the Railroad Rascals. Today the Railroad Rascals are celebrating their 25th anniversary at the Alberta Legislature Grounds, and we experienced a lively, energetic performance earlier this morning helping to launch Alberta's Seniors' Week.

Mr. Speaker, since they are 80-plus years young, I wish to read the names of the band here: Terri Gorieu, Gail Sanderson, Marg Heggart, Bob Heggart, Marianne Wilkat, Hazel Hudson, Dot Rennie, Roberta Labute, Omer Labute, Janet Faulkner, Millie McPhedran, Marion Headley, Betty Larkin, George Stagg, Bill Redding, Bev Craswell, Diane Dmytryshyn, Ed Cooper, Ivy Cooper. These are the majority of the members. But there's one member that I need to point out. She is now 106 years old. She could not take the bus up here with them, but she plays well with the band in Calgary. With that, I want to ask them to rise and receive recognition from our Assembly.

1:40

The Speaker: And you call them the rascals?

Mr. Cao: They call themselves the Railroad Rascals.

The Speaker: That's what they call themselves. That's better.
The hon. Minister of Health and Wellness.

Mr. Liepert: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to members of this Assembly four hard-working staff members from our Department of Health and Wellness. We have Daphnee-Lyne Carrie, who serves as a public affairs officer in the communications branch and is currently working on our pharmaceutical strategy. Morgan Heard is an interim communications assistant in the communications branch and a bachelor of communication student majoring in public relations at Mount Royal College in Calgary, we believe soon to be Mount Royal university. Zahra Upal is a bachelor of arts student majoring in sociology at the University of Alberta. Sameer Premji is a pharmacist completing his master's in business administration at the University of Alberta. They are seated in the public gallery, and I'd ask all four individuals to stand and receive the traditional warm welcome of this Assembly.

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

Mr. Goudreau: Thank you, Mr. Speaker. I'm pleased to rise before the Assembly to introduce staff members from the international qualifications assessment service, or IQAS, branch. Today is their 15th anniversary. IQAS staff work with immigrants, employers, professional regulatory associations, and postsecondary institutions to provide information, resources, and assessment services. Since 1994 IQAS has issued over 37,000 assessment certificates and evaluated credentials from over 10,000 educational institutions from around the world. I'm proud to introduce to you and through you to members of this Assembly several staff members from the IQAS branch. They are Kathleen Morrow, Jeff Stull, Darlene Fisher, Grace Waszkiewicz, Sandra Zarate, Suzanne Smith, Colette Shannon, Haichen Sun, Nadiya Soroka, and Stefan Sokolowski. I would ask them to rise and receive the warm welcome of this Assembly.

The Speaker: The hon. Member for Wetaskiwin-Camrose.

Mr. Olson: Thank you, Mr. Speaker. I have two introductions today. First, if I might, I see that Chief Buffalo has now joined us in the Speaker's gallery. She wasn't here when earlier introductions were made. Chief Carolyn Buffalo is the chief of the Montana band in my constituency. I'm very pleased that she could be with us today. She actually coaxed her daughter and a friend out of school to come and join us. They're in the members' gallery: Chloe

Buffalo-Jackson and Alysha Raine. They thought that they could get as much of an education here today as they might have had back at school. We're very pleased to have them with us. If they would please stand and receive the warm welcome of the Assembly.

I have another introduction. I have a lot of pride in introducing you to 10 great young Albertans and their leaders. They along with hundreds of their friends form the Hobbema cadet corps. They have brought great credit to their families, their community, their province, and, indeed, their nation. Some 30 of them have just returned recently from a trip to Jamaica. There's going to be a group of Jamaican young people coming to visit them over the summer. They're here with their leaders – Captain Salty Lee, Captain Trent Young, and two RCMP officers, Sergeant Mark Linnell and Constable Richard Huculiak – who deserve a hatful of medals for the work that they've done volunteering with this group. If they would all please rise and receive the welcome of the Assembly as well.

The Speaker: The hon. Member for Edmonton-Castle Downs.

Mr. Lukaszuk: Well, thank you, Mr. Speaker. It gives me great pleasure to rise and introduce to you and through you to members of the Legislature representatives from both the Insurance Bureau of Canada and Alberta's fire and emergency services. They are here today because they share the passion for strengthening Alberta's fire and emergency management systems. With us today – and I'll ask them to rise as I introduce them – are Fire Chief Brian McEvoy from Bonnyville Regional Fire Authority and immediate past president of the Alberta Fire Chiefs Association; Fire Chief Bob Galloway from the county of Leduc; Fire Chief Terry Senecal from St. Paul; Deputy Fire Chief John Lamb from the city of Edmonton; retired Fire Chief Randy Wolsey from the city of Edmonton; Randy Siemens, emergency service co-ordinator from Lamont county. Also joining us today from the Insurance Bureau of Canada are Mr. Don Forgeron, president and CEO, and Mr. Jim Rivait, vice-president, Alberta and north. Also joining us today in the public gallery are Brad Hoekstra, secretary of the Alberta Firefighters Association and the Canadian firefighters' association, and Greg Holubowich, president of Edmonton Firefighters Union. I'd ask them all to rise and accept the welcome of this Assembly.

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

Ms Woo-Paw: Thank you very much, Mr. Speaker. It is my great pleasure to introduce to you and through you to all members of the Assembly two very special people from the Calgary-Mackay constituency office. Seated in the members' gallery is Ms Krista Taldorf, my constituency assistant, who very capably manages my office in Calgary. She has a diploma in nonprofit management, and she herself is a very active volunteer in Calgary. Next to Krista is Mr. Tudor Dinca, a third-year policy studies student at Mount Royal College, a very enthusiastic, very polite young man who would never call me by my first name. He is spending his summer working as a STEP student in my office. Please rise and receive the warm welcome of this Assembly.

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

Mrs. Forsyth: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to all the members of the Assembly Meghan Melnyk and her mother, Karen Melnyk. Meghan is my STEP student and works out of my constituency office. She offers excellent service to the constituents of Calgary-Fish Creek, and I'm very grateful for her help. I'll ask that Meghan and Karen rise and receive the warm welcome of the Assembly.

The Speaker: Are there others? The hon. Minister of Finance and Enterprise.

Ms Evans: Thank you. Two guests have met with me today to talk about some of the insurance issues. Jim Rivait has been pleased to present, newly on the job, on a particular job, a person who is returning to Alberta for a visit but who actually spent time in his community of Vegreville, Don Forgeron. I'd ask them to please rise and get the warm welcome of the Assembly.

Members' Statements

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

Aboriginal History and Culture Month

Ms Calahasen: Thank you, Mr. Speaker. Today my heart soars like an eagle because my people's history and my people's culture were celebrated this afternoon here in the Legislature. Hundreds and hundreds of years ago and still today indigenous people of this country celebrated the beginning and all the month of June as a time to carry out their ceremonies such as tea dances, sun dances, naming ceremonies. In fact, the chicken dance was just completed this morning. What this does is send out the people, once they have thanked the Creator for life, and pray for the best for future generations.

My heart soars like an eagle today because after many, many years my people are being given the recognition they deserve. On behalf of all the elders, grand chiefs, chiefs, Métis presidents, Métis leaders, and aboriginal people in this province I have many thanks to give. First, to you, Mr. Speaker, for hosting this wonderful day, for making sure that it went off the way it should, thank you very much. Your staff are some of the best in this Legislature, and they did an exemplary job to make sure that it went off well. Thank you to them. To the Minister of Aboriginal Relations, for his support and always being there for the aboriginal community, we thank him. To my friend President Dr. Sam Shaw from NAIT and his staff and the culinary team who were so wonderful with the food they prepared for us downstairs. I know that we all enjoyed the wonderful taste of the aboriginal cuisine. To Akina Shirt for her beautiful rendition of *O Canada* in Cree. To the dancers, the musicians, to Dreamspeakers for their constant co-ordination, and to my colleagues, all of you here, for all your support as we pass the motion for June to be recognized as Aboriginal History and Culture Month. My heart soars for the people who were involved.

Thank you.

1:50

Oral Question Period

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

Laser Surgery in Calgary

Dr. Swann: Thank you very much, Mr. Speaker. Events that played out this weekend in Calgary displayed the chaos and inconsistency that are plaguing Alberta's health system. One day Alberta Health Services will not accept funds from a donor; the next day they will. The impact that the uncertainty of this laser surgery has had on patients who are waiting and on professionals has not been positive. To the Premier: how can the Premier justify two laser suites in Edmonton while Calgary is forced through neglect to go hat in hand to private donors?

Mr. Stelmach: Mr. Speaker, the board of Alberta Health Services

made decisions based on evidence brought forward by medical professionals. Since then I believe there has been a corporate donor that has stepped forward that is willing not only to cover the cost of the laser machine but also the operating costs for the next year. This will give the board time to review many of the other difficult decisions that they have to make over the next 12 months.

Dr. Swann: Well, how can the Premier defend the absolute incompetence this situation has revealed in Calgary regarding keeping prostate surgery available in that city?

Mr. Stelmach: Mr. Speaker, once again, the board has delegated the responsibility and the authority to make decisions based on the provision of health services across the province of Alberta. Again, the board listens to the input from the health professionals that bring forward their opinions on the best delivery, and they made the decisions based on that evidence.

Dr. Swann: Well, let's try the health minister, then. How does this minister defend this incompetence threatening the very program of laser surgery that would reduce complications and wait times: the quality of care in the city of Calgary?

Mr. Liepert: Well, Mr. Speaker, we've made no apologies for the fact that we have a situation that the Alberta Health Services Board is going through in terms of analyzing and assessing all of the different procedures and programs that were in place in the various regions in the province. Alberta Health Services is about to produce their budget to their health board in the very near future, and within that budget will be a number of funding requirements, and this may very well be one of them.

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

Bitumen Upgrading

Dr. Swann: Thank you, Mr. Speaker. Of all the many decisions we make in the province that affect our future, a local bitumen upgrading industry is just about as important as it gets. A recent article in the *Financial Post* by Wilf Gobert makes the point very clearly. "The upgrading of bitumen in Canada is possibly the greatest economic challenge for policy makers in our history." Local businesses, unions, and Albertans who are looking to make a decision on their future need clear information from this government. To the Premier: what are you going to do to ensure more upgrading happens in Alberta?

Mr. Stelmach: Mr. Speaker, as I said earlier, a few days ago in the House, we're working through a very intense policy discussion. This is, of course, one that involves so many different things: of course, environment because of load on various airsheds if we add all of the upgrading at the same time. It also means transmission, ensuring that there's the pipeline capacity to move all of the finished product either to the United States or, quite frankly, even to the coast so that we can ship it to other markets. The other is that there are energy requirements, huge requirements for electrical energy into the Industrial Heartland. Those corridors have to be identified, and those transmission lines have to be built. So there's a lot of input into the overall decision. Do we want to add more value to bitumen? Yes, and that is the plan.

Dr. Swann: Mr. Speaker, the Premier and the Energy minister talk

a lot about bitumen royalty in kind as being the saviour here, but very little action has happened. Again to the Premier: when will we see a bitumen royalty in kind program? How long are we going to have to wait?

Mr. Stelmach: Very soon. I know that the Minister of Energy, the Minister of Environment, the Minister of Finance and Enterprise are all working together collectively on a policy that will answer all of the issues that come forward, to make sure that all of the various issues are considered and that all input comes to make a good policy decision, and that'll be done very, very shortly.

Dr. Swann: Well, again to the Premier: if the royalty in kind program does not do enough to bring bitumen back to Alberta, will the Premier force companies to upgrade here? Yes or no?

Mr. Stelmach: Mr. Speaker, we're adding, I think, to about 1.3 million barrels of production; about 700,000 barrels of bitumen are upgraded here. First of all, we have to of course produce more barrels of bitumen and move the upgrading in conjunction with the increase in the production. There have been a few projects just recently announced that will increase bitumen production, and now we're following up with a policy to ensure that more and more of the bitumen is upgraded here.

In terms of working with industry and working with, you know, the federal government, it is a complex issue, and we just want to do it right. We will do it without – I don't know what the hon. member refers to as forcing because I know that that was something the opposition didn't want to do before. We will work with all industry to make sure that we reach our goal.

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

Government Aircraft

Mr. Kang: Thank you, Mr. Speaker. Last week I tabled documents regarding flights back to Calgary on government planes after the Premier's dinner here in Edmonton. These flights were signed off by the Executive Council, for which the minister responsible is the Premier. To the Premier: what was the news conference or event listed as the reason for the flight that left Edmonton at 10 p.m. on April 30 this year, the same night as the Premier's dinner?

Mr. Snelgrove: Mr. Speaker, since the session started, every Monday, or Tuesday in the case of a holiday, the airplane picks MLAs up from Calgary and flies them to Edmonton. Every Thursday night, at the time that's most appropriate for the majority, it flies back to Calgary. On the night of the Premier's dinner in Edmonton it was decided that the plane would fly later. It costs not \$1 more to leave at 9:20 or 5:20.

The Speaker: The hon. member.

Mr. Kang: Thank you, Mr. Speaker. That was not the appropriate reason to delay the planes. Before, the planes left at 5:30. Clearly, there was a connection between the dinner and the planes back to Calgary.

To the Premier again: what were the meetings with government officials that had the other flight leaving at 10 p.m. the same night as the Premier's dinner?

Mr. Snelgrove: Mr. Speaker, there were no flights leaving at 5:30.

The flights have all been dedicated from day one, if the hon. member wanted to go on the Internet and see the logs, to attending meetings with government officials. I guess that if they would like us to write a story about what some of these folks have to do all week, we could. The simple fact is that we use the government air services to ensure that the people that do the work here can get to and from Calgary or other parts of the constituency. The only Thursday that there were absolutely no government airplanes in the air was the night of the Premier's supper in Calgary, April 2, when no government planes were needed and, therefore, were not flying.

The Speaker: The hon. member.

Mr. Kang: Thank you, Mr. Speaker. We just want to know what the news conferences or meetings going on with government officials at midnight, after the Premier's dinner, were.

To the Premier again: given that flight crews and ground crews are working until almost midnight deadheading back to Edmonton, what are the additional operating costs to flying to Calgary and back this late at night?

2:00

Mr. Snelgrove: You know, I guess it was just foresight, Mr. Speaker. When we bought the airplanes, we got headlights on them so they can fly at night. Thankfully, the air service crew that works for this government really goes out of their way to make sure that whether it's getting to a northern community, to Lethbridge, to Medicine Hat, anywhere in this province, they're there so that we can accommodate these trips. I would wonder what the hon. member would expect that the people that were flying back to their families at 10 o'clock on Thursday night were going to do. I would suggest that after a week up here listening to this, they wanted to go home for some sanity.

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

Government Accountability

Mr. Mason: Thanks, Mr. Speaker. The list of this government's broken promises is growing fast. The Premier promised to create 600 long-term care beds, and he hasn't. He promised more bitumen would be upgraded in Alberta, and it's not. He promised to get more money for our oil and gas, but he's given away nearly half a billion dollars in royalties. My question is to the Premier. What value does the Premier think Albertans should place on this government's promises given that track record?

Mr. Stelmach: Mr. Speaker, he raised a number of topics in his preamble. With respect to royalties we did announce a royalty incentive program a few months ago. This is to assist the gas industry, that is seeing some unbelievably low prices. This is all about, of course, creating jobs, and it's not only creating jobs in the bigger centres of Edmonton and Calgary, but it's moving those jobs out into rural Alberta. It's not only the drilling activity; it's the tire shop that repairs the tires, the restaurants, the motels, jobs right across the province. I believe that the decision made by this government was the right one. Gas prices are still depressed, and with the unusually large finds in Louisiana and Texas, we're going to be suffering through some low prices for a while.

Mr. Mason: Mr. Speaker, while this government is giving out half a billion dollars in oil patch welfare, they're cutting health care,

delisting services, and letting emergency wait times soar. The priorities of this Conservative government couldn't be more clear. To the Premier: why won't you admit that your priorities lie with your friends around the boardroom table and not with those waiting hour after hour in hospital emergency rooms?

Mr. Stelmach: Mr. Speaker, of course, another error in the preamble. The health budget has been increased by \$550 million. It's not a cut; it's an increase of \$550 million. We're one of the few jurisdictions to do that, especially during such difficult economic circumstances.

Mr. Mason: Mr. Speaker, the Premier can say that, but we all know that they're cutting services. Wait times are getting longer. They've cut out gender reassignment surgery. They've cut out chiropractic care. There's, you know, a real drop in the level of service. How can he justify cutting the services in health care that Albertans receive when he's giving the oil patch a half billion dollar royalty break?

Mr. Stelmach: Mr. Speaker, one thing the hon. member doesn't realize: those people that are out working, that actually have a job, pay taxes. They pay taxes to the provincial government, which supports a lot of the programs we hold dear, which are health and education and social services and infrastructure. People working pay more tax. That is a very simple equation, and that is what we're promoting in the province of Alberta.

The Speaker: The hon. Member for Edmonton-Rutherford, followed by the hon. Member for Calgary-Currie.

Fire Safety in Seniors' Facilities

Mr. Horne: Thank you very much, Mr. Speaker. Shortly after 3 a.m. on Sunday approximately 160 seniors were evacuated from a private assisted living facility, Lifestyle Options, in my constituency of Edmonton-Rutherford. Fortunately, no one was seriously injured, and all residents have been temporarily relocated. As you can imagine, my constituents are very concerned about fire safety in similar living settings. My questions are for the Minister of Municipal Affairs. As the minister responsible for fire safety in this province how can he assure my constituents that similar buildings are safe?

Mr. Danyluk: Well, Mr. Speaker, first of all, I do want to say that the seniors' residences are very safe. Seniors' residences are built to code, and they must have emergency plans. It is unfortunate what happened this past weekend, but I will say that the emergency plans and the codes did work. I would very much like to commend the firefighters, some of them that are here today and the firefighters that continually protect our communities, and the staff and all of the community for all of the efforts that they do in supporting these individuals.

The Speaker: The hon. member.

Mr. Horne: Thank you very much, Mr. Speaker, and thank you to the minister. I look forward to echoing that appreciation later in a member's statement.

As the minister has mentioned, he has introduced changes to building codes in the recent past. My constituents would like to know whether the new or amended fire safety codes could have prevented this fire.

Mr. Danyluk: Well, Mr. Speaker, I can't tell you at this particular time if the new codes could have prevented this fire because we haven't yet determined the cause of the fire, but I do want to say what the new codes do. The new codes were designed to buy time for people to get out of their homes and for firefighters to respond. In this particular case it did work.

The Speaker: The hon. member.

Mr. Horne: Thank you very much, Mr. Speaker. A final question to the minister. Lifestyle Options is a multilevel assisted living facility, and there are many of them throughout the city. My constituents would very much like to know whether there are different codes that provide special protection for apartment living facilities.

Mr. Danyluk: Well, Mr. Speaker, Alberta has some of the strongest building codes in the country. Yes, there are different types of codes for different buildings. The larger and taller the building is, the greater the safety requirements because of the increased risk to lives and property. The use of the building will also determine the requirements. Again, we have very strong building codes for all buildings, whether they be single- or multifamily. The safety of Albertans is this government's top priority.

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

Affordable Housing

Mr. Taylor: Thank you, Mr. Speaker. Since the minister's claim that the changes to the homeless eviction and prevention fund and the elimination of all new rent top-up supplements was just an administrative change, the awful truth has become clear: a lot fewer people qualify now for housing assistance, and there's a lot less money for the few who do. The minister knows it costs \$600 a month to provide someone with a rent top-up and \$1,200 a month to keep them homeless in a shelter. To the Minister of Housing and Urban Affairs: why, then, given the math, won't the minister recognize that her efforts to stop the bleeding in her own budget are effectively negating the progress towards ending homelessness in Alberta?

The Speaker: The hon. minister.

Mrs. Fritz: Thank you, Mr. Speaker. Let's be clear. This actually is a very good program change we've made with EI and this ministry for individuals who do require rent supplement. Yes, there are waiting lists for rent supplements. There always have been; there will continue to be. But we are working very hard as a ministry through our affordable housing program and through our homeless program for capital dollars that we've had, which we've talked about in this Assembly. There is over \$800 million over the next three years for housing of this type, and that will provide units for people so that they are no longer on the rent supplement program.

Mr. Taylor: By that time the people who are on the waiting list now might actually be at the top of it.

If the minister still contends – and it sounds as though she does – that all the help they need is there for all the people who need it, then why is virtually every social agency reporting that their clients cannot access the housing help they need?

Mrs. Fritz: Well, actually, Mr. Speaker, if the member is referring to people that are in need that require a first month's rent, that require help with arrears or require help with eviction, then that's with the Minister of EI, and I'll ask that he respond.

The Speaker: The hon. member.

Mr. Taylor: Thank you, Mr. Speaker. Given that the major obstacle for many people to get their own apartment is coming up with the damage deposit, why is the amount available for the damage deposit now limited to \$350? Where is that enough to get an apartment?

Mr. Goudreau: Mr. Speaker, I'm happy to respond. Albertans, whether they've received a notice of eviction or they need an emergency damage deposit, can apply to our ministry for income support. We determine the criteria. We look at the assets and the income and expenses of that particular individual. They do talk about \$350, but that is for singles or those without children. Others and families with children can qualify for up to a thousand dollars.

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

2:10 Milk and Liquid Cream Container Recycling

Ms Woo-Paw: Thank you, Mr. Speaker. As a mother I can empathize with families who contact me with their concerns about the addition of milk containers to the deposit system. This change may have an adverse effect on many families, seniors, and others living on a fixed income. My question is for the Minister of Environment. Doesn't this change cause undue hardship for families with young children?

Mr. Renner: Well, Mr. Speaker, clearly, this is a program, with respect to the myriad of other beverages that are available to consumers in Alberta, that has worked extremely well in the past. In the consultations that we engaged in with Albertans leading up to this change, there was a very clear message that the vast majority of Albertans wanted us to proceed with milk containers in the same way that we do with soft-drink containers. I'd remind the member that it is a refundable deposit, and if the containers end up at the bottle depot, they'll get their money back.

The Speaker: The hon. member.

Ms Woo-Paw: Thank you, Mr. Speaker. My first supplementary is to the same minister. Many communities already have an effective voluntary recycling program in place. In fact, Calgary just introduced curbside recycling this spring. So why make this change now?

Mr. Renner: Mr. Speaker, we have a voluntary system in place right now, and it does reasonably well with respect to the plastic jugs that milk is sold in, about a 60 per cent return rate, but a deplorable 22 per cent return rate for paper milk containers. Clearly, that's not good enough. The kind of results that we're looking for is 85 per cent across the board, and we believe that with the refundable deposits in place we'll be able to achieve that return rate.

The Speaker: The hon. member.

Ms Woo-Paw: Thank you, Mr. Speaker. My second supplementary is to the same minister. The province announced it would introduce

this deposit on new jugs last fall, and I know many families who have saved up their milk jugs. Will Albertans receive a refund on containers purchased before June 1 if they take them to a bottle depot?

Mr. Renner: Well, Mr. Speaker, we made it very clear at the time that we made this announcement that there would not be refunds paid on containers that had not had deposits paid. So the short answer is no. They will not be able to get a refund for containers that they've saved. The containers will be clearly marked: Alberta deposit. They'll have red expiry date stamps rather than black, so it'll be very clear which ones are refundable. However, the bottle depots, to their credit, have agreed that they will accept all milk containers. They will, however, only pay you for the ones with red.

The Speaker: The hon. Leader of the Official Opposition, followed by the hon. Member for Olds-Didsbury-Three Hills.

Nursing Shortage

Dr. Swann: Thank you, Mr. Speaker. Now that summer is here, there is a fresh group of nursing graduates available to Alberta Health and Alberta Health Services. There are nearly a thousand graduates who would most likely love to stay and work here in the province. The problem is, however, that there is in effect a hiring freeze. To the minister: will the minister tell Albertans how many positions are available to new nursing graduates?

Mr. Liepert: Well, Mr. Speaker, the Leader of the Official Opposition is not quite correct. There is not a hiring freeze. What there is is a determination by the Alberta Health Services Board as to the right numbers. The various facilities are not permitted at this time to simply go out and hire nurses whenever they feel like they should, so it is going to be for the first time in quite some time a more orderly process in how we fill some of these positions.

Dr. Swann: Well, the fact is that Alberta Health Services' website states that there are only 30 positions needed in Alberta. I think the minister needs to explain. A month ago there was a shortage of 1,400 nurses in the province; now, according to the website, only 30. How does the minister explain this math?

Mr. Liepert: Well, I would say that the Alberta Health Services Board is doing exactly what the opposition leader suggested on several occasions in this House. They are working smarter, Mr. Speaker. If he'd take the opportunity to meet with the college of registered nurses, they would probably tell him exactly what they're telling me, and that is that 27 per cent of a nurse's day is spent doing nonnurse work. So we'd better ensure that within our health system we have the right people doing the right thing.

The other thing, Mr. Speaker, that is clear is that projections of a year ago of the number of nurses retiring have certainly changed in the last year due to economic circumstances. So there are a whole bunch of factors involved. Surely the Leader of the Opposition wouldn't be asking us to go out and hire nurses that we don't need and then lay them off in the next few months.

Dr. Swann: Well, we have in fact heard from such groups as the association, and they are pretty upset. This minister needs to explain why he's prepared to compromise quality of care for the bottom line. With the massive expenses that have gone into increasing enrolment and looking around the world for these health professionals, how is it the minister can say that less staff are needed now?

Mr. Liepert: Mr. Speaker, nobody has said that less staff are needed. What we have said is that we need to ensure that those who are trained are doing what they're trained to do. The college of registered nurses: yeah, I'd challenge them. Phone them up. Have a meeting with them. See if they tell him the same thing they told me: 27 per cent of what a nurse does on a daily basis is nonnurse work. If he wants us to be paying registered nurses' salaries to be changing bedpans, then have him stand up and say so.

The Speaker: The hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Lethbridge-East.

Electricity Transmission Lines

Mr. Marz: Thank you, Mr. Speaker. The Minister of Energy stated last week that the Alberta Utilities Commission is responsible for setting compensation rates for transmission lines. Many landowners tell me these rates have been significantly lower and basically not in the market. What can this government do so the AUC gets the message that their rates are totally out of sync with reality and adjusts them accordingly?

The Speaker: The hon. minister.

Mr. Knight: Well, thank you very much, Mr. Speaker. Just for clarification, the AUC is not responsible for setting the compensation rates, but they are responsible to approve the rates. The opportunities for transmission facility operators and landowners to get together and negotiate what they feel is a fair compensation is available to every landowner or person affected by these pieces of infrastructure. Of course, if they cannot reach an agreement, there's an opportunity at the Surface Rights Board for them to seek appeal.

Mr. Marz: To the same minister: what other avenues are available to landowners to get fair compensation from the AUC compared to other types of installations?

Mr. Knight: Well, again, Mr. Speaker, I think what needs to be understood here is that there is nothing that has been taken away from landowners with respect to their ability to negotiate with the transmission facility operator, the same way that they may negotiate with other enterprises that may want to come and do something that affects their rights and surface rights on the land that they own. Again, I must emphasize that every landowner has the ability to negotiate what he thinks is a fair settlement, and if they are not able to do that, there are avenues of appeal.

The Speaker: The hon. member.

Mr. Marz: Thank you, Mr. Speaker. My third question is to the Minister of Sustainable Resource Development. This Assembly passed a motion last fall to review surface rights compensation rates. Given that such a review may give some direction to entities such as the Surface Rights Board as well as AUC, has any consideration been given to this motion at this time?

The Speaker: The hon. minister.

Dr. Morton: Thank you, Mr. Speaker. Yes, that was Motion 512. I want to assure the Member for Olds-Didsbury-Three Hills that we've not forgotten that motion but that in discussion with stakeholders it was agreed that there are a number of procedural issues dealing with the Surface Rights Board that should be addressed first.

That's basically what we've done. My parliamentary assistant, the Member for Livingstone-Macleod, introduced legislation in this session, Bill 12, that addresses those issues. Those amendments will streamline procedures and save time and money for all parties involved.

We've also introduced alternative dispute resolution and mediation, that, again, is in the interest of all parties involved, and of course we introduced the Alberta Land Stewardship Act, implementing the land-use framework. I can assure the Member for Olds-Didsbury-Three Hills that one of the next steps will be to review the issue of landowner compensation. I'm looking forward to that, just as he is.

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

Fire Safety in Seniors' Facilities

(continued)

Ms Pastoor: Thank you, Mr. Speaker. I'm sure that my questions today are somewhat predictable. With more and more seniors being reassessed from long-term care to only needing supportive or designated assisted living, more seniors who have mobility and cognitive issues will be housed in DAL and AL facilities. To the Minister of Seniors and Community Supports: will the minister answer to whether the Lifestyle Options of Whitemud retirement community had a fire safety plan in place that was in accordance with the present Alberta fire code?

2:20

The Speaker: The hon. minister.

Mrs. Jablonski: Thank you, Mr. Speaker. First of all, I would really like to express my concern for the seniors who lost their homes this weekend. I'm very happy to hear that the injuries were very minor and that we had no loss of life. I'd like to also express my appreciation for the emergency response teams that did such a good job of containing the fire.

Mr. Speaker, in the continuing care system we have three streams. The first stream is home living, or independent living; the second stream is supportive living; and the third stream is long-term care. Both of these streams were in the independent living stream.

Ms Pastoor: Okay. If neighbours who happened to have been awakened at 3 o'clock in the morning needed to be volunteers so that the residents could be safely evacuated, does the minister consider these plans to be sufficient for resident safety? If it isn't your portfolio, perhaps the minister whose portfolio it is would answer.

Mr. Danyluk: Mr. Speaker, I will say that there are plans, whether they be evacuation plans or emergency plans, on all residential facilities. When the question was asked: is there a plan? Yes, there is a plan. Is there supposed to be a plan? Yes, there's supposed to be a plan. Do we have different codes that apply to facilities that have different types of individuals that live in those facilities? Yes, there are.

Thank you.

Ms Pastoor: Perhaps I will direct my question to the same minister and perhaps ask him to elaborate a bit more on that. I wanted to know: during the provincial review on the fire codes were these continuing care facilities reviewed as separate entities, and are there

actually evacuation standards that go with those fire codes for these particular facilities?

Mr. Danyluk: Mr. Speaker, the review that we did on safety codes had a lot to do with residential, multiresidential, multidwelling buildings. The codes that were changed had a lot to do with single-dwelling residences and bringing some of those codes to a standard that is already in place for multiresident buildings or for, let's say, seniors' residences.

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

Children's Services Reports

Ms Notley: Well, thank you, Mr. Speaker. When a foster child died last year, the minister of children's services refused to share details of a special case review, but after a child in care was traumatically injured this year, she promised to make that review public. However, when I asked the minister for an update during budget estimates, she didn't have one. Today I am asking: when will the minister quit stalling, cut the red tape, and make the special case review public?

The Speaker: The hon. minister.

Ms Tarchuk: Well, thank you, Mr. Speaker. The member is right that we did commit to making our special case review public. At this point, like I said a couple weeks ago, I'm not sure when that day will be that we can release that information, but I will as soon as I can.

Ms Notley: Well, Mr. Speaker, last year the ministry of children's services also agreed to review the role of the child advocate. When I asked her about that a few weeks ago, she admitted to having the report but refused to release it until her communications staff could put her spin on it. My question to the minister is: why won't the minister release her report about the children's advocate before the end of this session instead of waiting for the cover of summer recess?

The Speaker: The hon. minister.

Ms Tarchuk: Thank you, Mr. Speaker. I'd like to just correct. What I did say is that I had received the report – it's a very well done report; it was written by experts both internally and externally as well as it involves some youth in care – and that I was working on a government response. I do expect both to be coming forward shortly.

Ms Notley: Well, Mr. Speaker, these reports have been coming shortly for months and months and months now.

Case reviews of injured foster children in overcrowded foster homes are crucial to protecting the safety of children in need. The minister's strategy to delay, delay, delay is the wrong choice when children in care are at risk. These children need help now, and the minister is ignoring the problem. When will the minister stop delaying and commit to a date for making the special case review and the report on the role of the children's advocate public?

The Speaker: The hon. minister.

Ms Tarchuk: Well, thank you, Mr. Speaker. I would just like to

point out that, first of all, we're not sitting on anything. Just a reminder that the commitment to go through with a review of the advocacy system and compare with other systems across the country, that decision was only made at the end of November and the work started in December and January. So I would suggest that, actually, they did work rather quickly, and we will have a government response rather quickly. The first report she's talking about was just committed to a couple of months ago.

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

Air Quality Monitoring

Mr. Johnson: Thank you, Mr. Speaker. Well, our province benefits from important industrial growth and development. Albertans expect that our environment will not be unnecessarily sacrificed. An important part of this is the quality of the air that we breathe. My questions are all for the Minister of the Environment. With industrial development and also natural events, such as the recent grass fires near Edmonton, what's the government doing to monitor air quality?

The Speaker: The hon. minister.

Mr. Renner: Well, thank you, Mr. Speaker. Well, I can assure the member and all members that we are in fact monitoring air quality in this province 24/7, 365 days a year. Now, the Alberta air quality index monitors for five pollutants, and that includes ozone, nitrogen dioxide, sulphur dioxide, carbon monoxide, and particulate matter, PM_{2.5}. That's tiny, tiny particles that are in the air that are so small that they could be ingested into the lungs. Those are the ones that cause the most harm. Can we do better? Of course we can, and we're working with the Clean Air Strategic Alliance to develop a new policy.

The Speaker: The hon. member.

Mr. Johnson: Thank you, Mr. Speaker. We've heard in this House that Alberta uses a different measure for air quality than the federal government and other jurisdictions. Can the minister explain: why isn't Alberta using the federal index?

Mr. Renner: Well, Mr. Speaker, we're very confident that Alberta's air quality index is the right index system for this province. Our index is much more sensitive to short-term events. It's based on near real-time hourly pollutant concentrations. The federal index is based on three-hour averages and concentrations and only covers three pollutants as opposed to the five that we have in the Alberta index. The federal only has the particulate matter, the ozone, and the nitrogen dioxide.

The Speaker: The hon. member.

Mr. Johnson: Thank you, Mr. Speaker. The minister mentioned the development of a new provincial clean air strategy. When can Albertans expect to see this strategy and provide input?

Mr. Renner: Well, Mr. Speaker, CASA has had this matter under discussion for some time, and I'm expecting to receive the recommendations from them later on this summer. We'll take those recommendations as the basis to develop a new strategy. I expect that we'll begin some public consultations in early 2010.

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

Electricity Transmission System Upgrades

Dr. Taft: Well, thanks, Mr. Speaker. Albertans face a staggering increase in their electricity bills because of this government's policies. It was a decision by former Minister of Energy Murray Smith to override the EUB and transfer 100 per cent of the cost of upgrades to the electrical grid from industry to the consumer. That cost is now expected to be a staggering \$10 billion to \$14 billion. To the Minister of Energy: will this minister reverse Murray Smith's arbitrary move to burden consumers with the entire cost of the transmission system and go back to the recommendation of the EUB?

Mr. Knight: Well, Mr. Speaker, again, as has been the custom, the issue that we're speaking about here has been simplified beyond all reason. There has never been a point in time in the province of Alberta where consumers did not pay the bill. Whether you charge it on the generating side, charge it intermediately, charge it in the transmission system, charge it on the regulated part of distribution, consumers – consumers – in the province of Alberta have always paid for electrical generation and the means to distribute it to where consumers require it.

Dr. Taft: Yeah, well, we could debate that and bring the EUB into it if he wanted.

Secrecy is the order of the day with this government. Credible industry reports peg the cost of upgrading Alberta's electricity grid at \$14 billion. To the Minister of Energy: Albertans need to know just how much they're going to be fleeced because of this government's bad decisions, so what are the full costs of the transmission upgrade?

2:30

Mr. Knight: Again, Mr. Speaker, there's an hon. member here that's talking about something that happened I don't know when ago, but the EUB doesn't exist anymore. It's just not here, so it's not relevant, whatever that is.

What we're talking about are the short-term upgrades to the transmission, critical infrastructure in the province of Alberta. The bill as we see it today, the estimates that have been made by AESO and others in the energy industry, is about \$8.1 billion.

The Speaker: The hon. member.

Dr. Taft: Thanks, Mr. Speaker. Albertans used to have far cheaper electricity than the U.S., but the more integrated we've become with the American market, the higher our power prices get. We're ending up having to outbid California for our own electricity. Can the minister guarantee that Alberta's electric system and this grid upgrade are not being done to rearrange the system to export power to the U.S.?

Mr. Knight: Well, again, Mr. Speaker, simplifying a system that's very complicated – and I understand the reasons why some individuals here may want to ask simple questions; perhaps that's all they understand. But I can tell you that for consumption and generation infrastructure the size that we have in the province of Alberta, we are the least integrated and interconnected with any of our jurisdictions around us. It's absolutely critical. Anybody that's in the business would suggest to you that we need to increase our intertie in order

to bring power into Alberta as well as move power out of Alberta at times when it's beneficial.

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

Passport Requirements

Mr. Rodney: Thank you, Mr. Speaker. A new American law came into effect today, the western hemisphere travel initiative, which requires all travellers crossing our borders, both U.S. and Canadian citizens, to possess a valid passport or other approved document. My first question is to the Minister of Tourism, Parks and Recreation. With our busiest tourist season rapidly approaching, won't this initiative put a huge dent in our multibillion dollar tourist industry, and if so, what does your ministry plan to do to counteract this?

The Speaker: It's speculative, but go along.

Mrs. Ady: Well, thank you, Mr. Speaker. In fact, U.S. visitors don't need these additional documents to enter Canada, but to get back home, they are going to need these documents starting today. The industry has been anticipating this for some time, and Travel Alberta has been working with the Canadian Tourism Commission to get information out to U.S. visitors and encourage them to get this documentation. Travel Alberta has also got a website that was set up that referred U.S. visitors to the U.S. passport website when they were considering trips to Alberta.

Mr. Rodney: My only supplemental question is to the same minister. With all that is going on in today's global economy, I can't imagine the timing for this could be much worse. Could the minister tell us what the Alberta tourism industry itself is doing to deal with this?

Mrs. Ady: Well, Mr. Speaker, most of the U.S. visitors that arrive in Alberta, fortunately, I suppose, for us, arrive by air, not by land. For the last year they've already had to have passports, so they've been prepared. Our most recent statistics show that we have had small increases in U.S. visitors over the last year whereas other parts of the country have seen a decline.

Mr. Speaker, if it is a hassle for us to get passports to go on holidays, I'd like to suggest that all Albertans stay in the province this year. We've got some great values. You could go to the Travel Alberta site and get one of those traveller cards that give you all the discounts. So stay in the province. It's not a hassle.

The Speaker: The hon. member? Fine.

The hon. Member for Calgary-Currie, followed by the hon. Member for Livingstone-Macleod.

Investments in Tobacco Companies

Mr. Taylor: Thank you, Mr. Speaker. Yesterday was World No Tobacco Day. While this government has taken steps to reduce tobacco use in Alberta, it also has a history of investing in the tobacco industry. So we have a situation where there is legislation to reduce tobacco use, a bill to allow the government to recoup health care costs from the tobacco industry, yet as far as we know, this government still invests in tobacco companies. That's kind of hypocritical, I think, investing in an industry on one hand and then suing it on the other. It shows the government's continued wavering on the issue. To the minister of finance: does the government still

invest in tobacco companies, and if so, can the minister tell me how much?

Ms Evans: Mr. Speaker, certainly in the conglomeration of vehicles in which Alberta Investment Management Corporation invests to manage the government funds, there may still be some dollars in tobacco. However, in the area of the cancer legacy fund there's a directive not to have any investment relative to the \$500 million that was originally set aside to generate dollars for that. This question has been asked in the House a number of times. Quantifying exactly how much may be a part of any investment configuration would be difficult to do. I can determine with the chair of the Alberta Investment Management Corporation whether or not we can ascertain that.

The Speaker: The hon. member.

Mr. Taylor: Thank you, Mr. Speaker, and thank you to the minister for that. I would appreciate if she would do that, and I wonder if she would consider extending the directive that the cancer legacy fund operates under to other investment vehicles and instruments that we have in our provincial portfolio. As Norway publicizes decisions made through its ethical investment strategy, would the minister follow suit and make public specific ethical investment decisions made by AIMCo at the time or after the time that they are made?

The Speaker: The hon. minister.

Ms Evans: Thank you. Mr. Speaker, there may be some of the investments in companies that have interests in tobacco-related industries that have been long-term investments locked in for a period of time. I will however undertake to answer that question. I would indicate that I met with the ethics committee in Norway relative to their investment management influences. They interview a number of companies. They provide advice before work is done. Although we haven't implemented that type of ethical investment management committee, it is something that perhaps in the future we could look at. We haven't closed the door to that, but we haven't implemented anything as yet.

The Speaker: The hon. member.

Mr. Taylor: Thank you, Mr. Speaker. If I may, one more supplemental question to the Minister of Health and Wellness this time. Could the minister tell the House what the estimated cost of tobacco use, direct and indirect, to the health care system in Alberta is?

Mr. Liepert: Well, Mr. Speaker, we don't have in front of us an exact number, but I can assure the member that we're somewhere in the billions. I guess it depends on how narrowly defined you might want to go.

I will say this, though. Our Tobacco Reduction Act, which was proclaimed in I guess it was January 1, 2008, is one of the strongest pieces of legislation in this area in Canada. We proclaimed it in 2008 because, unfortunately, some of the statistics in 2007 weren't very good. As an example, the number of youth between 15 and 19 that smoked increased from 15 per cent in 2006 to 20 per cent in 2007. So we have to continue to do things to ensure that we deal with this issue, especially at a young age.

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

Municipal Sustainability Initiative

Mr. Berger: Thank you, Mr. Speaker. The municipal sustainability initiative has provided support to keep projects in Alberta's communities and is a very successful program. I understand that recently changes have been made to the program. My question is to the Minister of Municipal Affairs. What changes have been made to the municipal sustainability initiative?

The Speaker: The hon. minister.

Mr. Danyluk: Well, thank you very much, Mr. Speaker. The government has implemented some changes to ensure that MSI continues to meet Albertans' needs. Municipalities have more flexibility to accelerate projects. They can use up to 75 per cent of their projected funding. Interest costs are now eligible costs to help accelerate projects. We are ensuring that the funds are used for projects with a strategic value. Projects must be at least 10 per cent of the community's funding, except for not-for-profits and liabilities. These changes will increase the effectiveness of MSI.

The Speaker: The hon. member.

Mr. Berger: Thank you. My second question is to the same minister. My municipalities in Livingstone-Macleod are asking us why these changes were made.

Mr. Danyluk: Well, Mr. Speaker, first let me say that the program has had great success. We are continuing to evaluate MSI and the program. These changes improve the program's accountability to Albertans and ensure long-term planning. We are committed to maintaining the tremendous success of this valuable program.

The Speaker: The hon. member.

Mr. Berger: Thank you. My third and final question for the same minister: can the minister please provide details on how these changes benefit Albertans?

2:40

Mr. Danyluk: Well, Mr. Speaker, we made these changes to ensure that MSI projects continue to build stronger communities. These changes encourage the best use of infrastructure dollars. They let municipalities take advantage of low construction costs to accelerate projects. This will also create new jobs and stimulate Alberta's economy. MSI has a positive impact on our communities and will continue to have. The MSI initiative is an initiative that is very important to Albertans.

The Speaker: That was 94 questions and responses today. In a few seconds from now we'll continue with the Routine.

Members' Statements (continued)

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

Fire in Edmonton-Rutherford Assisted Living Facility

Mr. Horne: Thank you very much, Mr. Speaker. Unfortunately, the fire that occurred in my constituency yesterday was not the only fire that occurred over the weekend affecting a seniors' residential facility. Soderberg House in High River was the site of a major fire in which 22 of 87 residents were affected. Again, very fortunately only five were injured in a minor way and were subsequently

transported to hospital. In my own constituency, as we mentioned earlier, a fire at Lifestyle Options, a private assisted living facility, resulted in the evacuation of all 154 residents, two of whom were taken to hospital, again with non life-threatening injuries.

I had the opportunity yesterday to be both on the site of the fire in my constituency and, as well, on the site where the residents were moved at approximately 5 a.m. I can tell you, Mr. Speaker, and would like to report to the House that the plans that are in place to support people so unfortunately affected worked very, very well. Staff of the Edmonton fire department, EMS of the city of Edmonton, the Edmonton Police Service, the Canadian Red Cross Society, the community care access team of Alberta Health Services, and the Alberta Emergency Management Agency all worked very well together in close co-operation to ensure the quick transfer of residents. In the case of those who were receiving designated assisted living or other types of health support, alternate placements were made within a matter of two to three hours to provide for the needs of these residents in other locations around the city.

As well, Mr. Speaker, I'd like to extend the appreciation of my constituency to the neighbours around the Lifestyle Options facility, the staff of that facility, and neighbouring residences in Edmonton that came to assist residents in the difficult time that they faced.

On behalf of the hon. Minister of Agriculture and Rural Development and myself, thank you to all of these stakeholders who helped.

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

Environment Week

Mrs. McQueen: Thank you, Mr. Speaker. Environment Week is an annual tradition in Alberta during the first week of June, and it coincides with the United Nations' World Environment Day on June 5. This year Alberta is celebrating its 20th Environment Week. This milestone presents an excellent opportunity to reflect on our personal actions and reaffirm our commitment to take action for a healthier environment every week and every day because everyday actions do make a difference.

For example, Mr. Speaker, last year during Environment Week the government launched the one simple act campaign. Since that launch Albertans have pledged to take action, and collectively those simple actions have potentially saved as much carbon dioxide as almost 400 trips by car across Canada, over 260,000 bathtubs of water, and over a quarter of a million kilograms of waste.

Communities are also promoting healthy environmental behaviour, and many are hosting special events in celebration of Environment Week. At green stops throughout the province Albertans will be celebrating the environment through nature walks, community cleanups, waste awareness activities, green fairs, photography contests to name just a few. These activities not only encourage environmental action; they educate Albertans about why this action is necessary.

I encourage everyone to visit the Alberta Environment website and click on the Environment Week icon to find out about the activities in their home communities. It is my hope, Mr. Speaker, that the changes in behaviour we explore during Environment Week will continue to grow throughout the year. As we all know, one simple act can collectively make a tremendous difference.

Thank you, Mr. Speaker.

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

Neil Kennedy

Mr. MacDonald: Thank you, Mr. Speaker. On April 23 I had the pleasure of attending the annual general meeting of the Bissell

Centre. The Bissell Centre cares for many people. The centre could not do this without its many partnerships with community agencies and its big volunteer base; 1,823 people volunteered nearly 14,662 hours of service in 2008 alone. This support through volunteerism assists the agency to provide many essential supports to many people. Every person is always welcome at the agency.

Neil Kennedy is one volunteer among many who make certain everyone feels welcome at the Bissell Centre. Neil Kennedy, a long-time community member and volunteer at the centre, was the recipient of the 2008 individual human rights award from the human rights city Edmonton project for his volunteer work over the past 10 years.

Described as a community leader, Neil goes out of his way to make things better for people around him. He has volunteered with the Bissell Centre for 10 years in a number of programs as well as spoken out on behalf of the Bissell Centre at functions and events. Neil is well known within the inner city as a man who is respected for his hard work and ability to bring people together. His work has been an inspiration to many and embodies all the great qualities of an outstanding volunteer. He is one of many outstanding volunteers that make the Bissell Centre the place that it is today.

Thank you.

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

Seniors' Week

Mr. Lund: Thank you, Mr. Speaker. Today I rise to invite all Albertans to join me in celebrating Seniors' Week 2009, which runs from June 1 to 7. The theme of Seniors' Week 2009 is Seniors: A Strength of Alberta, which reflects the positive impact seniors have in strengthening our communities and our families.

I encourage all members of this Assembly and all Albertans to recognize the contributions seniors make across the province. There are many examples of how families, individuals, and organizations depend on our seniors. These include such things as grandchildren learning about their culture and history from their grandparents, new employees benefiting from having senior colleagues as mentors, and, of course, the countless hours that seniors spend with helping community groups and functions. You see this pretty well everywhere you go within the province.

This annual celebration of seniors is sponsored by the Seniors Advisory Council for Alberta, which is currently chaired by the hon. Member for Whitecourt-St. Anne. This morning the Seniors' Week kickoff event took place at the Calgary Zoo, where seniors and Albertans of all ages took in the festivities. The hon. Minister of Seniors and Community Supports and the chair of the seniors' council as well as other dignitaries joined in the tribute to older Albertans.

To continue making this a special week, numerous events are being held by various organizations across the province to celebrate Seniors' Week. A complete list of events is on the Seniors and Community Supports website by following the Seniors' Week link. I hope all members have an opportunity to attend an event in their community. Your participation will show Alberta seniors how much you appreciate everything that they do for our communities and our families.

Thank you, Mr. Speaker.

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

Ronald David Woodward

Mr. Dallas: Thank you, Mr. Speaker. I would like to take this

opportunity to recognize the retirement of Mr. Ronald David Woodward, the president of Red Deer College. Ron Woodward is an exceptional individual that I have had the honour of working with from the time of his appointment in 1998.

A leader, a mentor, a connector, a builder are a few of the words that can best describe Ron Woodward. He is respected within central Alberta but is also well known all over this country for his work, commitment, and advocacy for the community college system and his strong belief in the value of learning and the important role that community colleges have within our society. He is learner focused and has a special talent for developing strong and complementary relationships between the colleges and groups within the community.

2:50

Mr. Woodward has nurtured effective partnerships with a number of different groups and people, but one that particularly stands out in my mind is his work with the chairman of the Red Deer College board of governors, Herb Der. Herb's term as chairman of the board is also coming to an end in the next few months. Together these two gentlemen have provided exemplary service to the college and the surrounding community. As a result of their complementary skills Red Deer College has matured and flourished.

Mr. Speaker, after 35 years of serving the college community system in different capacities, Mr. Woodward is going to retire. With all the contributions that Ron and his wife, Donna, have made to both the community college system and the community, I am thrilled that they are going to call Red Deer their home.

As such, I would like all members of this Assembly to join me in recognizing the accomplishments of Mr. Ron Woodward.

Presenting Petitions

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

Ms Notley: Thank you, Mr. Speaker. I'd like to present a petition which reads:

We, the undersigned residents of Alberta believe that public education should be balanced, scientific and encourage critical thought, and petition the Legislative Assembly to amend Bill 44, Human Rights, Citizenship and Multiculturalism Amendment Act, 2009 by striking out section 9 to remove (a) the onus on school boards and teachers to enforce "parental choice" regarding teaching related to sexuality, sexual orientation and religion; and (b) the ability for school boards and teachers to be subjected to complaints before the human rights commission for discussing these matters in class.

The petition has 903 signatures.

Introduction of Bills

The Speaker: The hon. Member for Edmonton-Castle Downs.

Bill 49

Municipal Government Amendment Act, 2009 (No. 2)

Mr. Lukaszuk: Well, thank you, Mr. Speaker. It gives me great pleasure and honour to be able to introduce today to this House Bill 49, otherwise known as the Municipal Government Amendment Act, 2009 (No. 2).

Mr. Speaker, this bill comes before us as a result of extensive work and collaboration between the government of Alberta, in particular our Minister of Municipal Affairs and the entire department, our firefighters and leaders in the firefighting industry, and also the Insurance Bureau of Canada. This bill will give firefighters

the assurance that when they respond to alarms and when they go to save lives and property, they don't have to second-guess their decisions, they don't have to worry about litigating later, but they can focus on what it is that they're trained to do the best, and that is saving lives and property.

Mr. Speaker, we will engage in some more extensive debate in second reading, but I would ask all members of this Assembly right now to support the introduction of the bill in first reading.

[Motion carried; Bill 49 read a first time]

The Speaker: The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Speaker. I move that Bill 49 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

The Speaker: The hon. Minister of Energy.

Bill 50

Electric Statutes Amendment Act, 2009

Mr. Knight: Well, thank you very much, Mr. Speaker. I rise today and request leave to introduce Bill 50, the Electric Statutes Amendment Act, 2009.

Mr. Speaker, the bill addresses a major challenge of how to add critical transmission infrastructure facilities to meet the needs of Albertans and the needs of our province's economy. This bill will enhance the approval process for projects. Under Bill 50 the government will approve the need for critical transmission infrastructure, and I underline "the need for," not the actual routing or siting or those issues. Specific siting remains an open, public, and transparent process under the regulatory authority of the Alberta Utilities Commission. That process is not affected by Bill 50.

Thank you.

[Motion carried; Bill 50 read a first time]

Tabling Returns and Reports

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

Mrs. Sarich: Thank you, Mr. Speaker. I'd like to table the requisite number of copies of the program from the 2009 excellence in teaching awards dinner, that transpired this past weekend, celebrating 23 finalists from across Alberta. This event was in recognition of the tremendous contributions that teachers make to the education of our children and youth from across the province. A heartfelt thanks from both the hon. Minister of Education and myself.

Thank you.

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

Mr. Anderson: Thank you, Mr. Speaker. I would like to table a petition signed by 820 Alberta parents, compiled over roughly a 72-hour period, which reads as follows. This petition urges

the Government of Alberta to follow through with its proposal to enshrine in Alberta's Human Rights Legislation the right of parents to be notified when school curriculum or materials include the explicit teaching of religion, sexuality or sexual orientation, as well as the right of parents to opt their children out of participation in such curriculum or materials without academic penalty to the child.

Thank you, Mr. Speaker.

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

Mr. Denis: Thank you very much, Mr. Speaker. I am pleased to also table a document with the names of 800 residents collected over the last 72 hours. The document reads as follows:

We, the undersigned, urge the Government of Alberta to follow through with its proposal to enshrine in Alberta's Human Rights Legislation the right of parents to be notified when school curriculum or materials include the explicit teaching of religion, sexuality or sexual orientation, as well as the right of parents to opt their children out of participation in such curriculum or materials without academic penalty to the child.

I will therefore table five copies of these documents.

Thank you, Mr. Speaker.

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

Mr. Bhardwaj: Thank you, Mr. Speaker. It is a pleasure to be able to table a petition today on behalf of the Minister of Transportation regarding the issue of banning hand-held cellphones while driving. This petition was presented to the minister this morning at Crawford Plains school by a grade 6 class in my constituency of Edmonton-Ellerslie. The petition reads: "We, the undersigned residents of Alberta respectfully support the proposal to ban the use of hand-held cell phones while driving." The petition has 449 signatures from Albertans, and I have the appropriate number of copies.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I have four sets of tablings today all relating to Bill 44 and all, I think, generated since 5 o'clock on Friday afternoon. The first is letters from three members of the GLBT community – Tamara Gorzalka, Tyler Gschaid, and Lawrence Porter – all asking for Bill 44 to be defeated and noting, they're telling me: Bill 44, not in our name. The government's proposed changes are unacceptable to them despite sexual orientation being in.

The second set of tablings is from parents, educators, and the general public, eight letters expressing their opposition to Bill 44 from Helen Sadowski, Kevin Elias, Scott Rowed, Norman Gall, Sue Huff, Tracey Braun, Michelle Houston, and Dave Cournoyer.

Then a series of letters from 84 junior high, high school, and postsecondary students in Alberta. They want to assert their right to learn in an open-minded, compassionate, and tolerant environment and protest the measures in Bill 44 that would limit that right. A number of these students have included personal stories of their reaction to Bill 44.

Finally, a really passionate letter from Linda Hunter, the minister of the Wild Rose United Church in Calgary, signed by 75 members of that congregation, expressing their views that Bill 44 opens the door to censorship of public classrooms. It precludes learning to respect the right of each to be at the table. They feel it's anti-intellectual and regressive and oppressive.

Thank you very much, Mr. Speaker.

The Speaker: Members, I must advise that under Standing Order 7(7) the daily Routine has now concluded.

3:00

Orders of the Day

Public Bills and Orders Other than Government Bills and Orders Committee of the Whole

[Mr. Mitzel in the chair]

The Deputy Chair: Hon. members, I'd like to call the committee to order.

Bill 205

Election Finances and Contributions Disclosure (Third Party Advertising) Amendment Act, 2009

The Deputy Chair: We are speaking to amendment A1. The hon. Member for Airdrie-Chestermere.

Mr. Anderson: Thank you, Mr. Chair. I just wanted to stand again in this House and speak to this amendment really quickly. Whenever you're dealing with essentially putting restrictions of any kind on free speech, it's a sensitive topic. It's a topic that can stir a lot of emotions in people because, frankly, people are usually very passionate about their right to say what they want when they want. So when writing this legislation, pains were taken to make sure that the restrictions that we placed on free speech were ones that not only the majority of Albertans would find appropriate but were the least restrictive possible given the sensitivity to free speech.

The biggest underlying premise of the bill is that we said: look, if we're going to limit free speech, if we're going to limit third-party election advertising in any way, we're going to make sure that third parties are under no more restrictive rules than political parties. The reason we did that is because the feeling, the feeling that I have anyway, is that we need to have a level playing field. We need to make sure that we can't say to one group: okay, you can advertise, but you can't advertise in certain ways or in certain amounts, but we over here as political parties can do whatever the heck we want as long as we can raise the money.

That is why I do not support the amendment of the hon. member although the hon. member's intent is very good. His intent, of course, is that we shouldn't have these what in the United States are known as political action committees able to target certain ridings unfairly and target certain individuals that may be vulnerable. That's all well and good, and that's a laudable goal. The problem is that to do it in this way makes things uneven. Political parties can target any riding they want. They can put \$2 million, \$3 million, \$4 million into one riding, attacking a specific candidate. So what's good for the goose is good for the gander. I think that it's important that if we're going to restrict free speech in any way, if we're going to curtail what political advertising is permitted, then everyone needs to be treated the same.

I wanted to address one other argument really quickly. There is federal legislation and B.C. legislation which does have a provision similar to what the hon. member is proposing here. The problem is that this legislation as a whole is completely different from those two pieces of legislation. It's an entirely different take on third-party election advertising. The reason it's different is because the federal legislation and the B.C. legislation cap. They put a cap on the amount of money a third party can advertise in an election. It's a hard cap. I believe it's about \$150,000. That's the rule.

If you're going to have cap legislation like that, I guess it makes sense that you can go in and cap what is allowed in each individual constituency against a candidate. But that's not what this legislation does. We don't cap under this legislation third-party advertising; we cap contributions. We limit the amount of contributions that can be given by any one individual or corporation to a third party, but we do not cap what can be spent. If a third party can raise for their cause millions of dollars from hundreds of voters, then they can spend that. So there are fundamental differences between the legislation being proposed under Bill 205 and the federal legislation and the B.C. legislation. It is important to understand those distinctions.

Lastly, there is the issue of practicality. Under this amendment it would be very difficult logistically to be able to determine, given that media coverage doesn't stop at boundaries, doesn't stop at jurisdictions, et cetera, when \$3,000 is spent in a certain riding or when it is not spent in a certain riding, given that a television broadcast, a commercial, can go over several different ridings.

With that in mind, Mr. Chair, I just wanted to say that I will not be supporting this amendment for those reasons although I do applaud the hon. member for his intent with the amendment. Thank you.

The Deputy Chair: The hon. Member for Calgary-Nose Hill on the amendment.

Dr. Brown: Well, thank you, Mr. Chairman. I listened very carefully to my colleague from Airdrie-Chestermere and certainly recognize the point of view which he has maintained. I don't agree with it, however, and I would like to extrapolate a little more. In the last discussion, last Monday, I had some difficulty with speaking. I'm still not a hundred per cent, but I'm going to try and expand, perhaps, a little bit on my reasoning for bringing this amendment.

The hon. Member for Airdrie-Chestermere mentioned that the British Columbia legislation, which proposed something equivalent to what is being proposed in the amendment, has an overall cap. I want to make it clear that I'm not proposing any such cap, and I don't think that either he as the sponsor of the bill or I as the sponsor of the amendment has proposed any sort of spending cap in any way, shape, or form, nor have we dictated in any way how people can spend that sort of money that's being raised. The hon. member in his bill has proposed some restrictions on fundraising with respect to third parties for the purposes of political advertising and campaigning, and I'm fully supportive of his bill whether or not my amendment is approved by the House.

I do think that the amendment makes sense in view of a number of considerations, particularly those which involve the possibility of outside interference in elections. I think that if we look at what happens in the United States with these political action committees, very powerful organizations all the way from the National Rifle Association to the pharmaceutical industry, the coal organizations, and the steel organizations, they target individuals in quite a direct and very effective way in many cases, target individuals with smear campaigns, negative campaigning.

I want to say in a general sense that democracy is a fragile institution, and democracy is the most precious thing that we have. I had two parents that I'm proud to say served in the forces of this country during the last world war, and I had a grandfather who served overseas with the Canadian overseas regiment in the first war. What they fought for was democracy. Democracy can be taken from us in a lot of different ways, one of which is by some sort of totalitarian takeover of a government, and that's what the government fought against in the war.

3:10

It can also be taken away in more subtle ways. I'll give you an example. Right now in Russia, which was part of the former Soviet Union, the media is controlled by the government, and advertising for campaigns is controlled by the government. When the news media – radio, television, newspapers – are controlled and when there's a disproportionate coverage of one party or another, that can also lead to a decay of democracy.

There's a third way, which is perhaps even more subtle yet than just taking over the media and having a purported democracy, and that is where we allow a distortion of the balance in the political

system to take place through the expenditures of money. Money, as some people say, is the mother's milk of politics. Well, I say that politics does need money to get the message out there, but there has to be some sort of a level playing field.

My honourable friend from Airdrie-Chestermere suggested that we want to put the third parties on the same ground as the candidates and the other political parties. Well, I disagree with that. I think that if people want to express their voice at the ballot box, if they want to influence it, there are ways to do that. One way is to run for office, whether it be in the five or six or seven different political parties that we have existing here in Alberta running in our elections or as an independent or some other voice. We have lots of avenues for people to enter the political process. But when we look at outside third parties' involvement in the political process and we allow them an unfettered amount, an unfettered scope to involve themselves in a campaign through advertising or electioneering of some sort and spending an unlimited amount of money against or for a particular candidate in a particular electoral district, we are on a slippery slope of going down that path to the loss of democracy in my humble estimation.

Let's look at what happens in the United States right now in the Congress. The House of Representatives is elected every two years, and I've been told by individuals who have worked in some of those offices that the congressmen spend over half of their time raising funds and lobbying for funds from political action committees. I think the influence of those committees is nefarious in many instances, and we need to restrict in some way the activities of those. Now, it hasn't happened here in Alberta, nor, as far as I'm aware, has it occurred in Canada yet. But all we have to do is look south of the border to see what the potential might be if we allow unfettered campaigning on behalf of certain political action committees in a particular riding and targeting with negative advertising, smear advertising, and all the rest of that type of campaigning and what that might do to our political system here in Alberta.

For those reasons, Mr. Chairman, I think that as part of this overhaul, which is a very good one, as I mentioned, we need to have some restrictions on third-party spending against given candidates in a given electoral district. With those comments, I'll take my seat at this moment.

The Deputy Chair: The hon. Member for Edmonton-McClung.

Mr. Xiao: Thank you very much, Mr. Chair. It is my pleasure to speak in favour of the amendment to Bill 205, Election Finances and Contributions Disclosure (Third Party Advertising) Amendment Act, 2009. Bill 205 is a very good bill. I'd like to commend my colleague from Airdrie-Chestermere for all his efforts put into this bill, but I believe that it needs some fine-tuning to become a stronger piece of legislation. The amendment would serve to strengthen this legislation and also to match the federal government's provision in their own legislation.

In the federal provision this proposed amendment mirrors the maximum amount of funds allowed in one electoral district, \$3,000. This is an area that is three times larger than our own ridings, provincial electoral divisions. This amendment will help to promote fair elections and prevent third-party special-interest groups from blanketing a riding with an overwhelming campaign or with a great deal more ads than any politician could afford to match. The Supreme Court has stated in 2004 that such spending limits do not violate the Canadian Charter of Rights and Freedoms. The court stated that the limits of \$3,000 per electoral district were a reasonable amount.

Mr. Chairman, I would also like to comment on political action

committees, that the hon. Member for Calgary-Nose Hill just mentioned. Political action committees are third-party organizations with the goal of getting a certain political candidate elected. The size of this group is irrelevant to their classification. As you know, these committees have become a major issue in our neighbour to the south. Millions of dollars were being spent in close campaigns by third parties. These funds are used to buy up huge amounts of media and to promote a specific viewpoint, which may not be the same viewpoint shared by the communities at large.

While we have not seen this type of occurrence in Alberta elections, there are signs that such campaigns may not be far off. These large expenditures of money in elections by third parties may serve to influence not only the public but also the very candidates in the election. This goes against the very democratic principles upon which Canada and Alberta were formed. Third-party interests with deep pockets and self-centred interests should not be permitted to manipulate the democratic process by buying up media space and attempting to push a certain political agenda that favours their special-interest groups.

We have no limits on campaign spending by candidates or by parties. This amendment would not change this in any way. Candidates would be free to spend as much money as they deemed fit on their own election platforms. Nothing in this amendment restricts the amount which political parties can spend in any given electoral district. This proposed amendment also does not alter the total amount which could be spent by a third party during an election in the province as a whole or in a given city or region.

Third parties and candidates would still be free to use attack ads as well. This is not affected by this proposed amendment at all. The proposed amendment would not control total spending, nor does it affect the spending in a particular city or area of the province as long as it doesn't single out a specific candidate. This amendment only addresses limits on advertising for or against individual candidates in a given electoral district.

3:20

The danger lies not just in influencing the election, however, but perhaps in the intimidation of members of the House or candidates for office from taking strong stands or expressing their honestly held opinions on what might be controversial issues, whether it would be pro or anti nuclear, for or against oil sands development or coal-fired plants, for or against amendments to the labour codes, on regulating the insurance industries, or on dozens of other issues which may arise. From fear of an overwhelming and undefeatable campaign against them by a third party, candidates may not vocalize or promote their own honestly held opinions and beliefs, and as a result certain viewpoints may be stifled and even eliminated.

I urge all my hon. colleagues to support this amendment to what is already a very good bill, which is Bill 205. Thank you, Mr. Chair.

The Deputy Chair: Any other members wish to speak to the amendment? The hon. Minister of Sustainable Resource Development to the amendment.

Dr. Morton: Thank you, Mr. Speaker. In a liberal society, in a free and democratic society, one of the most fundamental rights is to criticize government, and part of that ability to criticize government is the ability to collect funds and spend it in the media to criticize government. So any time government looks to put restrictions on that right, we have to do so very carefully.

I think the author of Bill 205 has structured it in a way that basically minimizes the restriction that's put on this right to free speech, the right to criticize government, in the sense that Bill 205

merely imposes the same reporting restrictions on third-party groups that we already expect of organized political parties. It seems to me that that strikes the balance. The proposed amendment goes further than that and puts more restrictions on voluntary groups or private groups that want to collect money and buy time to criticize government. It puts more restrictions on them than we do on ourselves, on political parties. So I would oppose the amendment and encourage others to do likewise.

Thank you.

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

Hon. Members: Question.

[Motion on amendment A1 lost]

The Deputy Chair: To the bill, the hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much, Mr. Chairman. I had thought the vote had gone the other way. My hearing is deficient.

Now, I listened with interest to the debate on amendment A1, but this afternoon in committee on the Election Finances and Contributions Disclosure (Third Party Advertising) Amendment Act, 2009, I have a number of things that I would certainly like to get on the record in the time allowed. It's an interesting bill. I don't know how the Chief Electoral Officer or the office of Elections Alberta will have the time to administer all this. They are having difficulty keeping up as it is with investigations of financial affairs and records. You go over to the office and look through the records, and certainly there's more work to be done, which they acknowledge.

Elections Alberta started auditing some candidates and some constituency associations but not all whenever they file a financial disclosure statement. I think all reports should be audited, not just a select few. But specifically with this bill, it comes about after we had the million-dollar or the \$2 million plus ad campaign before the last election. It may have even been during the election. I do remember watching the Super Bowl, and there was an ad.

An Hon. Member: Relevance?

Mr. MacDonald: It was relevant. It was relevant then, and, hon. member, it's relevant now because the ad said that there was no plan. Whenever I look at health care or I look at the electricity deregulation of this government, those ads were right. There is no plan. There was no plan when the Super Bowl was on a year ago, and there's no plan now.

An Hon. Member: Albertans didn't think that way.

Mr. MacDonald: Well, that gets to another point, as to how much money each respective party has. What I find quite odd about this legislation is the definition of election period, Mr. Chairman, which reads:

"Election period" means the period commencing the day a writ of election is issued for a general election and concluding at the end of polling day.

Now, does that mean it's business as usual before the election is called? Can any organization anywhere in this province have an ad campaign either promoting the government's health care reorganization or pointing out flaws in it? I can't imagine who would promote that reorganization other than some private hospitals in America who

see this as a market that they do not currently have access to. [interjection] You don't believe it? Well, hon. member, many people who are passionate about public health care certainly believe it.

So that would be my first question, and hopefully I can get that addressed. This election period definition: what do we do with the period leading up to the election? Is that a third-party advertising free-for-all?

Also in the definitions here, Mr. Chairman, I see that in 39.1(1)(b) "political advertising" means advertising in any broadcast, print or electronic media including telephone, fax, internet, e-mail and text messaging with the purpose of promoting or opposing any registered party or the election of a candidate.

And it goes on. How does the author of this bill, the hon. Member for Airdrie-Chestermere, propose to control the Internet, propose to control how text messaging will be regulated? That to me, again, sounds like a very heavy-handed manner. The Internet is free for all uses and purposes as far as I understand, and not even the CIA can get control of the Internet. That's what I read. So how we could control the Internet is another question that I want to have answered.

Could we, if this bill was to become law, be having an online discussion or an online forum linked to a website? Would that be considered political advertising under this bill? How is all this going to work? Now, we go on a little further with the definitions under political advertising, and it goes on to say that it does not include a television program or a website or online discussion forum. How is that going to work? Again, if I could get an answer to that, maybe I would be a little bit less reluctant and more supportive of this bill, but I just see this bill as targeting certain individuals and certain groups and restricting and limiting their free speech.

We go on further in the definitions section here. Mr. Chairman, I'm quoting again. It's interesting in 39.1(1)(b):

- (iii) the transmission of a document in any form directly by a person or a group to their members, employees or shareholders or other persons who have given permission to the person or group to receive information from them, or
- (iv) advertising by the Government in any form.

Now, the government, of course, can carry on business as usual. We know \$25 million had been used in the propaganda campaign to try to change the government's image abroad and here at home. We do know that there were photographs of siblings, a brother and sister in Northumberland, over by Newcastle-upon-Tyne, in the northeast section of England, that somehow wound up as part of the branding campaign. Interesting to note that the Public Affairs Bureau even used that photo in the focus groups. So to say that it was an oversight or a mistake is wrong. The \$25 million is an example of the unlimited resources the government would have, and that's not included in this third-party advertising.

3:30

Now, also I'm curious with the definition in 39.1(1)(b)(iii). I'm not going to read it again because I know there are others that want to participate in this, but would a union need to get permission if they were to transmit documents in any form? Do they need to get permission from those individuals before, for instance, they could even talk about a political action campaign starting? Members have said that this levels the playing field. I would certainly disagree.

When I look at the definitions that are under section 248(1) of the Income Tax Act – I've had a look at this – I'm still puzzled, and I need further clarification from the member as to why we're using that definition of a registered charity. That seems to be a trend in legislation this spring, to use that definition. It's not the first time that I have seen this section of the Income Tax Act quoted, and I don't recall that before. I know the Income Tax Act has been

changed recently, in fact as recently as last year, but I'm curious about that. I'm curious about that. Some people view that as a legal loophole; others do not. If the hon. member could clarify that for me, I would be grateful.

Now, of course, we see in section 39.2(5) that numbered companies shall not be registered under this section. I would like to know why that has been pulled out of there. A union has to register; a numbered company does not. If I could have an explanation on that, I would be grateful.

Again, whenever we go through this bill and we go to section 39.5, of course, we've got more work for the Chief Electoral Officer, who is already overworked. [Mr. MacDonald's speaking time expired]

I hope I have more time later to participate in the debate.

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

Mr. Dallas: Thank you, Mr. Chairman. It's my pleasure to rise and join the Committee of the Whole debate on Bill 205, the Election Finances and Contributions Disclosure Amendment Act, 2009. I'd like to start by thanking the hon. Member for Airdrie-Chestermere for this timely piece of legislation.

The overarching objective of Bill 205 is to clarify the parameters of third-party spending for election advertising during a provincial election. This bill supports this government's commitment to ensuring that our electoral processes remain fair and transparent. While this Bill 205 offers a number of notable sections, I'd like to specifically address sections 48(1.1) and section 49.1.

Section 48(1.1) prescribes the penalties third parties could face if they contravene section 39.10, which related to the third-party election advertising report. Specifically this section reads: "The chief financial officer of a third party that operates a third party advertising account who contravenes section 39.10 is guilty of an offence and liable to a fine of \$10 000." As prescribed in section 39.10(1), the third-party election advertising report must be provided to the Chief Electoral Officer within six months of the provincial election polling days.

As per section 39.10(4)

the third party election advertising report shall include

- (a) the amount of contributions for third party election advertising purposes that were received during the year,
- (b) for each contributor who made contributions of a total amount of more than \$375 for third party election advertising purposes during the period referred to in clause (a), their name and address and the amount and date of each contribution,
- (c) a financial statement setting out income and transfers and the amount of expenses in total, and
- (d) the time and place of broadcast or publication of the advertisements to which the expenses relate.

Mr. Chairman, the report requirements prescribed in this section will enhance the Chief Electoral Officer's ability to thoroughly examine the advertising activities of third parties during elections in Alberta. Specifically, the Chief Electoral Officer will be able to determine the amount of financial contributions third parties have received.

Section 39.10(4)(b) will allow the Chief Electoral Officer to determine what individuals or groups have donated significant funds to third parties for advertising purposes. This will allow for accurate assessments of any real or perceived undue influence within a municipal election.

Subsection (4)(c) will ensure that third parties have met their fiduciary duty with respect to receiving and expending the financial contributions that they have received. The financial statements

would be required to include all revenue and expenses related to the third-party election advertising account. This could help election officials determine if, in fact, the funds received for election advertising were used in an appropriate manner.

Subsection (4)(d) would allow officials to determine when and where election advertising is going to take place and what expenses were related to the specific advertisements. This will add an additional level of accountability as an election official will be able to review the advertisements to determine the accuracy of the filed financial statements.

Furthermore, the election advertising report would be available to the public, adding an additional level of transparency and accountability. The electorate would be able to effectively ascertain what groups and individuals had donated significant funds to a campaign and if third parties have conducted themselves in a professional manner. However, section 39.10(1) would only be effective if there were legislated repercussions for not allowing the prescribed requirements.

Part 4.1 further ensures that third parties submit their advertising report and also allows the Chief Electoral Officer to cancel their registration if they fail to do so. This would help ensure that larger organizations with significant funds at their disposal do not violate part 4.1.

Mr. Chairman, the two sections that I spoke to today will ensure that there are financial consequences for violating the requirements of the third-party election advertising report. This report is paramount in ensuring that third parties conduct themselves in an appropriate and professional manner.

Thank you, Mr. Chairman.

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

Mr. MacDonald: Yes. Thank you very much. When I look at the details of this proposed legislation, I am still at a loss to understand how we're going to put so much more work on the Chief Electoral Officer when that office has indicated that they don't have enough resources to conduct what they consider necessary now.

I remember that before the Legislative Offices Committee the former Chief Electoral Officer, the one that was fired or did not have his contract renewed – you can pick one of those two – basically said that it's a free-for-all, the financial disclosure, the amount of money that's raised, where it goes, where it's spent, who donates. It was just out of control. Yet through this bill we're going to give that office more work to do without adequate resources.

3:40

Now, specifically in section 39 again, in 39.8(2), this restriction limits unions, in my view.

A third party that collects periodic dues, assessments or initiation fees for its members may consider each individual payment as a separate third party . . . advertising contribution to the third party's advertising account where the payment is not related to the employment of an individual or to fees associated with membership in a professional association.

So union dues or dues that are collected by a union from each individual member cannot be used for that third-party advertising account, and that is a further restriction on unions.

The next section, section (3): "No third party shall use a contribution for the purpose of third party election advertising if the third party does not know the name and address of [each] contributor." How are unions going to be able to comply with this? Whenever you read the fine print in here, Mr. Chairman, there's no doubt that we've got only one group in mind that we want to restrict and limit, and that is organizations, whether we agree with it or disagree with

it, such as the no-plan ad crowd. Let's not pretend that it's any different because that's exactly what this bill is trying to do.

Now, we can limit and restrict others. I would be more inclined to support this bill if we were going to fix up our own financial disclosures and how much can be donated and by whom. We seem to be making rules this spring for each and every organization or group but ourselves. Of course, we saw the mayor's comments in the *Edmonton Journal*, the mayor of Edmonton, Mr. Mandel, over the weekend and some of his colleagues, who claim that they were not consulted with restrictions and limitations that are placed on municipal elections. I know they were outraged. I was surprised that they weren't consulted.

After I read that article, Mr. Chairman, I came to the conclusion that, well, if they're angry about that piece of legislation, wait until they figure out what's happening with Bill 36 and all the overrides that are going to be in place against municipal governments if that legislation becomes law. So we'll see. [interjection] I'll be watching that – you bet – hon. Minister of Sustainable Resource Development, and they'll be watching you.

The Deputy Chair: Through the chair.

Mr. MacDonald: Yes. This hon. member certainly is entitled to participate in the debate, and this hon. member, if he was committed to openness and transparency, your leadership race, all the money that was donated to that, you would certainly have made that public.

Dr. Morton: Thousands.

Mr. MacDonald: Thousands and thousands of dollars, yes.

Specifically, Mr. Chairman, to Bill 205 and in the time that we have left, whether this will survive a legal challenge is another issue. I heard Charter issues and Charter arguments going back to 2004, but we need to have a look at what happened recently in British Columbia. In May of 2008 the government of B.C. passed Bill 42, the Election Amendment Act, 2008, which among other measures – get this – introduced limits on third-party election advertising and extended the third-party election advertising limits beyond the 28-day campaign to cover the 60 days prior to the scheduled start of every campaign.

That's where our bill here is different, and that's why I think the drafters of this legislation – and I'm going to go out on a limb and say that the hon. Minister of Sustainable Resource Development probably had Gerald Chipeur have a look at this draft legislation. But I could be wrong; I could be wrong on that account.

The difference is in the election period prior to the writ being dropped. That's a major difference between what was quashed in the courts in B.C. and what we have before us today. Certainly, we have to look at the four B.C. labour unions: the British Columbia Teachers' Federation, the Federation of Post-Secondary Educators of British Columbia, the British Columbia division of the Canadian Union of Public Employees, and the British Columbia Nurses' Union. They objected to some of the restrictions and limitations that were placed on them by this Bill 42, and they took the whole issue to court. Now, what happened when that was taken to court? Well, we know the outcome of that, and don't be surprised if the same thing happens here, Mr. Chairman. The B.C. government lost their attempt with Bill 42 to limit pre-election advertising.

Let's be clear: there is a difference between our definition here in this proposed Bill 205 and what the B.C. government did. There's a difference there, but the intent is still the same. The Court of Appeal quashed the provincial government's hope of throttling a potential large campaign of third-party advertising in the days

leading up to the start of the recent campaign. The justice refused to even grant a stay that would have suspended the decision, as I understand it. The government has served notice that it wants to appeal the decision.

We've got to make our law, if we're going to make one, one that will perhaps survive a court challenge, and I don't think this will. I think individual Charter rights are being restricted and limited by this legislation, and I don't think that if it goes to court, this piece of legislation would be upheld. I just don't think it would.

Now, I would certainly encourage hon. members – in fact, maybe tomorrow, when I have an opportunity to photocopy this B.C. Court of Appeal decision, I will table it, and over the summer hon. members can have a look at this. Here we're talking about individuals who believe that on the grounds that it unjustifiably infringes their rights and freedoms under sections 2(b) and (d) and section 3 of the Canadian Charter of Rights and Freedoms. These are the four unions that thought that. Of course, we know what happened. As they say, "The rest is history," or it's proceeding through another level of court.

I can't support this bill for those reasons. I think we're picking out and restricting and limiting the ability of one group to participate democratically, that ability to express their opinion, while we're not restricting and limiting other groups. We're picking and choosing who can say what during an election. I would agree with hon. members who spoke earlier that there has to be some sort of control. [Mr. MacDonald's speaking time expired]

The Deputy Chair: The hon. Member for Edmonton-Meadowlark.

Dr. Sherman: Thank you, Mr. Chairman. It's a pleasure to rise and join debate on Bill 205, the Election Finances and Contributions Disclosure (Third Party Advertising) Amendment Act, 2009. This bill is about enhancing and providing clarity, openness, and accountability to freedom of speech. Bill 205 would provide regulation for third-party advertising during provincial elections. It would do so by requiring that funds used for election advertising originate from a political advertising account registered to a third-party sponsor and that this account be registered with the Chief Electoral Officer. In addition, Bill 205 clarifies the definition of third-party sponsor, eligible donor, advertising, and political advertising. This is an important piece of legislation that needs to be examined with due diligence.

3:50

Mr. Chairman, I find sections 39.5(1) and (2) particularly interesting and would like to further explore the meaning of these sections. Section 39.5 deals with the identification of third parties on electoral advertising and reads:

39.5(1) Every advertisement that is the subject of a third party election advertising expense must contain the name of the third party that sponsors the advertisement as registered with the Chief Electoral Officer and indicate that the third party authorizes the advertisement.

(2) The Chief Electoral Officer may establish rules for the content of notices in advertisements under subsection (1).

In essence, this section states that third-party election advertising is subject to rules.

Currently political parties are subject to rules as well regarding advertising disclosure while third parties are not. The public deserves to know who is placing election advertisements and who is trying to influence their vote. To fully understand section 39.5, I must take a moment and reference back to section 39.1(1)(c), which defines third-party advertising as "political advertising that appears

during an election period and is placed by a third party." Mr. Chairman, the first word in section 39.5(1) is "every." Every advertisement by a third party is subject to the rules as stated in this subsection. It's important that rules are applied across all forms of advertising and that certain mediums are not exempt from these rules. Each of these advertisements, as stated, must contain who is sponsoring the advertisement. This is central for the sake of transparency and for knowing exactly who is behind the advertising.

Additionally, the names appearing on the advertisement must be as registered with the Chief Electoral Officer. This is essential as groups may go by several names or may join forces with others for the sake of election advertising. It must be clear who is authorizing the advertisement. By using "registered," it can be assured that the appropriate paperwork has been filed with the Chief Electoral Officer. Section 39.5(1) strengthens the overall meaning of Bill 205.

In addition, Mr. Chairman, subsection (2) of section 39.5 is an important line in this legislation. Firstly, I must note that the Chief Electoral Officer is the main component of this subsection. This subsection establishes that it is the Chief Electoral Officer, also known as the CEO, that establishes rules regarding third-party advertising, therefore avoiding political interference. It is established that the CEO may establish rules. By including the word "may," it gives him or her the ability as they see appropriate to establish rules for what is suitable in advertisements and required for third-party identification. Furthermore, by including established rules for the content of the notices, it is clear as to what the rules are being established for.

To conclude, Mr. Chairman, section 39.5 allows for there to be a more level playing field with third-party groups when they advertise during elections. By establishing rules, it is clear as to who is doing the advertising. Together subsections (1) and (2) of section 39.5 are integral to this bill. It is clear and concise wording, leaving no room for misinterpretation. Ultimately, Bill 205 will provide for greater transparency within the election process.

Mr. Chairman, at the end of the day the goal here is to get everybody involved in the democratic movement, in advocating for issues that are important to them. All we're asking here is for everybody to declare who they are and what they are advertising and campaigning for.

Mr. Chairman, I would like to thank the hon. Member for Airdrie-Chestermere for bringing forward this bill, that has fostered an interesting debate and discussion. I look forward to further debate of Bill 205, the Election Finances and Contributions Disclosure (Third Party Advertising) Amendment Act.

Thank you, Mr. Chairman.

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

Ms DeLong: Thank you very much, Mr. Chairman. I'm pleased to rise today and join the Committee of the Whole debate on Bill 205, the Election Finances and Contributions Disclosure (Third Party Advertising) Amendment Act, 2009. This act is being put forward by the hon. Member for Airdrie-Chestermere. I would like to thank him for this timely and effective piece of legislation. The benefits of this proposed legislation have been covered in great detail during the second reading debate, and I will not review these comments except to say that if passed, Bill 205 will assist third parties by bestowing on them a framework of transparency.

Today I'd like to draw the Assembly's attention to a section of the bill that I find very skillfully worded. Section 39.8(1) is the area of the bill that addresses which groups are ineligible to make campaign contributions to a registered third-party election advertising account. Specifically, this section reads:

The following shall not make contributions to a third party for third party election advertising:

- (a) if the contributor is an organization, an organization that has not carried on business in the province of Alberta for one year prior to making the contribution;
- (b) if the contributor is an organization, an organization whose primary purpose is to engage in political advertising;
- (c) a registered charity within the meaning of section 248(1) of the Income Tax Act . . .;
- (d) a candidate for election;
- (e) a registered political party;
- (f) a registered constituency association;
- (g) a member of Parliament;
- (h) a member of the Senate;
- (i) a sitting member of the Legislative Assembly; or
- (j) a prohibited corporation.

Mr. Chairman, this section is large and addresses many important areas; therefore, I will separate some of the ideas to help with clarity. First, subsection (a) proposes limitations on organizations who wish to contribute to third-party election advertising but reside and engage in business outside of the province. The rationale behind this part is actually rather straightforward. Simply put, Alberta's provincial elections should be run for the benefit of Albertans and Alberta businesses. Restricting non-Alberta organizations will ensure that there is no undue outside influence shifting the political debate within the province.

I don't quite have time to go into all of the other details of this, but in ending I do want to applaud both the intent and the wording of Bill 205, specifically section 39.8(1). I applaud the hon. member for bringing forward such a valuable piece of legislation.

Thank you very much, Mr. Chairman.

The Deputy Chair: Hon. members, given that we've had 120 minutes and pursuant to Standing Orders 8(7)(a)(ii) and 8(7)(b), which state that all questions must be decided to conclude debate on a private member's public bill which has received 120 minutes of debate in Committee of the Whole, I must now put the following questions to conclude debate.

[The clauses of Bill 205 agreed to]

[Title and preamble agreed to]

[The voice vote indicated that the request to report Bill 205 carried]

[Several members rose calling for a division. The division bell was rung at 3:58 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Mitzel in the chair]

For:		
Ady	Drysdale	Lukaszuk
Anderson	Elniski	Marz
Benito	Evans	McQueen
Berger	Forsyth	Morton
Bhardwaj	Fritz	Oberle
Blackett	Griffiths	Olson
Boutilier	Groeneveld	Quest
Campbell	Johnson	Renner
Danyluk	Johnston	Rodney
DeLong	Leskiw	Sarich
Denis	Liepert	Webber
Doerksen		

Against:		
Kang	MacDonald	Pastoor

Totals:	For – 34	Against – 3
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[Request to report Bill 205 carried]

4:10

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

Mr. Renner: Thank you, Mr. Chairman. I move that the committee now rise and report Bill 205.

[Motion carried]

[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 a certain bill. The committee reports the following bill: Bill 205. 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: Does the Assembly concur in the report?

Hon. Members: Agreed.

The Acting Speaker: Opposed? So ordered.

Public Bills and Orders Other than Government Bills and Orders Second Reading

Bill 206

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

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

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

Our society is changing rapidly. We have all these new technologies – Facebook, Twitter, YouTube, text messaging – and somebody is probably inventing a new way to communicate right now as I'm speaking. All of these new technologies have put a new face on an old problem, bullying. It used to be that a bully's insults were heard by 30 other kids in a cafeteria. Now it's out on the web for 6 billion people to see. These days electronic media is a crucial part of kids' culture. They can't imagine life without it. They run home from school and the first thing they do is log on so that they can talk for hours using instant messaging, bulletin boards, and chat rooms. But the chatter and the gossip can spin out of control and become degrading.

Bullying has always had the potential to turn school into a living nightmare for some children, but now the problem is going beyond the schoolyard. It's bad enough that a bully can make a child's life hell in school, but these new technologies are allowing for 24/7 bullying. You can put somebody down with a text message at suppertime, lewdly doctor photos of them and post the photo on Facebook at 8 p.m., and threaten them on Twitter at bedtime. The keyboard has indeed become a weapon.

Mr. Speaker, to deal with these types of incidences, we need to think creatively. Bill 206 will be the first legislation in Canada that expressly bans bullying by electronic media. Specifically, it will ban bullying by means of a school computer or the Internet, access through a school computer, or at any time where such activity may reasonably be expected to cause a substantial and material disruption at school.

We're taking extraordinary action to deal with an extraordinary problem. Bullying is so damaging to the mental health of our children. I talked to one mother whose seven-year-old was bullied so viciously that they had to pull him out of school. He was so traumatized that he currently receives therapy from a psychiatrist because he's suicidal. Seven years old, Mr. Speaker.

I talked to another mother today whose son was bullied maliciously. I have a file two inches thick on this case. It contains emergency room reports of the horrific injuries that the boy sustained, including an eight-centimetre blood clot in his testicles. It also contains pages of letters that the mother wrote trying to protect her child. Ultimately, the only action that was taken was that the boy was moved to another school. On June 5, 2008, with a few weeks left in the school year he started his car in a closed garage and slipped away from all of his worldly cares. What a terrible tragedy, Mr. Speaker.

We can't let our youth be terrorized in a way that affects them for life. Our schools are diverse, and this is a good thing. They're reflective of the vibrant and diverse society that we have in Alberta. Unfortunately, sometimes differences make children a target for bullies. Bill 206 makes it illegal to harass somebody on race, ethnicity, gender, sexual orientation, mental or physical disability. That doesn't mean that these are the only behaviours targeted by the bill. Other forms of harassment include stealing the possessions of an individual, physical or sexual assault or threats of physical or sexual assault on that individual, threats of death to that individual. These are ugly and serious behaviours. We have to stamp them out so that they can't ruin the lives of our youth.

For anyone keeping score at home, I've used the word "bullying" or a variant of it nine times so far. That's because bullying is a very important part of this bill. But it's not the only type of behaviour in school which endangers students. Weapons don't belong in school. They're dangerous, and they're harmful. We've had this sad fact illustrated to us by the tragedy that occurred in Taber 10 years ago. Jason Lang was only 17 when his life was so tragically ended. He was shot by a student who brought a gun to school. You can open the paper any day and find other children who've been killed at a school somewhere around the world.

This bill will allow our police to act immediately when a weapon is found. Right now it can be difficult for police to act when they find a weapon in our schools. The provision of the Criminal Code puts the burden on our police to prove intent. So if the police find a billy club in a kid's locker, they often have to wait for them to use it or to threaten or injure another student. I've talked to our police officers countless times about this, and they're frustrated. Mr. Speaker, there is no good reason for a billy club in school. It doesn't improve your math skills. It's not part of any physical education class. What could a student possibly be using it for? We know that these types of devices are used to inflict harm. It makes no sense to wait until harm occurs to take action. Bill 206 will make weapons in our schools illegal and allow police and school officials to take immediate action.

Mr. Speaker, we all know that drugs are dangerous for our youth. Recently two teenaged girls west of Edmonton died after taking ecstasy, and events in Vancouver have illustrated the violence associated with the drug trade. Two high school boys in Surrey were

killed last week in an event that may be drug and gang related. We need to keep these types of danger out of our schools. That's why this bill will make the possession of drugs and drug paraphernalia on school property an offence.

One of the key pieces of this bill involves mandatory reporting. In my conversations with our police officers they have told me that they often are only contacted when an incident spirals out of control. Suddenly they have to go to court regarding an incident that they have no prior record of. Making schools document all incidents which compromise safety, including bullying, drugs, and weapons, will give our justice system the tools to deal with cases early and effectively.

I urge all of my colleagues to support Bill 206 and take an important step to make our schools safe for our youth.

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

Mr. MacDonald: Thank you very much. It's a pleasure to rise this afternoon and participate in the debate on Bill 206. I listened to the hon. Member for Calgary-Fish Creek, and I certainly know that she is well meaning with this legislative initiative. Any time we can enhance the safety of students and teachers by amending the School Act to include explicit sections on banned items and bullying, I think we should give it due consideration. However, there are some issues that I do have with this bill. Certainly, no student, Mr. Speaker, deserves to be bullied. At the same time school authorities need to be empowered, not limited in their ability to use their judgment.

4:20

Now, there are those that would consider this bill to be unnecessary. The School Act already protects students from bullying. If the bill is passed in its current form without amendments, principals, in my view, will have less authority to suspend students, and I don't think that's what the original intent of this bill was.

We certainly had a discussion last session on a very, very similar issue. But when we are defining "bully" and "banned item" and we look at the earlier concerns that had been expressed in this Assembly and earlier concerns surrounding Bill 44 regarding the exclusion of sexual orientation and disability, if we're going to exclude that in the definition of bullying . . .

Mrs. Forsyth: No.

Mr. MacDonald: We're not going to do that?

Mrs. Forsyth: It's in the bill.

Mr. MacDonald: It's in the bill. I appreciate that.

Mrs. Forsyth: Read it.

Mr. MacDonald: I have read it. Other members may not have, but I certainly have.

Now, we are looking at this bill, and we are looking at the procedure that teachers and principals must follow if a student is suspected of either possessing a banned item or is bullying another student. The principal in collaboration with a peace officer can determine an educational measures program for the student to participate in. A principal must advise the board of placing a student in an educational measures program, and the board must advise the minister of any contraventions regarding bullying or banned items from the bill. The school board has the responsibility to ensure that there are educational measures programs. Certainly, I had a meeting

the other day with some school board officials. They certainly talked and wanted to talk at length about Bill 44, but they had very little to say about this private member's initiative.

Now, there's been certainly a lot of coverage on bullying since last fall; in particular, on kicking gingerbread, or kicking redheads. Now, who on that side of the House is supportive of that initiative? I can only imagine. The notice on bullying redheads, or the Kick a Ginger campaign that was on the go, is not included under race or ethnicity or ginger-based bullying, which is part of the proposed definition in section 2 here, Mr. Speaker. I was appalled at that Kick a Ginger campaign. I know students who were victims of that. Regardless of what may pass as, you know, lighthearted sport on the other side of the benches here, certainly people that I know don't appreciate campaigns of that nature.

Now, there was an article in a recent Alberta Teachers' Association newsletter. The newsletter is in agreement with what is being recommended here in this bill. It states that although the bill is well intentioned, there are serious problems with the bill itself. Our neighbours in British Columbia passed a law requiring schools to have codes of conduct for students and, therefore, zero tolerance for bullying. Ontario states that bullying is a cause for suspension.

Overall, this bill is a good idea. I certainly think it can be improved although this bill has been improved because of the definition of bullying. Now, I'm not certain that we're doing everything here that the hon. Member for Calgary-Fish Creek would like us to do, but it's a start. It certainly is a start.

I think we should amend the bill to completely strike out section 5 as it is written. There are two main problems with section 5. Again, it seems to contradict legislation in the School Act. We talked earlier about eroding or reducing the power or the control that principals have. I would also appreciate clarification as to what educational measures programs are. What will be involved in initiating them? Where is the funding going to come from to make all this work? Others certainly have indicated that this legislation is poorly written. I don't know if I would go that far, but I think it certainly needs to be amended to make some clarifications here and satisfy the concerns that have been outlined previously, Mr. Speaker.

Now, if we look at section 3 and if we look at section 4, they appear to be fine, but specifically what if a peace officer and a principal disagree? Who has the final authority? Does this section mean that a principal alone cannot determine whether a student must take part in an educational measures program? What is the motivation behind requiring the involvement of a peace officer in these infractions, and should there be a peace officer in every case of a contravention? Now, those are just some of the questions around section 4.

Specifically, section 5. Section 5 amends section 24, which states the conditions under which a student can be suspended. It states that with the exception of a contravention of banned items or bullying, a student cannot be suspended if they don't comply with section 12 or failed to participate in an educational measures program or caused injury to others in the school, whether it be a taunt or whether it be physical bullying. Now, this section is attempting to ensure that a student that is found guilty of a banned item or bullying will take an educational measures program, and only if the student fails to participate in the program will that student be suspended. I among others think that this section should be struck. A student may be found guilty of bullying, be required to enrol in an educational measures program, and so shall not be suspended, all the while being guilty of 12(f), which is failing to respect the rights of others as well.

If the student is guilty of contravening section 12(f), then there is a reason to suspend the student. On the one hand, the bully should participate in the educational measures program and should not be

suspended but should be suspended considering whether an injury has occurred. This would make the proposed legislation contradict existing legislation and, I think, would create a basis for appeals by one party or the other.

Now, currently principals can suspend students who have been found guilty of bullying or of possessing banned items. This amendment states that if a student is guilty of bullying or possessing a banned item, the principal cannot suspend the student but should make the student participate in this educational measures program. As a result this amendment would create greater restrictions, in our view, on the available courses of action for principals.

Thank you.

The Acting Speaker: The hon. Member for Bonnyville-Cold Lake.

Mrs. Leskiw: Thank you, Mr. Speaker. It is a pleasure to rise in support of Bill 206, the School (Enhanced Protection of Students and Teachers) Amendment Act, 2009, brought forward by the hon. Member for Calgary-Fish Creek. As a teacher of 36 years I have a wealth of experience in dealing with the problems that bullying causes. I have witnessed many accounts of this type of harassment during my tenure as a school professional. From name-calling to physical abuse, students become victims of bullying for years. Names can follow a student through their entire school life, from elementary through high school. Bullying is something that we as elected members of this province should do everything in our power to prevent.

Mr. Speaker, you do not have to be a teacher to know that bullying exists. Many of us had first-hand experience with this form of control that one person or a group of individuals exerts over others. We may have seen a classmate or a co-worker constantly being mistreated by another. We may have witnessed a family member come home frustrated, or we may have been unfortunate enough to have gone through this mistreatment ourselves. If any member of this Assembly has ever experienced first-hand the negative effects of bullying, I'm sure they would want to do everything possible to rid our school system of this form of abuse.

4:30

Bill 206 is a positive step forward to achieving mental well-being for staff and students. This comfort and security is vital for a productive learning and teaching environment. By amending the School Act, the proposed legislation would better equip our schools with a direction on how to handle incidents involving bullying or other conduct that creates an unproductive learning atmosphere.

Without a safe school setting students begin to react negatively to their place of learning. Mr. Speaker, many individuals will avoid situations where they feel threatened. It is a part of human nature to protect oneself. Some children are fearful to play in certain areas of the school grounds during recess and will avoid these areas. Many students hate taking the bus because of the treatment they get from other students, so they avoid it. Other individuals learn to take the long route home to keep safe. I've seen students stay home from school entirely because they felt unwelcome in a school. This is unacceptable for schools in this great province.

[The Speaker in the chair]

These are passive reactions to bullying, but some students don't react passively. Many parents tell their children to fight back and stand up to a bully because that is the only thing a bully understands. In extreme cases these students may feel threatened and lash out with violent reactions against the bully. There are cases of children

bringing weapons to school in order to protect themselves, keeping knives, bats, and even guns in their lockers. With the tragic events that have happened over the past 10 years across North America, there needs to be a mechanism in place that will stop this violent reaction before it becomes irreversible. Under Bill 206 all schools will be required to record and report any incidents that involve tools or devices that can be injurious to the physical or mental well-being of others or the possession of drug paraphernalia.

Mr. Speaker, the Internet has ushered in more difficulties for teachers and students when it comes to bullying. The Internet can become a tool in the hands of a bully. Rumours can spread quickly and to more people than ever before. It is hard to prevent every single instance of bullying that could occur on a daily basis. It is even more difficult to prevent Internet abuse from spreading and hurting the individual in question. With the availability of Internet through cellphones and other electronic devices many students have access to the Internet for hours of the day. I have known girls who use the Internet MSN Messenger to spread rumours about other girls. It became so bad that the girl had to switch schools because she could not tolerate the torment she received in the school about what took place over the Internet.

There are some parents and individuals who do not take bullying seriously. They may say things like, "Oh, well, kids will be kids" and defend the student responsible for causing another student's grief. Bullies may be part of the cool crowd, and the social hierarchy makes it hard for a student to rat them out to the principal or the teacher for fear of being ostracized by their peers even further. We cannot just pass these actions off as nothing because there are a great many children, adolescents, teenagers, and adults who are affected daily by this harassment.

Mr. Speaker, the root cause as to why these actions take place is highly debatable. Family life, music, movies, magazines, newspapers, websites are among the hundreds of reasons why one individual may bully another. I don't think that this Assembly should have to wait until the exact cause of bullying is determined before taking action. We as a government work towards stopping this problem by increasing the ability of students, teachers, and family members to handle this complex issue.

Bullies need to be dealt with so that other kids can feel safe and welcome at their school. That is why I'm so supportive of this legislation. By requiring all persons on school property to conduct themselves in a peaceful manner so as not to cause any mental or physical stress on others, Bill 206 provides the opportunity to protect every individual within our learning institutions. This legislation is a positive step towards dealing with the increasing problems both teachers and students face each and every day.

I would like to thank the hon. Member for Calgary-Fish Creek for bringing forward this piece of legislation and urge all members of the Assembly to support it. Thank you, Mr. Speaker.

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

Ms Pastoor: Thank you, Mr. Speaker. It's a pleasure to be able to speak to Bill 206, the School (Enhanced Protection of Students and Teachers) Amendment Act, 2009. Certainly, I would like to express my gratitude to the Member for Calgary-Fish Creek for bringing this forward. I think that it's probably one of the most important bills that we'll actually discuss in this House for a long time because it affects our children right from grade 1; it affects our future leaders; it affects the young children that we expect to be the leaders in our society. We expect them to be educated, and without an education in this world as we know it today, particularly in technology, we are or we will be behind the rest of the world.

One of my contentions, particularly on the elementary school level, is that I really believe our schools are getting too big, and certainly we have cutbacks in teachers. There are fewer eyes to watch what's going on, and there are more and more kids coming in. Kids are being bused from many distances. These little kids are six years old, and if there's bullying that goes on at that level, it does follow them all the way through their high school years, particularly – actually, not just even in grade 1 but in grades 2 and 3 as well. If there's bullying at that level, it does affect them for their entire school life. So this is very important if we are expecting to create a civilized society going forward in terms of how we treat other people and in terms of how we want to be treated ourselves.

It is a repeat of Bill 210 from the last session, and I'm glad that this has come forward again because it defines "bully" and "banned item" and meets our earlier concern regarding the exclusion of sexual orientation and disability in the definition of a bully. It states the procedure that teachers and principals must follow if a student is either suspected to possess a banned item or is bullying another student.

One of the things that is so very difficult to ascertain is really mental bullying. The psychology that has already been mentioned by the Member for Calgary-Fish Creek in terms of being able to use the Internet and Twitter and Facebook and all of the other mechanisms that the young people today use to communicate really can be very, very – and, as was sadly pointed out, can actually lead to suicides.

There are more bullying incidents in the schools than we actually know of because many are not reported. Kids are too frightened or, in fact, the parents then move their child to another school, and the child that was the perpetrator never really is identified, which is sad because now we have someone that has gotten away with that bullying, and they will continue that behaviour quite possibly into their adult life.

The principal in collaboration with a peace officer can determine an educational measures program for the student to participate in. One of my problems with that is that the perpetrator can then be put into this educational measures program, but the point is that they are still physically in the face of the person that they have bullied, and that person knows that the perpetrator of their bullying is still in the school and is still basically, to use the local language of the kids, in their face, and it's very difficult for them to avoid them. I really think that when a perpetrator has been identified, they should be suspended. Even if it's just for one day, at least the point is being made, and the person being bullied knows that they are being protected in some fashion.

4:40

The principal must advise the board of placing a student in an educational measures program, and the board must advise the minister of any contraventions regarding banned items or bullying. I think the intent of this is very good, but how it's actually going to be enforced is not really clear in my mind. Bullying episodes are increasing whether we like it or not, and to have this kind of reporting system go all the way up to the minister takes time. I'm not saying that perhaps it shouldn't happen, but I'm just not sure that this is a really good use of the time of the principal and the school board.

The school board has the responsibility to ensure that there are educational measures programs. I know that in Lethbridge we have excellent police officers in our schools. They have mediation skills. They have skills to be able to defuse violent situations or even mentally violent situations. These police officers are trained. Having police officers in the school, I think, is another good example of how taxpayers' money is in my estimation used well to be able to protect our students so that they can learn.

Anybody that's being bullied simply cannot concentrate in a classroom even if who they're afraid of is in another classroom or, in fact, may well be probably in grades older than them. But just trying to concentrate on something and learn and listen to a teacher when you're afraid to even step out of your classroom door just doesn't happen. They simply don't learn.

As we know, certainly, no child deserves to be bullied. There's a fine line to be established between teasing and bullying. Some teasing can be done in fun, but there's always that little extra where it can slip over into the bullying. I'm not saying that teasing isn't good. I think we see it in our sports teams. You have nicknames for each other, and it does create camaraderie.

I think Robin Williams, who is a very well-known comedian, is an example of a kid that was bullied and has told the story many times. The only way he could get around it was to try to handle the situations with humour. Well, not everybody has that innate ability to be able to dissipate bullying, particularly verbal bullying, with the counter of humour. He has gone on to describe himself, as many comedians have, as being introverted, for one thing – often kids who are introverted do get picked on – and also that he suffers from depression. Many comedians have said that, which is kind of a dichotomy of behaviours. Children who are bullied often do end up with kind of a dual personality because they have to be able to react in a situation that is often against, really, who they are.

The other thing that I would be interested in seeing is along the same lines of how I think schools are too big. I would like to see the stats of bullying in public, large schools versus bullying in private, small schools. I don't know whether private schools keep these sorts of records, but I would assume that if they have been legislated by the Alberta education act, then of course they would have to keep these stats. I think it would be interesting to study those particular statistics.

One of the other things is that we keep talking about peace officers. I know that in Lethbridge we're fortunate to have police officers. I'm wondering why we would want a peace officer versus a police officer. I guess I just want a good old police officer who's had that training in mediation, who's had that training in dissipating violence. As I've mentioned, I think it's important to have school officers on-site.

I think I've mentioned that I think the perpetrators should at least be suspended if just for one day because for the child that's being bullied, that person is always in their face. Sometimes children have to switch schools, and many parents I know would like to try to get their children into private schools and, of course, couldn't possibly afford that. [Ms Pastoor's speaking time expired]

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

Mr. Johnston: Thank you, Mr. Speaker. I'm pleased to rise today in this Assembly to speak in favour of Bill 206, the School (Enhanced Protection of Students and Teachers) Amendment Act, 2009, being put forward by the hon. Member for Calgary-Fish Creek. I think it's fair to say that many members of this Assembly would support a bill that protects the safety of children and staff in schools. This is exactly what Bill 206 intends to do, and as a former police officer I feel this bill is long overdue.

Bill 206 would require all people on school property to conduct themselves in a safe and peaceful manner that would not be injurious to the physical or mental well-being of others nor impact the school's safe learning environment.

Additionally, Bill 206 would prohibit the possession of drug paraphernalia as well as any tool or device that is intended to cause

harm to others on school property or during school hours. Any of these violations can result in police intervention. Also, the principal can call a meeting with the student, parent or guardian, and police to discuss appropriate consequences and next steps for the student. Mr. Speaker, involving local authorities has become essential because bullying and the possession of harmful devices have escalated to a level that only these professionals are trained to deal with.

The intent of Bill 206 follows one of the government's top five priorities, promoting strong and vibrant communities and reducing crime so that Albertans feel safe. There is federal and provincial legislation in place to protect the safety of individuals. This bill works to extend that same protection on school grounds. Bullying and possession of drug paraphernalia and/or any device that can potentially cause harm to others pose serious threats to the safety of students on school grounds and, ultimately, in our communities. Weapons are a growing concern for schools because many have been found on students on school property. Any type of weapon that is on school grounds compromises the safety of staff and students.

Mr. Speaker, early intervention is a vital part of preventing children from falling into a cycle of bullying. Bullying, which is characterized by a repeated pattern of unprovoked aggressive behaviours carried out to harm or control another person, can be linked to future criminal behaviour. It can also be linked to family violence. It is clear that the targeted and sometimes innovative strategies such as those proposed in Bill 206 are needed to ensure appropriate intervention and protection.

It is also important that follow-up support is provided. This was reinforced by the Roundtable on Family Violence and Bullying. The round-table was announced in October 2003 to gather stakeholders and communities together to recommend solutions to the problem of family violence. The expert panel emphasized the importance of early childhood development and school-aged strategy as society's best chance to create positive change.

In addition, Alberta's Crime Reduction and Safe Communities Task Force was established in March 2007 to gather input and ideas from Albertans on ways to reduce crime, enhance community safety, and improve public confidence in the criminal justice system. The executive summary of the keeping communities safe report says that not enough is being done to prevent crime. They identified that starting young and addressing the factors that put children and youth at risk is a proven strategy and one that will have the best results in the longer term. Mr. Speaker, Bill 206 provides the necessary support recommended by the Alberta round-table and the Alberta Crime Reduction and Safe Communities Task Force.

Stats Canada did a nation-wide study that was conducted in voluntarily participating schools in the 2007-2008 school year, surveying over 30,000 students. Of those who participated in the study, 23 per cent of secondary school students and over 36 per cent of elementary school students reported having been bullied at least once in the previous month. Further research shows that bullying of overweight children gets more frequent and more violent as they move into their teen years. This can scar a child's self-esteem and severely hamper, even ruin, their quality of life.

4:50

Mr. Speaker, bullying is not the same today as it was a generation ago. Now bullying can be fatal. It can get to the point where a child who is being bullied no longer wants to attend school. It is a child's right to obtain an education, and it is our role to make sure that children are safe while they are on school property, including school buses. Mr. Speaker, we need to make sure Alberta's schools remain welcoming to students so that they are excited to come to school. We want children to be inspired to learn, but this could be difficult if they're feeling isolated and insecure as a consequence of bullying.

Most of us here are mothers or fathers and care deeply about our children and our communities. We will go to any length to make sure they remain safe. That is why I support Bill 206. I want to do everything I can to make sure my grandchildren's safety is not compromised. I fully acknowledge, Mr. Speaker, that this government has an aggressive plan to make sure Alberta's communities are safe, but there is still more work to be done to make sure our schools are safe. I feel as though Bill 206 fits into that plan. Bill 206 will allow the government to maintain control of this issue by giving the schools and police the tools they need to prevent or intervene when bullying becomes a problem and, perhaps more importantly, before it becomes extreme.

Mr. Speaker, bullying behaviour is unacceptable at any time and is not a normal part of growing up. Bill 206 is an opportunity to teach children right from wrong when they are young so that they do not continually repeat destructive behaviour throughout their lives. I support Bill 206 because I put children's safety and security first, and I am sure the children of our province would support this legislation.

Thank you, Mr. Speaker.

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

Ms Notley: Well, thank you, Mr. Speaker. I am very pleased to be able to rise and join in debate on Bill 206, the School (Enhanced Protection of Students and Teachers) Amendment Act, 2009. This is an interesting bill. I want to start out by congratulating the sponsoring member for her insistence on putting it forward again because I know this is her second attempt to get it forward. I don't question for a moment her commitment to addressing and trying to deal with a very important issue, that I think probably almost all of us in this House share an opinion that that issue is one we need to take very, very seriously and do everything we can to address, and that is the issue of bullying in our schools.

I do applaud the member for this initiative and for taking the time and using this opportunity to put this issue on our agenda here in the Assembly so that we can discuss the issue and address a number of the factors or circumstances relevant to the debate. I guess at this point that while I appreciate the objectives and the goals of this bill, I'm not sure whether this bill is the best vehicle for achieving these objectives. When I say that, I say that quite genuinely. I really am not sure. I have some questions with respect to how the bill would be interpreted and some technical questions in some respects in terms of its implications. So I will put those out there, and then I look forward to the opportunity to have further debate and discussion on it as the bill works its way through, which I assume it probably will.

The first question that I'll put to you, because I'm afraid I will run out of time, may seem a bit rhetorical, but truly it's not. It is something that I genuinely believe we need to address, and I'm sure it will come as no surprise to the sponsoring member. I very much appreciate that this bill we have before us today includes amendments to the definitions of bullying to include sexual orientation as a prohibited ground upon which bullying could occur.

I note that within the bill there is the provision that where it's determined by a teacher in consultation with the principal that bullying may have occurred, the principal and, ultimately, a peace officer will consult with one another to talk about a potential program of education to which the perpetrator, for lack of a better word, would be invited to attend in order to have that person, hopefully, learn something from that education process such that we would mitigate and prevent further bullying activity in the future.

So, of course, it should be no big surprise that my question is: how will the provision in this bill, were it to pass, work in conjunction with the proposed section 9 of the human rights code, that would potentially allow a parent to withdraw a child from a specific course of education that might deal with the issue of sexual orientation? In fact, I'm quite convinced that everybody who works, particularly, in education and in particular around issues of bullying – in fact, I've consulted with many over the last two or three weeks – will tell you that sexual orientation or suspicions of minority sexual orientations form the foundation of 40 to 50 per cent of the bullying that occurs in the school setting.

Obviously, if you're truly going to mitigate it and prepare a course of education that will prevent it in the future, you simply can't have a passing or incidental reference to sexual orientation in the education that arises. You have to talk to the perpetrator of the bullying about the issues around sexual orientation in order to promote understanding and, ultimately, discourage and persuade that person to not engage in bullying in the future.

My concern, of course, is that we might well have a parent come along and say: no, my kid is not going to participate in that. Right now, as it stands, it's not clear to me that there is anything to stop a parent from doing that. That is a concern I have, and I look forward to hearing from the member about how that particular outcome can be avoided. On the face of it I don't know how it can be avoided, and that is of grave concern.

The other question I have, somewhat related to that but also relating to all types of bullying, is just the question of what the authority is right now of the school – and I genuinely don't know – to suspend students who do engage in bullying. My understanding is that they have the authority to suspend at this point. Is it arguable that this bill might actually undermine that ability to suspend? I don't know the answer, but if the answer is yes, then I guess I'm concerned about that because I think that there are occasions where the bullying becomes so systemic and so engaged and so deeply embedded that for the sake of the victims of the bullying it is necessary to remove the bully from that setting.

So those are two of, probably, about six or seven questions that I have, but I suspect I'm coming close to the end of my opportunity to speak right now, so I may have to adjourn debate on this bill and come back to it in the future.

An Hon. Member: Question, Mr. Speaker.

Ms Notley: I am not sure.

The Speaker: Hon. member, you have the floor. What you choose to do is your business.

Ms Notley: I look forward to there being more opportunity to debate this bill, so I will adjourn debate.

The Speaker: There is a motion to adjourn the debate. The hon. member wants to adjourn the debate.

[Motion lost]

The Speaker: Well, it becomes redundant anyway. Standing Order 8(1) requires that at 5 o'clock Motions Other than Government Motions be called.

Motions Other than Government Motions

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

Labour Protection for Farm Workers

510. Dr. Swann moved:

Be it resolved that the Legislative Assembly urge the government to introduce amendments to the Occupational Health and Safety Act to protect paid farm workers while continuing to exempt family members and other unpaid labourers.

Dr. Swann: Thank you very much, Mr. Speaker. It's my honour to stand in the Legislature and put forward Motion 510 on farm worker safety. We've risen in the House repeatedly on the issue of farm worker safety and farm worker protection. This caucus has met on many occasions with people in the field, with farm workers and farmers, and talked about the issues, and increasingly Albertans are supporting the notion that is proposed here in the motion.

5:00

At the present time Alberta's farm workers have no right to refuse unsafe work, no protection regarding hours of work and overtime, no compensation if they're injured on the job. Even more, they're not allowed to unionize. In 2001 the Supreme Court of Canada ruled in *Dunmore versus Ontario* that excluding farm workers from labour relations legislation was unconstitutional, yet in Alberta farm workers are exempt even in 2009 from most provisions of the Employment Standards Code and the Labour Relations Code. They're exempt from mandatory Workers' Compensation Board coverage, and they are exempt from occupational health and safety legislation. This is an anomaly in the land, and more and more Albertans becoming aware of it are saying that this needs to change, especially those who stand for human rights and equality and the constitutional right of all labourers to be protected in terms of their person in their workplace.

There are a number of ways in which Alberta's paid farm workers are not treated the same as other workers. One of those is the exclusion from the Occupational Health and Safety Act. The definitions in the Occupational Health and Safety Act clearly exempt farming and ranching operations. I quote section (s):

"Occupation" means every occupation, employment, business, calling or pursuit over which the Legislature has jurisdiction, except

(i) farming or ranching operations specified in the regulations.

Excluded operations then include farming and ranching operations that relate to

- (a) the production of crops, including fruits and vegetables, through the cultivation of land;
- (b) the raising and maintenance of animals or birds;
- (c) the keeping of bees.

These are excluded.

What is included is equally interesting, Mr. Speaker. It includes operations involving the processing of food or other products from the operations, the operation of greenhouses, mushroom farms, nurseries, and sod farms. It includes operations involving landscaping, and it includes operations involving the raising or boarding of pets.

Mr. MacDonald: What about horses?

Dr. Swann: Well, no. Those are excluded. Those are considered animals.

Those working with horses are exempt from protection under the Occupational Health and Safety Act even though there is significant risk associated with those, far more than raising mushrooms, I guess I would argue.

Mr. MacDonald: Even Spruce Meadows?

Dr. Swann: Even Spruce Meadows.

It is inconceivable why those workplaces should be covered but not all other farm and ranch operations. Changes are needed, Mr. Speaker, and we encourage the government to bring forward amendments to the Occupational Health and Safety Act to no longer exclude paid farm workers. The government repeatedly has said that education is the answer to farm safety and that, quote, common sense will prevail. However, this offers little protection to farm workers. It is unfair, and it needs to end in Alberta. Workers' rights can no longer be ignored in the area of farm workers, especially those who are paid.

Imagine if we had no labour laws or occupational health and safety legislation in this province. Would the government say that common sense will prevail and that education is the answer to all workers? Clearly not. It's absurd to say that education can be a replacement for labour and safety laws. Both are required. It's not either/or. Education is clearly not enough, else why would we have consideration for other workplace conditions, many of which are much less risky than raising animals or cleaning grain augers? What happens when a worker raises a safety concern at his workplace and his or her superior tells them, "Just keep doing it" and ignores the concern? If the worker refuses to work, he or she could be fired, and it would be legally quite okay to do so because the laws do not apply equally to farm workers at the present time. They have to choose between unsafe work with the risk of being injured or killed or potentially being fired for not doing the job.

I know all members of the House stand for fairness and equality and human rights. It's surprising that it's gone on this long, and I expect that with the renewed interest and commitment in this House to human rights, we're going to see those changes. This motion is trying to move things forward more quickly.

Farm workers could be experts in farm safety and know everything they need to know about how to work safely, but they cannot control what happens to them if the boss doesn't create the conditions for health and safety. It's important to note that these circumstances are not the norm. At least we would hope they are not the norm. There are many employers of farm workers who take the extra steps, make the extra expense, and ensure the safety of their farm workers, but that does not mean that the problems do not exist.

Again, imagine if all workers were excluded from occupational health and safety. Certainly, there would be workplaces which maintain high standards and keep their workers safe, but there would be no protection for those workers who face unsafe situations. Why are we treating farm workers differently?

Farmers should no longer be excluded from workplace health and safety legislation in the 21st century. This government has legislation to protect livestock: pigs, cattle, chickens, and sheep. The law covers everything from abuse to illness to lack of food or water or ventilation or transportation. Alberta laws provide for inspection, enforcement, and penalties for the mistreatment of animals, yet this same government has deliberately exempted paid farm workers from the same conditions for health and safety.

The Animal Protection Act penalizes owners who neglect their stock. If the same farmer has unsafe practices that jeopardize the health and safety of their workers, accidents do not trigger mandatory occupational health and safety investigation. There is a double standard of massive proportions.

Since 1997, 223 Albertans have died working on farms, and there have been thousands of injuries. In addition to those thousands, there are many more that go unreported because there is no legislated requirement to identify farm-related injury, so some hospitals report, and some hospitals do not report farm-related injuries of workers. Every death is one too many, and every preventable injury

is one too many. Had paid farm workers been included under occupational health and safety and not deliberately exempted, these numbers would be much lower. The evidence is in other provinces across the country.

It's important to note that there are, indeed, different circumstances for some farms, particularly family farms. The second part of the motion notes that continued exemption of family members and other unpaid labourers exists under this motion. We recognize that sometimes children will be helping their parents on a farm. Late into the night neighbours and friends will be helping the farmer out. In these cases there is a valid argument for exemption.

However, paid farm workers, particularly at large corporate farms, are another matter indeed. The government cannot use the uniqueness of family farms to exempt all farm workers. Corporate feedlots are quite a different concern. These are industrial sites, more akin to the factory floor than the family farm. Injuries and deaths on these feedlots are still too common, especially when safety regulations could prevent further accidents. We believe that workers on corporate farms clearly deserve the same protection under the Occupational Health and Safety Act as other workers in the province. Several members of our caucus, including myself, Mr. Speaker, met personally with several Alberta farmers and farm families who have endured the loss of a loved one due to accidents on corporate farms. We've heard their stories as well as the stories of others they have shared with us, and it's clear that changes need to be made.

Just a few months ago a provincial court judge in his report following the fatality of Kevan Chandler made recommendations to this Legislature as follows.

It is recommended that paid employees on farms should be covered by the Occupational Health and Safety Act . . . with the same exemption for family members and other non-paid workers that apply to non-farm employers.

Secondly, the justice recommended that

training programs be set up by the Department of Agriculture to address ways to minimize the risk of hazardous activities, with a system to record training received by both employers and employees.

Since the filing of that report the Minister of Agriculture and Rural Development and the Minister of Employment and Immigration have indicated that they are now looking into the matter. However, we have seen these commitments before without action. For these consultations going on now, it is important that the government meet not only with the employers, the farmers, but also with the employees, especially those who have been hurt or the families of those who have been injured or killed.

5:10

Ultimately, this is about the protection of farm workers. The government owes it to them to listen to their stories and their concerns. Now is the time to give paid farm workers the rights they have been denied for so many years. Alberta is a province where all workers deserve to be treated equally and have equal rights and protection under the law. We must end the exclusion of paid farm workers from the Occupational Health and Safety Act. Therefore, I urge all members to support this motion to make amendments to include paid farm workers under Alberta's Occupational Health and Safety Act.

Thank you, Mr. Speaker.

The Speaker: The hon. Minister of Municipal Affairs.

Mr. Danyluk: Thank you very much, Mr. Speaker. It's an honour to stand before this Assembly to talk about Motion 510. The

strength of rural Alberta is critical to the strength of our province as a whole. Rain or shine – and I guess I can say that in this particular case we'd sure like more rain – the farmers of rural Alberta work hard to meet the agriculture needs of our province. They provide the fuel that feeds us. As the Minister of Municipal Affairs and as a rural MLA I am committed to supporting these rural Albertans who do so much for us in return. Their safety and well-being and their success is a priority for our government.

Prevention is the key. Improvement in technology processes and awareness of safety issues have made huge headway into the safe farming practices. I firmly believe that this is where we must go and where we must continue to focus our attention. We must continue to invest and support the efforts to increase the knowledge and awareness of farm safety. By doing this, we will actually prevent accidents from occurring in the first place. This will have a real impact by supporting farmers and the agriculture industry.

Community groups have played a huge role in preventing farm accidents. Agriculture and Rural Development supports numerous community initiatives, and I can say to you that our minister supports with his heart the 4-H Foundation, the funding for the Farm Safety Centre.

Mr. Speaker, many campaigns have already made a huge impact, the first being the community safety campaign. It's called: be careful; we love you. It is a campaign that was started in western Canada, and it was basically a heart with those words written on there just to let family members know that there are challenges. There are, if I can say, areas where safety needs to be looked at more carefully: our government's farm safety program; a public education campaign; there is also the safety up campaign, which targets young farmers.

Mr. Speaker, as I said before, prevention is the key, and it needs to be done through education and awareness not only with the agriculture producers and labourers but also with the manufacturers of farm machinery. This is the right thing to do and will have a real impact on industry. Maintaining the safety of farmers in our province is essential. I do not believe that this motion will address or achieve the issue of prevention, and therefore I cannot offer my support.

Thank you.

The Speaker: The hon. Member for Edmonton-Gold Bar, followed by the hon. Minister of Finance and Enterprise, followed by the hon. Member for Edmonton-Strathcona.

Prior to that, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

Introduction of Guests

(reversion)

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

Dr. Sherman: Thank you, Mr. Speaker. It's my honour to introduce to you and through you to members of this Assembly constituents from Edmonton-Mill Creek. Unfortunately, the hon. Minister of Aboriginal Affairs could not be here, so I am introducing them on his behalf. I'd like to introduce to you the Wedman family – Don Wedman, Betty Wedman, Janel Wedman, and Eric Wedman – and their friend Breanne Johnson. If they would rise, I'd like to ask my friends to offer them the traditional warm welcome of this Assembly.

The Speaker: Hon. Leader of the Official Opposition, an introduction as well?

Dr. Swann: Yes. Thank you very much, Mr. Speaker. I just want to take this opportunity to include an introduction of Eric Musekamp and Darlene Dunlop, who have been very faithfully raising the issues of farm worker safety across this province for several years. If they would like to stand up and receive the warm welcome of this Assembly.

Motions Other than Government Motions

Labour Protection for Farm Workers

(continued)

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

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. The motion that we're dealing with this afternoon on farm worker safety is appreciated. Hon. Member for Calgary-Mountain View, you are to be commended, as is the hon. Member for Edmonton-Riverview, for diligently bringing this issue up time and time again because it's time that this province joined the rest of the country in providing some form, at least, of protection for workers on farms.

[Mr. Mitzel in the chair]

We do know that farms have grown significantly in size. We have a smaller number of farms that have grown bigger and bigger and bigger. The activity that's occurring on these farms is significant. Workers certainly need the protection of the Occupational Health and Safety Act. I can understand where the hon. member is coming from whenever he makes the exemption for family members and other unpaid workers, but there is no reason in the world why workers that are employed on our farms and ranches and in our industrial operations associated with farming cannot be protected by occupational health and safety laws.

We only have to look at the income supports that are available for farm workers who through no fault of their own are injured. The injury is so severe that they can no longer work. They've got bills to pay as well as anyone else. When we see what happens to them, whether they wind up on social services or on AISH, it's the taxpayers who are footing the bill for this. It's not the local farm operation where the accident occurred, but it's the taxpayers that are providing income support to these individuals, and it's very modest. It's a very limited amount of money, and I don't think it's fair. It's not fair to the injured worker. It's not fair to the taxpayer. There has to be some form of compensation available to these individuals. I think that if we adopted this motion, we would go a long way to doing that.

Now, when we look at the whole argument and we hear from the government that educational programs work, well, the statistics would prove that to be false. As well meaning as these educational programs are, they're certainly not reducing the number of accidents or deaths.

5:20

Now, according to the Alberta farm workers, whenever we do not allow these workers to be protected by occupational health and safety, it's a denial of basic human rights. I would certainly agree with that because that is true. We can go through a long list of individuals who as a result of their activities on a farm lost their life. In 2006 for the lack of a safety harness Kevan Chandler was buried in a silo on a feedlot operation and suffocated as a result of the grain. Now, there was no compensation. It was difficult to look his widow in the eye, but there was very little done about this operation until, of course, there was a court case. The whole idea here is: well, if

you're not satisfied, go to the courts. Many of these individuals can't afford the legal costs.

Let's read into the record some of the things that were stated in that court. An Alberta Department of Employment and Immigration employee advised the inquiry or the court that

their employees establish and maintain workplace safety rules and provide technical support for workers or employers. They help interpret provisions of the Occupational Health and Safety Act, and its regulations. If necessary, they can recommend that prosecution for a violation be conducted.

This individual, however, notes that farming is exempt from the Occupational Health and Safety Act by the farming and ranching exemption regulation, Alberta regulation 271-1995. This employee attributed this to a greater desire in other industries to establish uniform workplace safety rules, whereas the agricultural community was more interested in education.

We talked about this before. Education: a good idea, but it's not working effectively.

This employee that was testifying from the department of employment

felt that the non-farm employers appreciate having workplace guidelines in place governing hazardous activities. This allows employers and employees to become aware of what is required to be safe. Employers that follow these guidelines can use them to enforce proper behaviour by their employees, and to claim due diligence if the guidelines are followed and an accident occurred.

Now, the testimony provided by an employee from the Alberta department of agriculture at the same inquiry

agreed that [the department's] approach to farm safety was to provide education, with the emphasis on children.

Not for the workers but for the children that are associated with the family that runs the operation.

There are three employees of the Alberta Department of Agriculture involved in educating 50,000 Alberta farmers, whereas there are 84 Occupational Health and Safety inspectors from the Alberta Department of Employment and Immigration monitoring 140,000 non-farm employers.

That's quite a difference, Mr. Speaker. That's why I think that if we were to support this motion, it would go a long way to protecting all workers in this province regardless of whether they work in a factory or they work on a farm.

I really think that we need to have a long, careful look at this motion and, hopefully, adopt it because we do know what was said in the report to the Minister of Justice and Attorney General, in the public fatality inquiry into the death of Kevan John Chandler in Black Diamond, Alberta. I think we need to act on the suggestions or the recommendations that came from that, and this motion gives us the ideal opportunity to do that.

Now, Alberta is the only province that I'm aware of, Mr. Speaker, that completely excludes farm workers from labour legislation. Many groups, including the Alberta farm workers themselves, have asked that family farms be exempt – the hon. member has done that – but that employed farm workers be covered under the legislation.

When we look at some of the hours that these individuals work, there are a lot of long hours. There are 12 to 15 hours per day during cropping season. They can go weeks without a day of rest. Many of these workers do not make much more than minimum wage. Some of them are on a monthly salary. Room and board are provided. I don't know how some of the individual farm workers that I have met over the years are getting by with that kind of money as a monthly salary. It was just amazing to me when they told me how many hours they actually worked and what their monthly salary was and the condition of the bunkhouse. One individual, in particular, told me that he thought some of the animals under his care had better living accommodations than he did. This particular

individual is now getting by on a very, very modest sum from AISH, and he would be far, far from retirement age. He got caught, unfortunately, in the power takeoff of a farm tractor, and he's lucky to be with us today.

The Federation of Labour also has some issues regarding this.

In conclusion, I would urge all members to please support the motion.

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

Ms Evans: Thank you very much, Mr. Speaker. I know the manner in which the motion reads, which has been well cited here by the mover, as well as the intent of the motion; namely, that Alberta's paid farm workers, who are currently not covered by the act – the note is that the farms would be recognized as work sites, but family members and unpaid labourers would not fall under legislative protection. Well, one of the issues I have – and perhaps you would deem it to be a technical issue – is the manner in which this motion has been presented. For example, its intent is to introduce amendments, quite specifically, to the Occupational Health and Safety Act.

At this time our Minister of Employment and Immigration has been tasked with reviewing and getting considerable review on the definition of the farm sites themselves, the farm as a family operation versus the farm as distinguished by some sort of nonfarm business on farmland, and to engage in getting industry feedback. I was very satisfied that the work done by Agriculture and Rural Development and by Employment and Immigration would provide for us this fall something that may be of value.

What I want to identify, especially because of time I spent in Geneva listening about the rights of the child, is my concern that if you distinguish between the rights of family members and unpaid labourers in a bill relative to paid labourers or paid workers, you might be providing some with a false sense of having rights that another member may not have. For example, does that family-farm worker lose their rights because we recognize an extraordinary right for some other group that might be working alongside that family member? I'm not sure, especially if that person happens to be a youth member of that family. It might behoove Alberta to do what Alberta often does and define things in an Alberta context relative to what Alberta would want, which may not be under the umbrella of the Occupational Health and Safety Act.

That's one of the issues that I have with this. This is very specific to engaging this Legislature in approval or bringing forward amendments to that act to deal with this issue. I would rather hear a little bit more on the investigation that will happen because of the process already initiated by two of my colleagues on this side of the bench. It does not mean, in wanting to vote against this, that I care less about those individuals. I'm concerned, in fact, about the distinction that's presented here, and sometimes on this side of the House, I admit, we have argued distinction. What about the family farm member? I think we need to have all of those kinds of pieces of material in front of us before we can make any kind of decision.

5:30

I respect very much, too, that the Minister of Municipal Affairs himself as a farmer has identified very strongly the kinds of things that Alberta has wrestled with on this issue at one time or another that may make it very difficult to provide for under the context of this bill. When I myself was in a position of working on adjudicating how we would manage this issue, it was no small agony to try to determine what was the right course of action. Currently I would urge that the Assembly support the ministries of Agriculture and Rural Development and Employment and Immigration to complete

their task, to undertake that thorough review, to make sure that we've defined things properly, to be sure that we look through the lens of the rights of the individual in the family, what rights they maintain if we're suggesting that only those that are paid workers or unpaid labourers from a volunteer perspective would be covered by a piece of legislation that others may not be covered by. I have always maintained that education was an important component of it.

I mean, the real issue in this Legislature should be around how we protect our people, how we step in to protect them in a way that is universal at best. In a situation where this motion distinguishes between those and sets up what might be deemed to be two or perhaps even three classes, I think we should know an awful lot more about it to see whether that's the appropriate way.

There are many times, too, Mr. Speaker, in this Legislature where we've approved specific bills dealing with specific industries and specific organizations. To put this under the broad context of occupational health and safety may not be what we would choose to be the right way in the future, and I'd very much like to see us engage in that debate before precipitating that it can just be a resolution by a few amendments to an existing bill. I'd like to understand thoroughly the intent of that and who was getting leveraged perhaps in exclusion of who we were ignoring in the process.

So I would urge this Assembly to allow the process that we've initiated to take place and to defeat this motion.

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

Ms Notley: Thank you, Mr. Speaker. I'm pleased to be able to rise and speak in favour of this motion. This is a motion which we support in full. I will make a couple of comments in a moment about the fact that I don't know that it actually goes far enough, but it certainly highlights a very critical issue that has been discussed by members throughout the House throughout this session and one that we need to address quickly. There have been a number of comments about why that is, very salient comments made both by the Leader of the Official Opposition as well as the Member for Edmonton-Gold Bar.

I'd like to take an opportunity to just briefly comment on some of the arguments that have been put forward against this motion. There has been some talk about sort of the romantic nature of rural Alberta and how the energy of Alberta is premised on, you know, the historical family farm and how that's so much part of who we are as Albertans. I just need to say that I find that somewhat ironic given Bill 43 and given the decision of this government to very clearly choose big agriculture and big agricorp over maintaining and preserving the integrity and the longevity of the family farm, yet when it comes to this issue, we're going to suddenly wrap ourselves in a notion of rural Alberta that the government is at the same time running away from as quickly as it possibly can.

With respect to the role of 4-H and education programs in terms of playing a role in ensuring safety and preventing the injuries and the deaths which occur on our farms on a regular basis due to the lack of protection and prevention and safety standards, I would just say this: if that model were to work, then presumably what we ought to do is simply let Mothers Against Drunk Driving run some courses, run some ads. We'll get rid of the speed limits, we'll get rid of the drinking and driving laws, we'll get rid of the penalties for breaching those laws, and we'll get rid of police officers because presumably all you need to do is have education and lots of good advertisement. I mean, we know that won't work, and that's why it's not working for our farm workers throughout this province. That is why they are being injured and why they are dying: because we are not doing the job that every other province in the country is doing.

With respect to the comments made previously about how we need to check about: how will this one clause affect this one little class? Could we do it a different way? Could we come up with a different Alberta way? Well, the reality is this: every other province in the country provides this kind of protection to their farm workers, and the consultation process is simply a mechanism for delay and distraction. We know what the answer is. The answer is to apply health and safety protection and legislation to employees on farms the same way we provide it to all other employees in the province.

If we are concerned about the implications to family members, well, I know a lot of daughters and sons and nieces and nephews that work in stores owned by their parents and who work in restaurants owned by their parents and who do lots of things in family businesses. This is no different. It is simply a question of protecting those paid workers who work for farmers, many of whom are new immigrants, who have never had the opportunity to go anywhere near a 4-H meeting, by the way. So we need to do that because people are getting injured.

Now, I mentioned that my one concern was that this bill did not go quite far enough. A couple of members talked about the rate of injury and death on Alberta's farms and actually identified the fact that we don't know if the statistics are accurate. Part of the reason we don't know if the statistics are accurate is that it's actually the Workers' Compensation Board that collects those statistics and compels the hospitals and the doctors to report when there is an injury related to work. By failing to include the application of workers' compensation to farm workers, we then will still unfortunately fail to get a clear picture with respect to how many people are truly being injured on our farms, primarily on the large farms, where they are employees working for a paycheque.

Now, recently in Manitoba the workers' compensation law was expanded to include farm workers as was employment standards law, including provisions against excessive overtime, providing for premiums where people were working too long, providing for minimum wage. All the kinds of protections that we provide to all other workers in the province were extended in Manitoba to farm workers. I would suggest that, again, that is something that ought to happen here because, as was described by two of the previous speakers in favour of this motion or moving this motion, farm work is such that at certain times of the year the hours are incredibly long and people are working well into the night. The fact of the matter is that we say that people who work beyond a certain number of hours – I believe it's 44 hours in a week – should be entitled to overtime under the Employment Standards Code. That's simply treating your employees fairly. I'm not sure what it is about being a farm worker that makes you exempt from fairness, but it appears to be a popular notion within the province of Alberta.

The other thing that I would like to ultimately see, which was pursued by the unions in Ontario, was the right of farm workers to have access to organizing and becoming part of a union should they so choose. Particularly, this would be applicable to the large corporate farms. In Ontario there was kind of a part-way law created for farm workers, and that law was challenged. Ultimately, the Ontario government was told that their prohibition on farm workers having the ability to unionize was in breach of the Canadian Charter of Rights and Freedoms. Now, unfortunately, the Liberal government in that province is appealing it.

5:40

In my view it is a position that we should seriously consider, in that farm workers should have the ability to join a union should they choose. Why? Well, it goes back to some interesting stats, that were put forward by the Member for Edmonton-Gold Bar, simply

that even if you're covered by the health and safety legislation, there are 84 health and safety inspectors and currently 140,000 employers. So how do you assert a safe workplace in your workplace? You need to have a mechanism to ensure that you can compel your employer to provide for a safe and healthy workplace because inspectors aren't going to be able to do it for you. There simply are not enough, which is why, generally speaking, we have a very poor health and safety regime for all employees in Alberta. Frankly, in Alberta the best and only way to ensure that you can compel your employer to keep you safe is through the activities of your union or, alternatively, through a joint employer-worker health and safety committee, which, of course, is another thing we don't have in this province, unlike every other province in the country.

These are all things that we should be offering to farm workers because they have a dangerous job. How do we know they have a dangerous job? Because they keep getting injured and they keep getting killed and they keep ending up in hospitals. We had a public inquiry and a judge who oversaw a public inquiry who recommended that we are far, far overdue, long overdue, in expanding the application of not only health and safety legislation – well, he talked about health and safety legislation but, I would suggest, also about workers' compensation legislation and all other employee rights – to farm workers.

Where you're worried about the impact that has on families, well, you treat them like you treat families in any other business. That's the way you work it out. Ultimately, there is no reason to treat these people differently. There is no reason to force their families and their widows to have to go to court to sue to get an income when somebody in the family is killed. They should all be able to have access to the kind of protection and income security that any employee would.

It's for that reason that I see this motion as a good start to addressing the long-standing inequity suffered by Alberta's farm workers, and I urge all members of this House to support it.

The Acting Speaker: The hon. Member for West Yellowhead.

Mr. Campbell: Thank you, Mr. Speaker. It's a pleasure for me to rise and talk about Motion 510. I want to start off by saying that I'm not a farmer, but I spent enough time working on my uncle's dairy farm to appreciate that there's no romantic part of farming, as the Member for Edmonton-Strathcona talks about. When you shovel cow dung every night after 50 dairy cows are finished in the barn, there's nothing romantic about that.

I want to talk about the part of the motion that says that farms are to be recognized as work sites but that family members and unpaid labourers would not fall under legislative protection. I think that, first of all, putting farms right now as work sites would create just a bureaucratic nightmare for farmers to try and work under. A perfect example would be that as a work site all workers would have to fill out workplace hazard assessments. I can tell you from my 30 years of working in industry, in coal mining, which is one of the most regulated industries in Canada, that workplace hazard assessments just don't work. What those mean is that every worker before they start their shift has to fill out a workplace hazard assessment form of what their jobs are going to entail during the day and assess any workplace hazards that they're going to see, and they have to try and address those. I can tell you, Mr. Speaker, that in the mining industry, for example, I know that workers on four days of work take a piece of paper, photocopy it four times, sign their name, and hand the thing in. So it does nothing.

Mr. Speaker, the other thing is that since family members and unpaid labourers would not fall under legislative protection, I think

you're compromising the motion. I think that this is just a tactic to get this motion through because I think the opposition knows that family members and your regular farm people wouldn't support this motion as it stands right now.

Mr. Speaker, I think that the ongoing consultation process that the ministries of Agriculture and Rural Development and Employment and Immigration have undertaken in looking for industry feedback to look at regulating nonfarm businesses operating farmland is the proper way to go. The feedback process, I believe, will examine ways to distinguish between family farms and corporate farms for regulatory and legislative purposes, and the recommendations will be forwarded to the government in time for the fall session. I strongly believe that this is the way to go. I find farming to be a very unique enterprise, and I think that we should leave it to the people that are in the business to come up with their rules and regulations.

Again, Mr. Speaker, I talked to the industry task force that about four years ago looked at the occupational health and safety regulations and came up with all kinds of new regulations where they combined all of mining – oil sands, quarries, and coal mining – into one regulation. I can tell you from personal experience that, for example, under blasting regulations, the new regulations that were put in place put six of my people out of work because they couldn't pass the blasting tickets that were required by the government even though these people had 30 years of experience in blasting in the mine. So regulations aren't always the way to go.

In my mind safety training is the best way to prevent farm-related accidents and, for that matter, the best way to prevent accidents anywhere in any business. As such, the government currently employs several safety programs for farming. There's the Alberta farm safety program, which is an awareness and prevention program, designed to motivate farmers to work and play safe on Alberta's farms. This program provides statistics, educational resources, and plans for safety-related community events.

There's the Safety Up! program, Mr. Speaker, which is a new farm safety campaign aimed at young farm workers aged 17 to 24, and Agriculture and Rural Development is working closely with the Alberta Farm Safety Centre to support the safety smarts program for kindergarten to grade 6 in rural schools. The focus is on increasing awareness of farm safety issues. I think that's important, that you get to the kids when they're young and teach them the safety practices. The safety smarts program has been running in southern Alberta for eight years now. With the increased industry and government funding the program will be expanded province-wide this year, and we've committed \$120,000 over three years to support this very important initiative.

Mr. Speaker, I want to talk to you also about safety training and about regulations. Again, I can rely on 30 years of experience. You can have all the safety regulations you want in place, you can have all the safety equipment you want in place, but if people do not use common sense and follow those regulations, they're absolutely worthless. For example, going into a coal plant where there are signs that say, "put on your safety glasses; this is a safety glass area; this is a hard hat area; this is a hearing protection area," I know that on doing hundreds of safety tours, you catch people without their eyeglasses on, you catch people without their hearing protection on, you catch people without their hard hats on. So you can have all the regulations you want, but it boils down to education; it boils down to a culture. You have to have a culture in your workplace where people work together to make sure that they look out for each other and are safe.

Mr. Speaker, I think another important part of this is injury statistics. The farm accident monitoring program, FAMS, collects

data on farm accidents that rural hospitals provide on the nature of farm accidents in Alberta. It is impossible to compare statistics between jurisdictions. There are significant differences in how stats are collected, and stats don't always tell the story. Unlike other provinces that may count only paid workers' deaths, Alberta stats also include accidental deaths that occur and include deaths resulting from recreational activity on the farm. I think that's a key point.

I think what's more important, Mr. Speaker, is that data from the WCB shows a significant decrease in lost-time claims from 2006 to 2007. Lost-time claims have decreased by 19.5 per cent, disabling claims have decreased 18 per cent, and in addition to a reduction in claims there has been a reduction in the duration of injury claims by 25.8 per cent. I think we're headed in the right direction, and I think that if we have the consensus of farm people coming to the agriculture department and Employment and Immigration saying, "This is what we have to do to make our farms safe," that's the way to go.

In closing, Mr. Speaker, I'd like to say that one fatality on a farm is too many – for that matter, one fatality at any workplace is too many – and we must do what we can to continue to resolve that. But I strongly believe that education, information, and raising awareness of the potential hazards are the best ways to facilitate safe farming practices and, for that matter, all work practices.

Motion 510, Mr. Speaker, is redundant. We have already begun the consultation process to address this issue, and it's the best way to serve Albertans. It is impossible to legislate behaviour. I can't stress that enough. There is little evidence indicating a problem with agricultural safety. Safety is a personal commitment between employers and employees working together to create a safe workplace.

Mr. Speaker, I won't be supporting Motion 510.

5:50

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

Mr. Kang: Thank you, Mr. Speaker. It's a great pleasure to rise in favour of Motion 510. I will speak a little bit about my experience as a farm worker. In 1971 I worked on a dairy farm. I was 19, young, and when I started my job was given no training. I think the gentleman who I was working for didn't even know that he was supposed to train me. I was there 24/7. I think I had a couple days off every two weeks or something, and I was getting paid about 450 bucks. I was there on the farm. You know, I didn't come home; I was staying there.

Now when I look back, I don't think that the conditions I worked under were very safe. One night the cows took off. You know, they broke the fence. And here we were running around in the middle of the night with a blizzard out there, couldn't even see anything, trying to gather the cows. My concern is that now, when I look back, there were safety issues there, too.

The Minister of Municipal Affairs was talking about education. If education alone will do the job, then I don't think we need to put any cameras at red lights. We don't need sheriffs. We don't need police. We don't need safety laws if education alone will do the job. You know, here we are talking about safety and well-being and the success of not only the farm workers; we're talking about the success of the farmers, too. Agriculture is the backbone of our province, I would say.

I think that with Motion 510 we are just trying to improve farm safety here. I don't see any reason why members from all sides of the House shouldn't be supporting Motion 510. We are just talking about having these slogans, putting the slogan on the heart that "we love you; be safe," and all that. Had they been working, then we would not be having any injuries or deaths on the farm.

Like the member before me said, even one injury or one fatality is one too many. We cannot afford to have any more of those injuries or deaths on the farm. I think that for those reasons we should all be supporting Motion 510 so that we can give rights to farm workers, including workers' compensation and all the other rights they should have which they have been denied for a long time.

Thank you, Mr. Speaker.

Mrs. Ady: Well, Mr. Speaker, I'll be brief. It's obvious, probably, to everyone in this Assembly that I am not a farmer, never have been, probably never will be. But relative to this Motion 510 I just want to reiterate what I've been hearing in debate today; that is, that this motion is redundant. We have a study, and we've got, you know, two ministers out looking at this issue. I believe it is more complex than some of the hon. members across the way maybe have been able to, in their minds, categorize it. I say the family worker, the employed worker, the family member that's – I mean, there's a lot of complexity around when you work at home and who's there, who's not paid, who is paid.

I did marry into a farming family. Mr. Speaker, I can tell you that I was quite shocked one day when I was at the farm and my brother-in-law, who used a little motorcycle to herd cows all the time – all the time – used it as a vehicle to do the job that they were working on, one day was out just recreating. I remember him walking in the door, and he'd been just out playing in the ditch and took all the skin off his face. By the time I wedged the dirt out of his mouth and out of his eyelids and determined that it wasn't ketchup on his face, that he'd really injured himself, we had quite a significant injury there.

I would say that we already have somebody looking into this. They've committed to come back to this Assembly in the fall, to come with some recommendations. This motion is redundant.

Thank you.

The Acting Speaker: I hate to interrupt, hon. minister, but under Standing Order 8(3), which provides for up to five minutes for the sponsor of a motion other than a government motion to close debate, I'd like to invite the hon. Member for Calgary-Mountain View to close debate on Motion 510.

Dr. Swann: Well, thank you very much, Mr. Speaker, and thanks to all the members who've commented on this motion. I think it should be obvious that we've been wrestling with this issue for over a decade. It's clear that we're discriminating against farm workers.

We are treating them as second-class citizens. We are imposing undue and unfair, unjust burdens on them and their families when they're injured without compensation or without recourse apart from the courts.

I don't think anyone would be remiss in supporting this motion. It's not a commitment to anything except to extend our work as a Legislature to ensure that we're providing reasonable, equal, just access to occupational health and safety legislation and the protection of these workers and their families. So I hope hon. members will stand in support of this very basic motion that would bring us in line with the rest of Canada.

Thank you, Mr. Speaker.

[The voice vote indicated that Motion Other than Government Motion 510 lost]

[Several members rose calling for a division. The division bell was rung at 5:56 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[Mr. Mitzel in the chair]

For the motion:

Kang	Pastoor	Swann
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Against the motion:

Ady	Drysdale	McQueen
Anderson	Elniski	Morton
Benito	Fritz	Oberle
Berger	Griffiths	Olson
Bhardwaj	Groeneveld	Prins
Blackett	Johnson	Renner
Campbell	Johnston	Sarich
Danyluk	Liepert	Sherman
DeLong	Lukaszuk	Webber
Doerksen	McFarland	

Totals:	For – 3	Against – 29
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[Motion Other than Government Motion 510 lost]

[The Assembly adjourned at 6:08 p.m.]

Table of Contents

Monday, June 1, 2009

Introduction of Visitors	1415
Introduction of Guests	1415, 1440
Members' Statements	
Aboriginal History and Culture Month	1417
Fire in Edmonton-Rutherford Assisted Living Facility	1421
Environment Week	1425
Neil Kennedy	1425
Seniors' Week	1425
Ronald David Woodward	1425
Oral Question Period	
Laser Surgery in Calgary	1417
Bitumen Upgrading	1417
Government Aircraft	1418
Government Accountability	1418
Fire Safety in Seniors' Facilities	1419, 1421
Affordable Housing	1419
Milk and Liquid Cream Container Recycling	1420
Nursing Shortage	1420
Electricity Transmission Lines	1421
Children's Services Reports	1422
Air Quality Monitoring	1422
Electricity Transmission System Upgrades	1423
Passport Requirements	1423
Investments in Tobacco Companies	1423
Municipal Sustainability Initiative	1424
Presenting Petitions	1426
Introduction of Bills	
Bill 49 Municipal Government Amendment Act, 2009 (No. 2)	1426
Bill 50 Electric Statutes Amendment Act, 2009	1426
Tabling Returns and Reports	1426
Public Bills and Orders Other than Government Bills and Orders	
Committee of the Whole	
Bill 205 Election Finances and Contributions Disclosure (Third Party Advertising) Amendment Act, 2009	1427
Division	1433
Second Reading	
Bill 206 School (Enhanced Protection of Students and Teachers) Amendment Act, 2009	1433
Motions Other than Government Motions	
Labour Protection for Farm Workers	1438, 1441
Division	1445

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
 Campbell
 Horne
 Lukaszuk
 MacDonald
 Marz
 Notley
 Webber

Standing Committee on the Alberta Heritage Savings Trust Fund

Chair: Mrs. Forsyth
 Deputy Chair: Mr. Elniski
 Blakeman
 Campbell
 DeLong
 Denis
 Johnston
 Kang
 MacDonald

Standing Committee on Community Services

Chair: Mr. Doerksen
 Deputy Chair: Mr. Hehr
 Benito
 Bhardwaj
 Chase
 Johnson
 Johnston
 Lukaszuk
 Notley
 Rodney
 Sarich

Standing Committee on the Economy

Chair: Mr. Campbell
 Deputy Chair: Mr. Taylor
 Allred
 Amery
 Bhullar
 Marz
 McFarland
 Taft
 Weadick
 Xiao
 Vacant

Standing Committee on Health

Chair: Mr. Horne
 Deputy Chair: Ms Pastoor
 Dallas
 Denis
 Fawcett
 Notley
 Olson
 Quest
 Sherman
 Taft
 Vandermeer

Standing Committee on Legislative Offices

Chair: Mr. Mitzel
 Deputy Chair: Mr. Lund
 Bhullar
 Blakeman
 Campbell
 Horne
 Lukaszuk
 MacDonald
 Marz
 Notley
 Webber

Special Standing Committee on Members' Services

Chair: Mr. Kowalski
 Deputy Chair: Mr. Oberle
 Elniski
 Fawcett
 Hehr
 Leskiw
 Mason
 Rogers
 Taylor
 VanderBurg
 Weadick

Standing Committee on Private Bills

Chair: Dr. Brown
 Deputy Chair: Ms Woo-Paw
 Allred Jacobs
 Amery MacDonald
 Anderson McQueen
 Benito Olson
 Bhardwaj Quest
 Boutilier Rodney
 Calahasen Sandhu
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