



Province of Alberta

The 27th Legislature  
Second Session

# Alberta Hansard

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The Honourable Kenneth R. Kowalski, Speaker

# Legislative Assembly of Alberta

## The 27th Legislature

Second Session

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Mitzel, Len, Cypress-Medicine Hat, Deputy Chair of Committees

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## Legislative Assembly of Alberta

1:30 p.m.

Tuesday, June 2, 2009

[The Speaker in the chair]

### Prayers

**The Speaker:** Good afternoon.

Let us pray. From our forests and parkland to our prairies and mountains comes the call of our land. From our farmsteads, towns, and cities comes the call of our people that as legislators of this province we act with responsibility and sensitivity. Grant us the wisdom to meet such challenges. Amen.

Please be seated.

### Introduction of Guests

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

**Mr. Olson:** Thank you, Mr. Speaker. We have with us today 26 visitors from Norwood elementary school in Wetaskiwin, who I'd like to introduce to you and through you to all members of the Assembly. They're here with their teacher, Marcie Hofbauer, and parent helpers Arlene Moussa, Angela Mantai, and Kathy Nicholson.

I was interested in a little chat I had with a guide, who indicated that as she had taken these young folks through the building, she was very impressed with their good manners and also their strong knowledge of what we do here. That's a credit to their teacher and their parents and also to them.

I think they're in the public gallery. If they would rise, I'd ask that this Assembly give them their warm welcome.

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

**Mr. Allred:** Thank you, Mr. Speaker. I'm pleased to rise today to introduce to you and through you a group of 23 visitors from Robert Rundle elementary school in St. Albert. Robert Rundle elementary school produces some of the finest students in the province. Actually, three of my children graduated from Robert Rundle many years ago. I'm pleased to introduce 21 students plus teacher Chris Akins and parent helper Mrs. Linda Dennis, who are all seated in the members' gallery, and I'd ask them to stand and for the members to give them the traditional warm welcome of the Assembly.

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

**Mr. Horner:** Well, thank you, Mr. Speaker. It's an honour to introduce to you and through you to members of the Assembly three guests this afternoon. The first is a great young lady who's working in my office in Spruce Grove as my STEP student for the summer, and that's Reed Wolodko. She's a young woman with a great future who is doing a great job for us in the constituency with a can-do attitude.

The second is my constituency office manager, who everyone here knows is really the lifeblood of the MLA's job. I'm very, very lucky, Mr. Speaker, to have Carol Stewart, who has been with me from the start, since I got elected.

Accompanying them, Mr. Speaker, is another special individual to me. In order to do the work that we do, all things at home must be taken care of, and it's the strength of that home life that really makes it easy for us to do the job that we do. For the last 29 years

this lady has been the rock behind all the things that I have done, and that's my wife, Aukje Rose Horner.

I'd ask all three of them, please, to stand and receive the traditional warm welcome of the Assembly.

**The Speaker:** The hon. Deputy Speaker.

**Mr. Cao:** Well, thank you, Mr. Speaker. This morning you hosted the Commonwealth Parliamentary Association bursary and essay contest award presentation ceremony at the Legislature Building. These bursaries are presented annually by the Alberta branch of the CPA to young people from TUXIS, the Girls' Parliament, and the grade 6 essay contest. The Royal Commonwealth Society of Canada contributes to the essay contest bursary.

It gives me great pleasure to introduce to you and through you to all the members the award winners and their guests, who are sitting in the Speaker's gallery. Please, our guests, rise as I call your name: the first place CPA essay contest winner, Jack Quest from Strathcona constituency; the second place CPA essay contest co-winner, Katelyn Borle from Sherwood Park constituency; the second place CPA essay contest co-winner, Kevin Yin from Strathcona constituency; the Alberta Girls' Parliament co-recipients, Sarah Knowles from the Calgary-Shaw constituency, Shelby Vincent from the Highwood constituency; the TUXIS recipient, Nicole Larson from the Strathcona constituency. Will our guests – the award winners and their families, educators, and friends – please all rise and receive the warm welcome of this Assembly.

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

**Mrs. Ady:** Thank you, Mr. Speaker. It's such a pleasure today to be able to rise and introduce to you and through you some great staff from the Department of Tourism, Parks and Recreation. In particular, they work in the parks division. Their names are Heather Lazaruk, Anita Padlesky, Marcy Bresler, Gloria Cheng, Peter Weclaw, Graham Morris, Emily Chamberlain, Robin Walczak, Erin Saunders, and Deborah Johnstone. I'd ask that they'd rise and receive the warm welcome of the Assembly.

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

**Mr. Blackett:** Thank you, Mr. Speaker. It gives me pleasure to introduce to you and through you our new summer student in Culture and Community Spirit, Julie Van Boom. Julie is working towards her education degree at Dordt university in Sioux Center, Iowa. Aside from her schooling, she also finds time to do a great amount of volunteer work. During the summer months she lives and works on her parents' farm just outside of Fort Saskatchewan. I'd ask Julie to please rise and receive the traditional warm welcome of this Assembly.

**The Speaker:** The hon. Minister of Sustainable Resource Development.

**Dr. Morton:** Thank you, Mr. Speaker. I, too, am pleased to rise today to introduce to you and through you Mr. Paul Mabbott, a young student who will be working in my constituency office as a summer STEP student. Paul is from Cochrane. He completed a year of journalism studies at Carleton University. When he returns to Carleton, he'll be starting his history degree. He joins us today to see the proceedings of this House and to view the debates in question period. Paul, if you would please stand and receive the warm welcome of this Assembly.

**The Speaker:** The hon. Minister of Children and Youth Services.

**Ms Tarchuk:** Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to all members of the Assembly a very special guest, Miss Angie Lee. Angie is 12 years old, lives in Edmonton, and attends George H. Luck elementary school. Angie has faced her battle with ALL, acute lymphoblastic leukemia, with great courage and positivity. Angie's wish is to attend the teen choice awards, where she hopes to catch a glimpse of one of her favourite bands, the Jonas Brothers. With the help of the Children's Wish Foundation Angie's wish will be granted this August. Angie is seated in the members' gallery along with her mother, Sandie Lee, and Stacey Johnson of the Children's Wish Foundation of Canada. If I could ask them all to please stand and receive the warm welcome of the House.

**The Speaker:** The hon. Minister of Housing and Urban Affairs.

**Mrs. Fritz:** Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to members of the Assembly a young man whom I hold in very high regard. Samim Aminzadah worked as a summer student in my constituency office last year, helping deal with the concerns of residents and with the day-to-day operations of the office. He learned that it can be very busy and at times quite challenging. Samim is in his last year of political science at the University of Calgary. We all wish him well as he hopes to enter the Faculty of Law. I think you'll do well there, Samim. My constituents and I are very fortunate to have Samim working in my office again this summer. Samim, it's so good to have you here in the Legislature. I'm going to ask that you rise and receive the warm welcome of the Assembly.

Thank you.

**The Speaker:** The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Vandermeer:** Thank you, Mr. Speaker. It's my pleasure to introduce to you two guests I have today. I'd ask them to rise as I mention their names. The first one is very familiar with this building. He was working here many years ago, 18 years altogether, I believe. His name is Brian Hlus. Please stand.

My other guest is Annette Gerdes. She works for the city of Edmonton in the deputy city manager's office. Would you please rise and receive the warm welcome.

*1:40*

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

**Mr. Bhardwaj:** Thank you very much, Mr. Speaker. It is my honour to rise today and introduce to you and through you a dedicated volunteer, Ms Jena Krystofiak, and her parents, Doug and Asifa Krystofiak, seated in the members' gallery. You may recognize Jena from the cover of the latest edition of Travel Alberta magazine. She will be attending the U of A in the fall with the goal of becoming a neonatologist. Jena uses her dance performances to support community organizations in their efforts to raise awareness of local, national, and international issues, including the World Partnership Walk last Sunday, May 31, at the Legislature Grounds. I ask my guests to please rise and receive the traditional warm welcome of the Assembly.

**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 a few special

people. I had the distinct pleasure of being the keynote speaker at the M.E. LaZerte high school graduation. Part of the reason was that over the past 18 or 19 years I've delivered 200 children, I've had a chance to attend to their bumps and bruises and their stitches and broken bones and asthma attacks, so for me they were like my family. I'd like to introduce a few special people. One is Taylor Mah. I met Taylor years ago in my work, and he was just a little fellow. I said he'd be six foot five one day. I was wrong; he's six foot six. As well, his father, Gene Mah, and another young fellow – his name is Baljot Chahal; Baljot was the valedictorian at the school – as well as his father, Paramjit Chahal. I heard this young fellow speak. I said: "You know what? One day you're going to be in the Legislature here. We need young, bright people like you here after we leave." I'd like to ask these people to stand up and receive the traditional warm welcome of this Assembly.

**The Speaker:** Are there others? The hon. Member for Strathcona.

**Mr. Quest:** Thank you, Mr. Speaker. It's a pleasure to rise today and introduce to you and through you to this Assembly two groups of constituents who are visiting the Legislature today. With us today are Elk Island public school board chair Bonnie Riddell; principal of Wye school Ms Patty Berry; Mrs. Tanya Jordan, a teacher from Wye school. They're in the Legislature to attend the Commonwealth Parliamentary Association 2009 awards ceremony, which took place earlier this morning. As you know, Mr. Speaker, my son, Jack, was one of the award winners, so my lovely wife of 15 years, Fiona, is also here today to celebrate. They're seated in your gallery, Mr. Speaker. I'd ask them to rise and receive the traditional warm welcome of this Assembly.

My second introduction. I'd also like to introduce my constituency office manager, Laurette Strong, and STEP student Kristen Pue. They do a wonderful job in my constituency office, Mr. Speaker. I'm proud to have them with us this afternoon. They're seated in the public gallery. I'd like to ask them to rise and receive the warm welcome of this Assembly.

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

**Mr. Berger:** Thank you, Mr. Speaker. I'm honoured today to rise and introduce to you and through you to all members of this Assembly someone who taught me the value of hard work, honesty, and, as well, how to reuse and recycle long before it was in style. I would now ask my father, Mr. Alvin Berger, who is seated in your gallery, to rise and receive the warm welcome of this Assembly.

## Members' Statements

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

### Brain Injury Awareness Week

**Mr. Horne:** Thank you, Mr. Speaker. I rise today to recognize Brain Injury Awareness Week, which runs from May 30 to June 7 this year. Each year there are approximately 10,000 brain injuries in Alberta alone. This is a time to learn more about brain injuries and to show our support to brain injury survivors and their families.

Brain Injury Awareness Week is an opportunity for Albertans to be aware of brain injury prevention. By working together to educate Albertans, we can prevent more brain injuries. In addition to wearing approved helmets for recreational activities, brain injuries can be prevented by wearing seat belts, obeying speed limits, and using safety equipment such as hard hats in construction areas.

One of the ways that this government has supported brain injury survivors and those who assist these brave and courageous individu-

als is through the Alberta brain injury initiative. The initiative is a network of supports and services which assist individuals with an acquired brain injury to live, work, and participate in their communities to the fullest extent possible.

Another way the Alberta government provides support services to survivors of brain injury is by providing funding for the Alberta Brain Injury Conference, which took place about a month ago. This biennial conference is an opportunity for Albertans to come together and share information and learn more about acquired brain injury. It is also a great venue for survivors of brain injury to meet other survivors, share their stories, and connect with those who face similar challenges and have achieved similar triumphs.

As part of Brain Injury Awareness Week events are being held across the province. The activities range from the Courage Canada Trail Ride in Innisfree to a film viewing about brain injuries at the Glenrose rehabilitation hospital in Edmonton. More information is available on the Seniors and Community Supports website.

In closing, Mr. Speaker, I encourage this House and all Albertans to take part in these events to recognize those among us living with brain injury and to promote awareness of how to prevent brain injury. The impact is very significant, and we should look for all ways possible to better support brain injury survivors and their families.

Thank you.

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

#### Carbon Emissions

**Dr. Taft:** Thanks, Mr. Speaker. When I was a kid, we were strongly cautioned against swimming in the North Saskatchewan River because we could be exposed to typhoid or hepatitis and various chemicals. In those days people, municipalities, and companies freely dumped waste into the river, which was treated like a sewer. Today the river is far cleaner, a place where people swim and boat and fish through the summer. People don't pour their used oil into our river, nor does the city dump raw sewage into it. We all agree that investigations, fines, and penalties are in order for that sort of behaviour.

Unfortunately, we don't yet treat the air with the same respect we treat the water. Every time we drive our cars, we dump waste from the burning fuel into the air. Every coal-fired power plant, every factory, almost every building treats the atmosphere like a sewer. One solution is to start charging a cost for dumping into the atmosphere. This government, to its credit, has begun charging what it calls a levy for major carbon emitters. A variation on this is the so-called carbon tax, which has been the subject of heated debate and opposition.

Now, this is just my personal view, Mr. Speaker, but I think we need to reframe the debate around carbon levies and carbon taxes. Language is very important. Let's call these things what they are, not a tax or a levy but a dumping fee. If you dump carbon into the atmosphere, you should pay a fee, just as you would for dumping a load of trash at the landfill, just as you would pay a fine for tipping dirty oil from your car down the sewer or your household trash into the ditch. For the sake of the planet let's reframe this debate. Language really does matter.

I don't like carbon taxes or levies, but I can live with a carbon dumping fee. After all, I'm ready to stop treating the atmosphere like a sewer, and I think a lot of other people are, too.

Thank you.

**The Speaker:** The hon. Member for Little Bow.

#### Henry Bergen

**Mr. McFarland:** Thank you, Mr. Speaker. I'm pleased to rise today to celebrate the great honour and award that one of my constituents, Mr. Henry Bergen of Coaldale, has been selected to receive. On May 21, 2009, the Alberta Order of Excellence recipients were announced by the Lieutenant Governor of Alberta, and I'm pleased that Mr. Bergen was one of the eight lucky recipients.

The Alberta Order of Excellence is the highest honour the province of Alberta can bestow on any citizen. The Order of Excellence is awarded to individuals from all walks of life but who share one common factor: they all work to make a difference, to make Alberta a better place, and to make contributions to our future that will stand the test of time.

Mr. Bergen studied at SAIT, training in automotive mechanical trades, machinery, welding, economics, and psychology. In '68 he launched GEN Manufacturing, a company that develops tools that avoid overtilling of land. He and his company received the industry achievement award from the American society of agricultural engineers in September 2001. He has become a major player in the agricultural business, and in the spring of 2008, Mr. Speaker, he was the recipient of an honorary degree from the University of Lethbridge. He also received many other awards, including the Order of Canada in 2007 for his work promoting zero-till land management practices. Mr. Bergen has always been ahead of his time and unafraid to take on challenges.

Other recipients of the Alberta Order of Excellence include Shirzad Ahmed from Calgary, William Bowes from Grande Prairie, Sister Helen Hengel from Calgary, Bernadette McDonald from Banff, Kenneth Sauer from Medicine Hat, Barrie Strafford from Calgary, and Harold Wyatt from Calgary.

These Albertans are greatly deserving of this award, and I hope that this Assembly and all of you would join me in congratulating each and every one of them.

1:50

#### Oral Question Period

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

#### Provincial Budget

**Dr. Swann:** Thank you very much, Mr. Speaker. Well, fiscal conservatism is no longer an adage that can be claimed by this Tory administration. Unprecedented wealth has slipped through the administration's fingers, and what are the people of Alberta left with? Cancer centres kept open by private donations, sick children being treated in tents, and a budgeting process based on the hope for improved commodity prices. These problems were created by this administration and their failure over years to manage our resources responsibly. They have failed. To the Premier: how does the Premier explain a record \$4.7 billion deficit and a health care system in chaos?

**Mr. Stelmach:** Mr. Speaker, in terms of the amount of money that the government has set aside, let me start with just the last 10 years: \$117 billion net transferred to Ottawa, over \$23 billion paid off in debt, considerable savings in endowments to universities, the science ingenuity fund, the \$17 billion sustainability fund, and since 1993 to today \$41 billion in new infrastructure and actually about \$19 billion just from about 2006 on in infrastructure. When you pull that all together, that's a considerable amount of investment that went to the people of Alberta.

**Dr. Swann:** Mr. Speaker, I wonder how the Premier can explain the net loss in our primary savings account in this province since Premier Lougheed left office.

**Mr. Stelmach:** Mr. Speaker, I think many Canadians, Americans, and people around the world are asking that question, how through the lack of transparency in banking regulations in the United States, in Europe – I'm, quite frankly, very proud of the fact that we have stricter banking regulations in the country of Canada, that have stopped a lot of the precipitous drop in savings that, you know, has caused banks to go bankrupt in other countries as a result of rapidly decreasing, very volatile energy prices.

The other problem is that our best trading partner, the United States, is going through a tremendous economic downturn, trillions of dollars in debt. We're going to have to watch our relationship there very carefully because I'm afraid of perhaps an increase in rates, maybe inflation coming in the future. We have to plan very carefully.

**Dr. Swann:** Will the Premier commit today in the public interest to an independent value-for-money audit of government spending?

**Mr. Stelmach:** Mr. Speaker, we do have a very good discussion on public spending right here in this Legislative Assembly. We've just had, I believe, 20 days of discussion on the budget. The opposition asked questions, good questions, with respect to the spending. The budget has been delivered, and it will continue. Next year we'll deliver another budget, and it'll be openly debated in the House here as well.

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

### Provincial Health Facilities

**Dr. Swann:** Thank you again, Mr. Speaker. The changes this Premier has made to health care this past year have created anything but progress. Through this whole experiment the Premier and his minister have released no information and left the public and professionals guessing as to what is coming next. To the Premier. Internal Alberta Health Services documents indicate that this government is currently in talks with doctors' groups for leasing publicly built hospitals such as Fort Saskatchewan and the urology centre in the Rockyview in Calgary. What is the Premier's reason for turning these public facilities over to doctors' groups?

**Mr. Stelmach:** You know, Mr. Speaker, just before I came here to question period, the opposition was giving out papers to the members of the media. Now he's brought forward some allegation. I'm not aware of what's happening in terms of a doctors' group, not naming the doctors' group. Without further information I can only take that question under consideration and will definitely find out what the question is all about and who the group is.

**Dr. Swann:** Well, let's try the health minister, then. What specific doctors' groups are you in talks with over private hospital use?

**Mr. Liepert:** Well, we talk to doctors all the time. You know, I'm not quite sure what this – Mr. Speaker, I've been waiting for this. The member used a term again that he's used in this House, calling it an "experiment." There's only one experiment under way in this province, and that is the experiment the Alberta Liberals launched last December with this new leader, and I would suggest it's been a failure.

**Dr. Swann:** Mr. Speaker, again to the health minister: what other facilities are you considering turning over to health groups?

**Mr. Liepert:** None, Mr. Speaker.

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

### Automobile Insurance Rates

**Mr. Taylor:** Thank you, Mr. Speaker. Well, here we go again. The auto insurance rate review is under way, and the insurance industry is again calling for a whopping 40 per cent increase in premiums. Nation-wide the insurance industry has seen a 2,000 per cent increase in its profits in the past five years, yet it still tries to make us believe that it can't afford to pay injury claims without a cap in place. Once again this government has taken the side of insurance companies as the finance minister has contended that without the cap insurance rates will increase by 20 per cent. I'm sorry, but Albertans will find that unacceptable. To the minister of finance: does the minister agree with the proposed 40 per cent increase in insurance rates, or, put another way, where does the minister stand on the industry's claim that that's what it needs?

**Ms Evans:** You know, Mr. Speaker, as the spring session goes into the summer, I find it wonderful that the hon. member opposite and I are agreeing on an issue after all this time. He sounds as uninterested in a 40 per cent increase as I am. The request last year was 37 per cent. It made huge headlines. What did they get? Five per cent from the insurance rate board. What did they get in the years previous? Nothing until they got 5 per cent last year, and they substantiated that claim to the insurance rate board. That's how they got it. But I am no more interested in seeing Albertans take a hike of 40 per cent than the hon. member opposite is. Good news, hon. member.

**Mr. Taylor:** We agree on something. Mr. Speaker, I'm gobsmacked.

Maybe the minister can explain this to me because the sense that I get is that we either all get shafted by the insurance companies with higher premiums, or the cap goes back in place and only the injured get shafted. That seems to be the choice that we're being presented with between the industry and the minister, and that's not much of a choice, but, you know, Mr. Speaker, I might be prepared to go along with it if the minister would table some sort of proof. Will the minister table the evidence on which she bases her claim that rates will go up by 20 per cent if the ruling against the minor injury cap is upheld on appeal?

**Ms Evans:** Well, Mr. Speaker, it would be premature for me to speculate further on the hon. member's question. We still haven't had the court ruling. We thought it was coming in December, January, February. We keep waiting for it. At that time we can more fully disclose and discuss strategy. But the hon. member makes a good point, that the requests are extraordinarily high, and we have no interest in substantiating them.

**The Speaker:** The hon. member.

**Mr. Taylor:** Thank you, Mr. Speaker. To the minister: will the minister commit to implementing a freeze on auto insurance rates?

**Ms Evans:** You know, Mr. Speaker, I'll just make one comment. Before we put the cap in place relative to the auto insurance, before

we had that, we were having an escalation of rates that was significant. Today our rates are 13 per cent lower than they were when that cap was put in place. So we've had good news since 2004 because the action of the government at that time precipitated a much more reasonable insurance rate.

**The Speaker:** The hon. Member for Edmonton-Highlands-Norwood, followed by the hon. Member for Strathmore-Brooks.

#### Vehicle Vicarious Liability

**Mr. Mason:** Thanks very much, Mr. Speaker. On its website the Truck Renting and Leasing Association brags about a December 18 meeting with the finance minister in which she agreed to introduce legislation to cap vicarious liability for car rental companies at \$1 million. This leaves those with serious and permanent disability as a result of car accidents involving rental vehicles unable to collect enough of a settlement to live a life of dignity. It saves the company \$9 million. It's Hertz, Avis, and Enterprise 1, brain and spinal cord injury victims 0. My question is to the Premier. Why did you allow your finance minister to cut a backroom deal with the big car rental companies at the expense of those who are permanently disabled in accidents?

2:00

**Mr. Stelmach:** Mr. Speaker, I'm not aware of any backroom deal with any rental agencies. The minister that's responsible for that area will respond to the question.

**Ms Evans:** Well, Mr. Speaker, there's no secrecy here. There's no backroom deal. This legislation was introduced publicly in the Legislature and debated in public. When it was introduced for first reading on March 16, it was accompanied by a news release sent to every newsroom in Alberta. Although this is what's in place for the car rental companies, it does not imply that people with serious injuries cannot go through the courts or get their claims resolved in some other fashion.

**The Speaker:** The hon. member.

**Mr. Mason:** Thanks very much, Mr. Speaker. The association is giving credit to the lawyer who represented them, and he is none other than Mr. Joe Yurkovich, the vice-president of the Edmonton Progressive Conservative Association. This entire deal reeks of Tory friends and insiders making deals to save millions on the backs of injured Albertans. My question is to the Premier. Why is a leading Tory insider lobbying the finance minister for reforms which save rental car companies millions of dollars and deny rightful compensation to injured Albertans?

**Mr. Ouellette:** Mr. Speaker, I really don't understand where this hon. member is getting all that information. We brought forward legislation a year ago that capped the same on leasing companies. We're doing exactly the same thing that the province of British Columbia did, and we're doing exactly the same thing that the province of Ontario did. That was to make it fair for everyone and not make people that had no responsibility whatsoever for who was driving their vehicle responsible for something that they shouldn't be responsible for. It also does not stop the person from going after the driver if they've done something wrong. That's who should be responsible.

**The Speaker:** The hon. member.

**Mr. Mason:** Thanks very much, Mr. Speaker. Well, this illustrates very clearly policy development with this government. You have Tory insiders coming in, getting meetings with ministers, taking an industry group in there, finding a way to cut their costs, saving them \$9 million – they brag about it on their website – and we have a policy that disenfranchises people who are permanently and badly injured in car accidents. This is a serious problem, and I want to ask the Premier: why don't you change your way of doing business? Why don't you put the disabled people, the people who are badly injured, first instead of your friends in the insurance industry, in the car industry, the medical industry, or whatever industry it is?

**Mr. Stelmach:** Mr. Speaker, first of all, the gentleman that the leader mentioned – I'm not aware of any Edmonton Progressive Conservative Party, so I'm not quite sure what he's talking about. Anyway, it is a person that's well known to Edmontonians.

If, you know, Stelmach Lease Agency owned a car and would lease it to a driver – okay? – and the driver took the car for a nice drive to Jasper and got into an accident, well, the way the situation was prior to these changes, the owner of the vehicle, which would be Stelmach Agencies or whatever, got sued. But I wasn't driving. It was the person behind the wheel that caused the accident. The situation was that in all provinces, to make it reasonable, in terms of who to sue for the actual incident, it's the driver behind the wheel. It's not the owner of the vehicle in this case, which is a leasing agency. It's just not fair. That's why it was capped at a million dollars, or else nobody would be leasing cars in the province of Alberta.

**The Speaker:** The hon. Member for Strathmore-Brooks, followed by the hon. Member for Edmonton-Gold Bar.

#### Alberta Bond Offering

**Mr. Doerksen:** Thank you, Mr. Speaker. Albertans support this government's continued investment in priority capital infrastructure projects in spite of the economic slowdown we are experiencing. Some of my constituents have asked about the potential of establishing a capital bond that could help finance important infrastructure projects and create a potential investment opportunity for Albertans within Alberta; however, they're looking for more information. My first question is for the Minister of Finance and Enterprise. Is the establishment of an Alberta bond under consideration by this government?

**Ms Evans:** Yes, it is, Mr. Speaker. We want to give Albertans an opportunity to invest in their province. We understand that with that investment it is like Alberta as a government borrowing from its constituents. We have in our budget a line on the borrowing for \$1.1 billion. We are examining the best ways to enable Albertans to invest in Alberta through this type of process, through the bonds.

**The Speaker:** The hon. member.

**Mr. Doerksen:** Thank you, Mr. Speaker. To the same minister my first supplementary: could a bond program be developed that would be attractive to Albertans looking to invest their money in Alberta without costing undue charges to the government above what would be competitive?

**Ms Evans:** Mr. Speaker, that's exactly the thing we're looking at, the various features of many types of bonds. There are probably about six types of bonds. We know that Alberta has a triple-A credit

rating. We know that there are ways and means in which some of the bond issues could be more advantageous to some of the people for longer term strategies, some perhaps for shorter term strategies. This past weekend we heard several ideas where people want to invest in Alberta infrastructure, accelerate the pace of infrastructure. So there are a number of different things we'll look at for the future of bonds in Alberta. We have had successes in bond sales here in Alberta before.

**The Speaker:** The hon. member.

**Mr. Doerksen:** Thank you, Mr. Speaker. To the same minister: would an Alberta bond fund be a feasible and competitive method of financing infrastructure projects, and in what time frame could this be developed for Albertans?

**Ms Evans:** We're looking at it over the next few weeks and months. If we were to develop a bond specific to infrastructure, we have to make sure that it is competitive. We want to make sure that we assess everything from the interest rates, the principal, what would be carried, how it would affect the debt picture, and so on. There are a number of different pieces to look at, but we're taking a very close look at it in conjunction with some of the other experience more recently felt in other parts of Canada.

**The Speaker:** The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Edmonton-Strathcona.

#### Nursing Vacancies

**Mr. MacDonald:** Thank you, Mr. Speaker. The March 2009 chief executive officer report to the Alberta Health Services Board notes that at the start of this year there were 1,277 vacancies under the category of direct nursing. Now there is supposedly a surplus of nurses in this province. My first question is to the Minister of Health and Wellness. Why did the government order Dr. Duckett not to fill these 1,277 direct nursing positions?

**Mr. Liepert:** Well, Mr. Speaker, if the member has some documentation from somebody in government who he alleges made this order, I wish he'd show it to me because it didn't come from me. What has happened in the last year are a number of things, and I think I explained it yesterday in the House. Number one, the new CEO has determined that we need to ensure that we have nurses doing what nurses are trained to do. Number two, it has been determined that, likely because of economic situations, a number of projected retirements have been put off. So there's no real secrecy here. Times change. I guess I would ask the question: just because a number was used last year, does the opposition want us to go out and hire that many nurses if we don't need them and then have to lay them off in a few months?

**The Speaker:** The hon. member.

**Mr. MacDonald:** Thank you, Mr. Speaker. Everyone knows that the hon. minister of health gets his marching orders from the Premier's office.

My next question is to the Minister of Employment and Immigration. With the \$45 million that is budgeted this year for health workforce development, who exactly is the government planning on training given that this minister and this Premier have ordered 1,277 nursing positions not to go filled by the Alberta Health Services Board?

**Mr. Goudreau:** Mr. Speaker, I think we need to remember that nursing shortages can remain an issue in the future. As the minister of health has indicated, we need to look at it on a long-term basis and take a very long-term strategic planning approach to our workforce and the amount of people that we will need in the future of the province.

**Mr. MacDonald:** Again, Mr. Speaker, given that sick Albertans are waiting in emergency rooms for services or emergency surgeries, who are they to believe, the Minister of Employment and Immigration or the minister of health? Again, to the Minister of Employment and Immigration: who ordered, to your knowledge, the 1,277 nursing positions not to be filled? Was it the minister of health, or was it the Minister of Immigration and Employment?

2:10

**Mr. Goudreau:** Mr. Speaker, there is nobody that has given me any orders in terms of cutting numbers or doing those changes that are happening. But I want to indicate and re-emphasize that as a government we continue to plan for the future by preparing more Albertans for health careers. That includes our physicians, our nursing – both RNs and LPNs – and anybody involved in the health professions.

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

#### Cumulative Environment Effects Management

**Mr. Quest:** Thank you, Mr. Speaker. I've heard several times in this House that the cumulative effects approach is the future of environmental planning and management in Alberta. I know the Industrial Heartland is viewed as a pilot for this new approach for protecting our land and water. My question is for the Minister of Environment. What have we achieved from the cumulative effects management approach in the Industrial Heartland?

**The Speaker:** The hon. minister.

**Mr. Renner:** Well, thank you, Mr. Speaker. I'm pleased to report that we have achieved a significant amount in this pilot project. We have set clear targets for industry with respect to air and water. On the water side we actually have an implementation framework already in place that involves not only industry but the municipalities in the area. The use of recycled waste water from municipalities is an integral part of how we're going to be managing the water in the area. We have begun and are moving very significantly along the lines of planning for how we're going to deal with sulphur management in that area as well.

**The Speaker:** The hon. member.

**Mr. Quest:** Thank you, Mr. Speaker. I'm a strong supporter of the cumulative effects management approach, but several industry representatives in my constituency have voiced concern about the specific targets for NOx and SOx. Again to the Minister of Environment: how do you respond to these concerns?

**Mr. Renner:** Well, Mr. Speaker, any time you put limits in place, it's not something that you should be surprised at that someone would have some concern that there may be a point in the future where those limits are reached. Two things that I want to point out to the member: first of all, the limits that we've put in place far



exceed the position that we are in today, and secondly, I have indicated to industry that if there are errors in calculation, if there are assumptions that are inaccurate, we would be willing to have a look at those. The bottom line is that there's no point in having limits if you're not prepared to enforce them.

**The Speaker:** The hon. member.

**Mr. Quest:** Thank you, Mr. Speaker. My second supplemental is to the same minister. How is your ministry preparing for the upgrader projects and other applications in the Industrial Heartland given the current economic situation?

**Mr. Renner:** Mr. Speaker, we're continuing to progress on our planning as business as usual. As a matter of fact, there have been some changes in timelines, but work is continuing to proceed in the heartland region. In fact, in some cases capital costs are declining, and it's incenting some of the projects that have been put on the back burner to proceed. In addition, we have to consider that the bitumen royalty in kind that is under discussion with government will have a significant impact on opportunities in the Industrial Heartland. So we expect this development to proceed, and we're planning on it in an appropriate way.

**The Speaker:** The hon. Member for Calgary-McCall, followed by the hon. Member for Edmonton-Decore.

#### Peter Lougheed Centre

**Mr. Kang:** Thank you, Mr. Speaker. The Peter Lougheed hospital expansion was meant to add much-needed capacity to an overburdened health region. This expansion has been turned into simple replacement. In order to add 140 new beds, another 140 old beds have to be closed. This is government math that Calgarians are familiar with and are sick of. To the minister of health: why did you commit to expanding the Lougheed without any commitment toward operating funds? This makes no sense.

**Mr. Liepert:** Well, what makes no sense, Mr. Speaker, is that the member is making an assumption that may not be true.

**The Speaker:** The hon. member.

**Mr. Kang:** Thank you, Mr. Speaker. When will there be sufficient operating funds given to this hospital so that an additional 140 beds will actually translate into an increase in capacity?

**Mr. Liepert:** Well, Mr. Speaker, any health facility expansion or capacity increase in this province is part of the annual budget of Alberta Health Services. I think this member was here when we passed the budget for our department. Alberta Health Services will be receiving some half a billion dollars in additional funding this year, and they will be charged to spend it accordingly.

**The Speaker:** The hon. member.

**Mr. Kang:** Thank you, Mr. Speaker. I think we are getting mixed messages here. One day we are expanding the health care system. Another day we are cutting back.

To the minister again. The Peter Lougheed and the prostate laser are examples of how out of touch you and Alberta Health Services are with the citizens of Calgary. When will you begin to listen to what Albertans are telling you that they need?

**Mr. Liepert:** Mr. Speaker, the only mixed messages that consistently come into this House are from that group over there, who one day want to spend and the next day want to save. They have to determine whether they're savers or spenders. You can't suck and blow at the same time.

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

#### Mental Health Services

**Mrs. Sarich:** Thank you, Mr. Speaker. Parents know all too well that just because your children have become adults does not mean that your role as a parent is over. This is the case for several of my constituents in Edmonton-Decore who must deal every day with adult children who live independently but suffer from mental illness. The situation becomes very difficult and cumbersome when their adult independent children go off their medications. These parents often feel powerless to help their loved ones and are concerned that they do not have access to the right supports for their children with mental illness. My first question is for the Minister of Health and Wellness. Can the minister please explain what his department has done to support treatment and prevention of mental illness?

**Mr. Liepert:** Well, first of all, Mr. Speaker, let's be clear that we need to ensure that we do a better job of treating mental illness as part of the overall health delivery system. You know, this province can be very proud of what we have brought forward in the last couple of years. We introduced a provincial mental health plan a couple of years ago and, most recently, a children's mental health plan. We've made amendments to the Mental Health Act. I think that more important is not plans and acts but what's really happening.

I had the opportunity last week with the Member for Lacombe-Ponoka to tour the Centennial Centre in Ponoka, Mr. Speaker. This is a world-class facility that this province has put in place that doesn't institutionalize individuals with mental illness. It's a world-class treatment facility that allows these patients to get back into the community and be productive members of society.

**The Speaker:** The hon. member.

**Mrs. Sarich:** Thank you, Mr. Speaker. My first supplementary question is also to the same minister. Can the minister share with us at this time and explain what a community treatment order is and how this will help all those suffering from mental illness and their families?

**Mr. Liepert:** Well, Mr. Speaker, the community treatment order is another tool, I guess, that was brought in as part of the Mental Health Amendment Act in, I think, 2007. It's a tool to encourage compliance so that individuals with severe and persistent mental illness are admitted but then are also monitored and given options in terms of when they may or may not choose to take their medication. It doesn't force treatment upon individuals but simply encourages those who are on medication to comply and to continue to be productive members of society and, quite frankly, eases some of the burden that is placed on family members.

**The Speaker:** The hon. member.

**Mrs. Sarich:** Thank you, Mr. Speaker. My final question is also to the same minister. Currently what supports and resources do families of the mentally ill have available to them?

**Mr. Liepert:** Well, as I mentioned, the community treatment order is clearly one of those tools that families do have as an option. But, you know, we do have some, I think, 16 designated mental health facilities around the province and almost a hundred community health clinics throughout the province. These provide mental health intake and assessments and diagnosis and, to some degree, some treatment services. Then, of course, we have our more expanded services, that I referred to, such as the Centennial Centre and, certainly, Alberta Hospital Edmonton and others across the province, Mr. Speaker.

**The Speaker:** The hon. Member for Calgary-Varsity, followed by the hon. Member for Edmonton-Highlands-Norwood.

#### Children's Services Workforce Complaints

**Mr. Chase:** Thank you, Mr. Speaker. The ability for employees to feel that their opinions and concerns are respected is one of the most important aspects in ensuring a satisfied and productive workforce. This is especially important when the staff involved work with vulnerable children and may feel the need to speak in the child's best interest as opposed to that of their department. To the Minister of Children and Youth Services: will the minister table the current internal complaints policy that is being used for issues staff have with both human resources and case-specific concerns?

2:20

**The Speaker:** The hon. minister.

**Ms Tarchuk:** Well, thank you, Mr. Speaker. We have several mechanisms in place in which to take a look at workforce issues and workload issues. I can tell you that we have managers and supervisors on an ongoing basis that are always taking a look and monitoring workloads as well as a provincial committee that works with our unions. I think there are all kinds of mechanisms to take a look at what you're talking about.

**The Speaker:** The hon. member.

**Mr. Chase:** Thank you. You didn't answer the question about tabling those policies. Hopefully that will follow.

Will the minister answer whether there is any whistle-blower protection within her own ministry for staff who feel that there is an issue that needs to be raised yet fear reprisal. If not, can the minister explain why this necessary protection for Children and Youth Services staff has not been implemented?

**The Speaker:** The hon. minister.

**Ms Tarchuk:** Well, thank you, Mr. Speaker. Again I would say that I think we do have lots of mechanisms in place. I would always encourage staff to come forward to their manager or supervisors with any concerns.

**Mr. Chase:** Unfortunately, lots of mechanisms in place – without referring to specific mechanisms, which I've asked you to table, we're just talking generically, and I'm looking for specifics.

Since early March you've had in your possession the report regarding the Child and Youth Advocate. You've been asked on many occasions, including yesterday by the hon. Member for Edmonton-Strathcona, to table this report, and the answer has always been that soon it will be released. Will the minister finally commit to tabling this document by the end of business today?

**The Speaker:** The hon. minister.

**Ms Tarchuk:** Well, thank you, Mr. Speaker. I just reiterate what I said yesterday. It is true that I have a copy of the report. We have been working through a government response that I've mentioned in the last couple weeks. Just a reminder to the House that that response does have to go through an approval process. I can tell you that we're very close to the end, and it is my intention to release it shortly.

**The Speaker:** The hon. Member for Edmonton-Highlands-Norwood, followed by the hon. Member for Lacombe-Ponoka.

#### Automobile Insurance Rates

(continued)

**Mr. Mason:** Thanks very much, Mr. Speaker. Insurance companies want to jack up car insurance rates by 40 per cent. The finance minister says that 20 per cent might be reasonable if the cap is struck down by the courts. The notion is ridiculous, and it's a gouge. The government promised rates that would meet or beat those in other western provinces. I guess we can chalk that up to another broken promise. Does the finance minister really expect Albertans to cough up a 20 per cent insurance hike from companies that are making billions?

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

**Ms Evans:** Thank you, Mr. Speaker. The fear factor of significant increments based on experience we had some five years ago would suggest that rates might increase if, in fact, the cap was removed. We have to wait until the court case validates whether or not the manner in which we've pursued this is going to be successful. It's been suggested to me that if we win, well, there'll probably be an appeal from the other side and vice versa. I don't think we should prematurely examine and make any finite decisions on this. I think it's speculative. It was suggested very strongly, certainly, by our experience in years past that we would have to be careful so that we didn't have significant cost increases.

**Mr. Mason:** Mr. Speaker, the 20 per cent figure was a number that the minister used just a few minutes ago in question period here. Drivers don't want to hear about that. Some have lost their jobs, their wages have been cut back, and they can't afford to spend another penny on inflated car insurance.

In Saskatchewan, where they have public insurance, they're proposing a 4 per cent hike in fees. Here private companies are lobbying for 40 per cent. It's a gouge, Mr. Speaker. When will the finance minister stop the gouging and stop breaking promises to ensure that Alberta's insurance rates are as low as or lower than any other western Canadian province?

**The Speaker:** The hon. minister.

**Ms Evans:** Thank you very much, Mr. Speaker. For one thing, if the hon. member retrieves the Blues, he'll find that I was not the person that talked about 20 per cent in the Legislature.

The other thing. Although you can cherry-pick and cite other jurisdictions and say, "They look better; they sound cheaper" and all the rest of it, I would be very surprised if the hon. member would advocate for something that would give less value for the injury. I mean, our focus is what kind of injury is sustained, what the person should receive in fair compensation. In Alberta we believe that we

should be compensated for pain and suffering. Other jurisdictions don't always do that. So you can't examine things, a complex question, in a simple question-and-answer period and get a satisfactory conclusion on this. We are defending Alberta ratepayers, Alberta people who are consumers and buy auto insurance. We're doing a good job, and I think the public trusts us for that.

**Mr. Mason:** Mr. Speaker, with respect, if the minister can't see how unacceptable this is, then we have a bigger problem than we thought. The fact that the minister even feels comfortable discussing a 20 per cent rate hike is disturbing, and it just shows how out of touch this government is with Alberta families. When will the finance minister either stand up to the insurance companies once and for all or admit that public auto insurance is the only solution?

**Ms Evans:** Well, Mr. Speaker, at the risk of being redundant, I will say once again that I have not been the person discussing any particular percentage that might seem reasonable. I have been the person that spoke just moments ago in question period and outside this Chamber. The suggestion of the media was: did we support a 40 per cent increase? No. And we didn't support a 37 per cent rate increase last year. What did they get last year? Five per cent.

Mr. Speaker, I think the hon. member is missing the point here. The rate board adjudicates based on the information they receive. We receive that information from the rate board, and then we respond.

**The Speaker:** The hon. Member for Lacombe-Ponoka, followed by the hon. Member for Edmonton-Centre.

#### Maintenance Enforcement Program

**Mr. Prins:** Well, thank you, Mr. Speaker. There are about 65,000 children in our province who are registered to receive financial support through enforced child maintenance orders. I want to know that these children and the children who live in my constituency specifically are receiving the support they deserve. My first question goes to the Minister of Justice. Does the province have anything in place to monitor child support orders?

**The Speaker:** The hon. Minister of Justice and Attorney General.

**Ms Redford:** Thank you, Mr. Speaker. Under the Department of Justice we have a very successful maintenance enforcement program that has really built and grown in the last 20 years. We want to make sure that not only are we able to enforce court orders and agreements that parents have come to or been directed to pay, but we also want to talk publicly about the fact that people have an obligation to pay support for children, who need to have love, commitment, and the support of both parents, whether they're living together or not.

**Mr. Prins:** Well, Mr. Speaker, that's all well and good, but we know that there are still parents in Alberta not paying child support. So what tactics is the province going to use to get these people to meet their obligations?

**The Speaker:** The hon. minister.

**Ms Redford:** Well, thank you, Mr. Speaker. The maintenance enforcement program over the years and with the co-operation of the courts has developed a series of approaches that they can use once a court order has been granted and registered with maintenance

enforcement in order to ensure that child support orders are paid. If people do not pay those orders, then we're able to put in place a number of collection procedures, which include seizing their bank account, seizing personal assets, garnishing wages, places liens on property, to ensure that we're able to collect money from people that have an obligation to pay.

Mr. Speaker, last week we announced the Help Us Find website, which unfortunately highlights people who have made very few payments in support of their children, and we're going to make sure that we encourage the public to help us to hold those people to their obligations.

**The Speaker:** The hon. member.

**Mr. Prins:** Thank you again, Mr. Speaker. I have a constituent with two young children whose ex-husband lives on a reserve near me, and he refuses to pay his court-ordered maintenance. My final question is also for the Minister of Justice. How is the maintenance enforcement program going to work with those of my constituents whose ex-spouses live on reserves?

**The Speaker:** The hon. minister.

**Ms Redford:** Thank you, Mr. Speaker. So much of the work that we do at maintenance enforcement relies on the fact that we are able to collect debts and orders from people that haven't fulfilled their obligations. Now, this does present a particular challenge for us for people who work or have property on reserves which are First Nation. They fall under the jurisdiction of the Indian Act; therefore, we have to take a different approach with them. We work very closely with Indian affairs in order to ensure that information is provided to bands to enforce those orders, and we have had some success. We also work very closely with – and I know the Minister of Aboriginal Relations has been very vocal on this issue – and we have had very good support from band leaders. We think that there might be other opportunities to explore with respect to the responsibilities that the federal government has and will be pursuing those.

**The Speaker:** The hon. Member for Edmonton-Centre, followed by the hon. Member for Wetaskiwin-Camrose.

#### Sour Gas Levels at Mildred Lake

**Ms Blakeman:** Thank you very much, Mr. Speaker. Hydrogen sulphide, also known as sour gas, is highly toxic and could lead to eye irritation, sore throat, cough, nausea, and shortness of breath, and that's at its very, very lowest levels. It's average annual concentration at Mildred Lake in northern Alberta has increased 135 per cent over the last 10 years. The air in Wood Buffalo went from exceeding the standard 13 times five years ago to 350 times this last year. My questions are to the Minister of Environment. How does the minister explain exceeding the standard 350 times? What the heck is going on?

2:30

**Mr. Renner:** Mr. Speaker, the issue of the monitoring of air comes down to determining what are the levels at which the various operators are allowed to emit and determining when exceedances occur. The point at which the allowable limit is set is far less than the point at which there would be any risk to humans. The member is pointing out a serious concern that we have, a concern that we have taken up with the operators out there. We'll be doing everything that we can to bring that under control, but I can assure the member that these exceedances do not equate to human health risk.

**The Speaker:** The hon. member.

**Ms Blakeman:** Well, thanks very much. This morning the level of sour gas at Mildred Lake was twice as high as Alberta's standard. To the minister: with consistent exceedances why isn't the government forcing compliance?

**Mr. Renner:** Mr. Speaker, we are holding the operators accountable. I must reiterate yet one more time: there is a difference between an exceedance on an operating permit and human health risk. I can assure this member, I can assure all Albertans that should there be a point at which our air monitoring indicates that there is a health risk, we would be dealing with it in a decidedly different way.

**The Speaker:** The hon. member.

**Ms Blakeman:** Thank you very much. Well, Mr. Minister, it's 350 times, and it is sour gas.

My final question to the minister is: why isn't the sour gas monitored in Fort MacKay, which is the closest populated area to Mildred Lake?

**Mr. Renner:** Mr. Speaker, we rely on a series of monitoring stations, some of which are permanent and some of which are mobile. The member knows perfectly well that we do have on occasion the ability to move mobile monitoring into locations that we feel are in need of monitoring. If the member has reason to believe that that mobile monitoring should be taking place, I would ask her to bring it to my attention.

**The Speaker:** The hon. Member for Wetaskiwin-Camrose, followed by the hon. Member for Calgary-Buffalo.

#### Alberta Arts Days

**Mr. Olson:** Thank you, Mr. Speaker. My family, like a lot of Alberta families, really values the arts. In our family for the last 10 years we've had an annual arts week, and we have a film festival. Family Day weekend we had 170 people at our house. So I was really delighted to hear that the Minister of Culture and Community Spirit announced Arts Day last year, and now we're even more delighted to hear that it's being expanded to a three-day event. I do have a few questions for him, though. In this time of economic uncertainty, of course, we're always mindful of costs, so I'm wondering if the minister can give some assurance that he will be prudent with the spending as we engage on this expanded event?

**Mr. Blakett:** Well, Mr. Speaker, it's always important to remember that we're in tough economic times, and we should always be fiscally prudent. But you know what? We have to keep on living. The air that I breathe right now is full of oxygen. We don't take that out of it. We don't take arts and culture out of our province, which shows such great diversity and shows great benefit for us. Right now in tough economic times we need a diversion. We need to look at the arts to help us escape for at least an hour or two the drudgery and the problems that we encounter in our daily lives. Also, it's a great opportunity for us as a province to showcase our tremendous artists.

**The Speaker:** The hon. member.

**Mr. Olson:** Thank you. Again for the minister. Last year I know there was a provincially organized event that took place in Calgary.

As a rural MLA I really want to stress that the arts and culture are alive and well all over Alberta and certainly in rural Alberta. I'm wondering what the minister has done in terms of engaging the rest of the province in these events.

**Mr. Blakett:** Well, first of all, Mr. Speaker, last year we had over 30 different communities – large, small, and medium – across the province participate. Whether it was Barrhead, whether it was Fort McMurray, Grande Prairie, Cardston, Banff, Didsbury, Three Hills, you name it, they were involved in it. This year, instead of just focusing on Calgary, we're going to be in Fort McMurray, we're going to be in Edmonton, we're going to be in Olds, we're going to be in Calgary, and we're going to be in Medicine Hat. We're going to cover all five regions of the province, Mr. Speaker.

**Mr. Olson:** Well, I understand that last year schools and libraries, in particular, felt as though they might have missed an opportunity, so I'm wondering if you're doing anything this year to make sure that schools and libraries get the opportunity to take part in this event.

**Mr. Blakett:** Well, Mr. Speaker, an excellent question. We want to make sure that this is a group of days that all Albertans feel they can participate in, so with the Minister of Education we're involving all K to 12 students this year, whether it's drawing a picture, writing a poem or a story, participating in a musical or a play or in a sports and recreational activity. We include that as part of culture as well. Also, we have our libraries, which are a gateway for our new immigrants. We are going to utilize them. We're going to make all of our provincially owned facilities through arts and culture available free of charge to all Albertans so that they get a chance to have a little slice of culture.

#### Taser Testing

**Mr. Hehr:** Mr. Speaker, prior to Christmas a national news organization reported that certain tasers were firing outside the limits that the manufacturer was guaranteeing. In Alberta we found that we had some of these tasers in use, and the Solicitor General organized for some of them to be tested. The last time I asked this question, there were still some of these tasers out on the street that hadn't been tested. I'm just following up on that. Have all of those tasers that were scheduled to be tested now had that procedure completed on them?

**The Speaker:** The hon. minister.

**Mr. Lindsay:** Well, thank you, Mr. Speaker. To answer the question, we are anticipating that all of our tasers in this province will be tested by the end of June.

In regard to the recent article, I believe that the RCMP had 249 of the earlier models, the M26s, in Alberta. They've all been pulled off. In the remaining police forces in the province there were only 15 of them that were being used. They have been tested. The ones that proved to be good are back in service. The ones that weren't have been pulled. Any that have not been tested have also been pulled. So it's looked after here in Alberta due to our proactive testing.

**The Speaker:** The hon. member.

**Mr. Hehr:** Well, thank you, Mr. Speaker. The follow-up question – and I believe that the Solicitor General indicated this in estimates

– is: will you be committing to a regular testing regime of all tasers within this province, and if so, when can we expect this to begin?

**Mr. Lindsay:** Mr. Speaker, an excellent question. Yes, we did commit to regular testing. We're putting the final finishes to that very quickly here. We'll likely start off with a program where we will test them probably fairly frequently. Depending on those test results, we'll re-evaluate the program as time goes on. We hope to have that in place fairly soon.

**The Speaker:** The hon. member.

**Mr. Hehr:** Thank you, Mr. Speaker. My final question for the Solicitor General. It's my understanding through some of the research that I've done that the RCMP have a little more stringent guidelines on the use of tasers. People have commented on this, saying: why don't we just simply adopt the RCMP guidelines to maybe improve on the standards already used in Alberta?

**Mr. Lindsay:** Again, Mr. Speaker, we did a thorough review of our guidelines a little over a year ago. We did put them in place, and they are probably the most stringent in Canada. Our guidelines are pretty much in agreement with the new guidelines that the RCMP came up with a few months ago.

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

#### Thorhild Landfill

**Mr. Johnson:** Thank you, Mr. Speaker. There's a landfill being proposed in my constituency, in the county of Thorhild. The status of this landfill is dependent on rezoning hearings by the county. Some of my constituents are looking for clarification regarding this process. I would like to ask the Minister of Municipal Affairs: why won't the province get involved in discussions on sensitive projects such as this?

**Mr. Danyluk:** Well, Mr. Speaker, rezoning is a planning and development issue, and decisions on these matters rest with the municipality. It is up to the local council to make local decisions such as surface development. If I can say, there is a process in place, and the decision on the application has not yet been made. So the process needs to be completed.

2:40

**The Speaker:** The hon. member.

**Mr. Johnson:** Thank you, Mr. Speaker. To the same minister: in the event that the rezoning is successful, what are the next steps in the process, and what role does the province play, if any, in the evaluation and decision-making for this municipal project?

**Mr. Danyluk:** Well, Mr. Speaker, we have provided a framework for an accountable process under the Municipal Government Act. Again, I want to repeat that the decision to amend the land-use bylaw is the responsibility of the municipal council. If rezoning is approved, the next step would be to apply for a development permit from the municipality. I will say that if it's granted, then the development permit can be appealed through the local subdivision and development appeal board. The third step would involve obtaining of approval from Alberta Environment.

**The Speaker:** The hon. member.

**Mr. Johnson:** Thank you, Mr. Speaker. Some of the concerns my constituents have shared with me focus on the possible environmental impact of the landfill. My second supplemental is to the Minister of Environment. What can the minister do to assure my constituents that this landfill won't harm the environment in our region, and what role does his department play, if any, in the approvals or oversight of projects like this?

**The Speaker:** The hon. minister.

**Mr. Renner:** Thank you, Mr. Speaker. My department plays a significant role in the approval process for any landfill. There's a comprehensive, rigorous approval process. But I want to emphasize to the member that it is the department, not the minister. The minister stays out of these kinds of decisions for, I think, a very appropriate reason. These things are supposed to be based upon environmental, scientific information, not politics. Eventually this project would require an Environmental Protection and Enhancement Act approval and possibly even a Water Act approval. I can assure the member that we would review carefully and ensure that the strict guidelines are met, that compliance is assured, and that impacts in the area would be lessened. Again, as the Minister of Municipal Affairs has already pointed out, this project has not yet been applied for, and we are awaiting an application. At this point there is nothing that we will be doing on this project.

**The Speaker:** Hon. members, that was 96 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 Drayton Valley-Calmar.

#### Children's Wish Foundation of Canada

**Mrs. McQueen:** Thank you, Mr. Speaker. Each year, sadly, thousands of Canadian children between the ages of 3 and 17 are diagnosed with a life-threatening illness. Granting wishes to children diagnosed with high-risk, life-threatening illnesses is the primary business of the Children's Wish Foundation of Canada, which this year celebrates its 25th anniversary. As I read this statement today, Children's Wish is in the process of granting its 15,000th wish to a child in a community somewhere in Canada.

The magic of a wish provides children and their families with an opportunity to share the joy of a special experience and an escape from the day-to-day challenges of the illness. For a child whose wish is about to be granted, the pain and discomfort of their illness somehow becomes more bearable. For many the excitement of planning and anticipating their dream has a dramatic effect on their healing. I commend Children's Wish for their commitment to bringing wishes to life for these courageous youngsters and for supporting families during the most difficult of circumstances.

Mr. Speaker, Children's Wish is a symbol of hope and a chance to provide children and families with special memories. I invite all Members of the Legislative Assembly to acknowledge Children's Wish for the important work they have done with 1,300 families right here in Alberta and the work they continue to do with families across Canada.

Thank you, Mr. Speaker.

**The Speaker:** The hon. Member for Calgary-Montrose.

### Penbrooke Meadows Community Cleanup

**Mr. Bhullar:** Thank you, Mr. Speaker. This past Sunday I partnered with the Calgary East Church of the Nazarene and the South American Pentecostal Church for their Faith in Action event. Instead of going to church, both congregations along with other volunteers spent the day cleaning up the community of Penbrooke Meadows, the community in which I was born and now so proudly represent.

We had 98 volunteers out who picked up garbage from the streets and back alleys, helped residents with yardwork, picked up discarded electronics and other refuse from residents' homes, provided bins for the free use of the community, and cleaned graffiti. By the end of the day, Mr. Speaker, we filled four garbage trucks with refuse and collected over eight bins of electronics to be recycled. A number of residents also received help with their yardwork.

The day was capped off with a joint service involving the two congregations. Mr. Speaker, it was a touching service. Pastor Ricardo's kind words of prayer for me left me speechless and, yes, even a little teary-eyed. I would like to thank pastors Douglas Webb and Ricardo Escobar for offering their hand in friendship to me and for taking the initiative to organize such a great project. I hope we make this an annual occurrence.

This event was about service in the community, Mr. Speaker. It was about people from different walks of life uniting in service, uniting in our common pursuit to make a positive contribution to the world around us. When we unite in service, we bring down the many artificial barriers that separate humankind, and this project did just that.

This cleanup is a step towards building a stronger community. I hope this initiative inspires other residents of Penbrooke Meadows to make a difference. Specifically, I hope we can find more households to adopt a park, a street, an alley to keep clean, Mr. Speaker. I encourage them to do so, and I thank the congregations.

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

### Victoria Settlement

**Mr. Johnson:** Thank you, Mr. Speaker. On Saturday, May 23, there was a very special event in my constituency of Athabasca-Redwater. The signing ceremony for the commemorative integrity statement for the Victoria district national historic site of Canada and the Victoria Settlement provincial historic site. This commemorative integrity statement outlines the planning, managing, operating, reporting, and remedial action for the Victoria Settlement in Alberta. This designation will help ensure that this area is preserved for future generations to enjoy.

The Victoria Settlement was first established by a Methodist mission in 1862. Then in 1864 the Hudson's Bay Company built their trading fort nearby, which is now Alberta's oldest building still standing on its original site. By 1900 Scottish, Métis, and Ukrainian families, including the forefathers of our Premier, began populating the area and established a school and a hospital, and the area has been slowly growing ever since. The Victoria district settlement is one of the jewels in my constituency from both a cultural and historical standpoint and is an example of the rich heritage in Athabasca-Redwater.

Mr. Speaker, this site is one of a number of sites in my constituency which hold significance historically for Alberta. Athabasca Landing on the Athabasca River was the gateway to the north and the transportation hub for the Hudson's Bay Company. The Athabasca Landing Trail, the first registered road in Alberta, played a vital role in the development of northern Alberta. Amber Valley,

which was one of Canada's earliest black settlements, is celebrating its hundredth anniversary this year.

Mr. Speaker, I want to recognize the dedicated volunteers of the Victoria Home Guard Historical Society and the Smoky Lake Heritage Board and volunteers Graham Dalziel, Pauline Feniak, Noreen Easterbrook, and Joyce Peats, who all worked so hard to have this site designated a national historic site by the government of Canada. My constituents and myself also wish to thank the Premier and the Minister of Aboriginal Relations for attending this very special ceremony a couple of weeks ago.

Thank you, Mr. Speaker.

### Presenting Petitions

**The Speaker:** The hon. Member for Fort McMurray-Wood Buffalo.

**Mr. Boutilier:** Thank you very much, Mr. Speaker. It's my pleasure as the Member for Fort McMurray-Wood Buffalo to present here this afternoon to the Alberta Legislature a comment by over 450 citizens encouraging the government to promote municipal integrated fire and emergency medical services throughout the province with one administration and not a duplication of overhead.

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

2:50

**Mr. Mason:** Yes, Mr. Speaker. On behalf of the Member for Edmonton-Strathcona 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.

The petition has 226 signatures, and that is in addition to approximately a thousand signatures we presented yesterday.

Thank you.

### Notices of Motions

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

**Dr. Taft:** Thanks, Mr. Speaker. I rise to give oral notice that at the appropriate time I will be rising on a point of privilege concerning the May 26, 2009, ruling of the Ethics Commissioner, which excluded me from participating in debate on Bill 43. This decision unfairly and inappropriately prevented me as an MLA from fulfilling my duties.

Thank you.

### Tabling Returns and Reports

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

**Mr. Chase:** Thank you very much, Mr. Speaker. I have a series of tablings. The first is the program for the 50th anniversary graduation at William Aberhart high school, located in Calgary-Varsity. L'école Banff Trail had a similar 50th anniversary celebration just around the corner. It's a feeder elementary.

Secondly, I am tabling a follow-up e-mail from Alison Ainsworth expressing concern about the lack of government support for her severely autistic seven-year-old daughter. The letter is addressed to the Member for Red Deer-North, in whose constituency the Ainsworths are now residing. Alison appeals:

The current and updated documentation, as provided by the family to FSCD, states clearly by every one of her current specialist team

of more than 20, that my child's behaviour surrounding safety, sleep, and anxiety resulting in significant self-harming to her hands, arms and torso, needs to be supported by psychology.

I would like to table a letter regarding the potential damaging effects of noise not only in the wilderness but also in residential areas. David Sulz writes, "The noise created by off-road vehicles is as destructive, if not more, to wildlife and to the enjoyment of wilderness areas by Albertans."

Mr. Speaker, today I'm tabling two e-mails received in my office from Calgaryans who express their concerns about the decision to delist gender reassignment surgeries. They're worried that it will end up costing the government more in the long run. Allison Leonhardt writes, "I ask you to please bring up reinstating funding for Gender Reassignment Surgery." Willow Brocke writes:

Those of us who are mental health professionals in the constituency, who are already overwhelmed and under-resourced in treating mental health conditions that are not curable with surgical intervention – are counting on you to be wise and do the right thing.

Mr. Speaker, I am tabling three letters and e-mails received in my office from Albertans who are disappointed and angry about this government's decision to eliminate the Wild Rose Foundation. The letters were received from Alison Steward, Dr. Robert Dickson, and Robin Doherty.

Mr. Speaker, I am tabling three letters and e-mails received by my office expressing support for Motion 503 and urging the government to follow through on the will of this Legislature and eliminate provincial achievement testing. The correspondence was received from Jackie Seidel, Elisha Danielson, and Andrea Gough.

Mr. Speaker, I'd like to table four letters from individuals concerned with section 11.1 of Bill 44. The letters have been received from Tyler Gschaid, Scott Rowed, Cheryl Zelmer, and Julia Smith, who basically summarize the concerns. They are asking, "How can an understanding of other people and of beliefs other than one's own be harmful to Alberta's youth?"

Mr. Speaker, today I am tabling six letters and e-mails received by my office from Albertans who are angry about the government's decision to increase fees for seniors' drug programs. This correspondence was received from Donovan and Eunice Williams, Ron Summach, Craig Thorn, Janice McNabb, Stewart Taylor, and Dennis Sanders.

I'm also tabling 13 letters expressing grave concerns over the delisting of chiropractic services. These came from Esther Davidchuk, Roger Zwack, Fernand Theunissen, Brian Donaldson, Mariola Kolanos, Christa Duclos, Jaimie Jessop, Dorothy Harrison, Don Findlay, Freya MacLean, Robert Stephenson, James Nielsen, Lina Gareau, and Veronica Petri.

Mr. Speaker, I'm tabling my final tabling, the names of 284 Calgaryans who ask the government to ensure podiatry remains covered by Alberta health care.

Thank you, Mr. Speaker.

**The Speaker:** The hon. Minister of Aboriginal Relations.

**Mr. Zwozdesky:** Thank you very much, Mr. Speaker. It's my great pleasure today to table five copies of a special booklet entitled *Inspiring People: 2008 Aboriginal Review*, which essentially outlines Syncrude's aboriginal review and their leadership role in the employment area, education and training, business development, community development, and the environment. Syncrude is truly a leader with aboriginal communities, and I want to thank them for this and provide it for the emolument of all members here.

Thank you.

**Mr. Anderson:** Mr. Speaker, on behalf of the hon. Member for Stony Plain I stand today to table five copies of a letter from Esther

Gehlert regarding the unfortunate death of Lorraine Adolph at an Alberta hospital.

Thank you.

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. I have two tablings today. The first is a cease-and-desist order to the hon. minister of health urging the hon. minister to "cease and desist from further dismantling of our public health care structure," and it's signed by people from Edmonton.

I have one more tabling. In reference to my question earlier today this is the chief executive officer report to the Alberta Health Services Board, March 2009, and I would urge all hon. members to have a read through this document. It's quite interesting.

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

**Mr. Bhardwaj:** Thank you, Mr. Speaker. I'm pleased to table the appropriate number of copies of *Travel Alberta Stay*, the summer festival and event guide, which features Jena Krystofiak dancing at Edmonton heritage days. I had the pleasure of introducing the lovely and talented young Edmontonian in the Assembly earlier today.

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

**Ms Pastoor:** Thank you, Mr. Speaker. I have two tablings today that, unfortunately, I couldn't get through yesterday.

**The Speaker:** Well, we just about can't get through today either, so keep 'er going.

**Ms Pastoor:** Five copies of a letter from Tyler Gschaid fully outlining that Bill 44 finally was obeying a federal court order but that section 11 was regressive thinking and, therefore, flawed in this bill.

The second one is five copies of a letter from Kathleen Shigemi, who suggests that Bill 44 "flies in the face of the new Social Studies curriculum that focuses on multiple perspectives, and includes religious perspectives on a variety of historical and current events."

### Tablings to the Clerk

**The Clerk:** I wish to advise the House that the following documents were deposited with the office of the Clerk. On behalf of the hon. Mr. Knight, Minister of Energy, return to order of the Assembly MR 8, asked for by Mr. Mason on April 6, 2009.

On behalf of the hon. Mrs. Klimchuk, Minister of Service Alberta, response to Written Question 4, asked for by Mr. Mason on March 16, 2009.

On behalf of the hon. Mr. Goudreau, Minister of Employment and Immigration, pursuant to the Workers' Compensation Act the Workers' Compensation Board Alberta 2008 annual report and return to order of the Assembly MR 10, asked for by Ms Notley on April 20, 2009.

On behalf of the hon. Ms Tarchuk, Minister of Children and Youth Services, response to Written Question 8, asked for by Ms Notley on April 6, 2009.

On behalf of the hon. Mr. Renner, Minister of Environment, response to questions raised by Ms Blakeman, hon. Member for Edmonton-Centre, during Oral Question Period on May 26, 2009, regarding the Alberta energy efficiency rebate program.

**The Speaker:** Hon. members, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

### Introduction of Guests

(continued)

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

**Mr. Rogers:** Merci, M. le Président. It gives me great pleasure to introduce to you and through you to all Members of the Legislative Assembly two friends who are visiting us in the members' gallery today. Marie-Laure Polydore of Edmonton is originally from Guyane, or French Guiana. Rêmi Ogouma is visiting from Ottawa, and she is originally from Benin, West Africa. These ladies are woefully trying to help me improve my French. I would ask that our guests rise – and I wish them bienvenue – and receive the warm welcome of this Assembly.

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

**Dr. Taft:** On the point of privilege?

**The Speaker:** Absolutely.

### Privilege

#### Ethics Commissioner Advice on Conflicts of Interest

**Dr. Taft:** Thank you, Mr. Speaker. I am pursuing a point of privilege under Standing Order 15. I'm pursuing this privilege on the grounds that I as an elected member of this Assembly was prevented from carrying out my duties during both debate and voting and, further, was informed that I could not raise issues in question period. There is no more serious breach than preventing a member from carrying out his or her duties to constituents.

3:00

I am pursuing this privilege against the Ethics Commissioner, who, as an officer of the Legislative Assembly, is a creature of the Assembly and accountable to the Assembly. Here are the facts and the timelines that go with it, Mr. Speaker. Allow me to do this with care.

On the afternoon of Monday, May 25, the Speaker read into the record of this Assembly a cautionary letter concerning Bill 43 from the Ethics Commissioner, which is recorded for everyone to read on pages 1206 and 1207 of *Hansard*.

Second, prompted by actions of the Speaker, by your reading the letter into *Hansard*, I phoned the Ethics Commissioner to clarify the situation regarding my in-laws owning a small herd of cattle.

Third, on Tuesday, May 26, the Ethics Commissioner wrote to me saying that I must recuse myself from debating or voting on Bill 43 because my father-in-law owns a small herd of cattle. I will table that correspondence.

Fourth, on Wednesday, May 27, in the evening the debate and vote on Bill 43 in Committee of the Whole was pursued and recorded in *Hansard*. Bill 43 passed through Committee of the Whole. I did not attend as per the ruling of the Ethics Commissioner. No one in the Assembly at the time identified a conflict of interest.

Five, the following morning, Thursday, May 28, I was considering asking a question relating to Bill 43, so I phoned the Ethics Commissioner to ask if I could in fact ask questions in question period relating to Bill 43. He advised me not to ask questions in question period relating to that issue. In the course of the phone call I noted

that *Hansard* showed a number of government MLAs from the previous evening who appeared to have farm connections similar to or closer than mine participating in debate on Bill 43 and, indeed, voting.

Six, on Thursday, May 28, in the afternoon I wrote the Ethics Commissioner asking for written clarification of his ruling that I could not participate in question period relating to Bill 43. I will table that correspondence, too, Mr. Speaker.

Seventh, on Monday, June 1, after morning phone calls from the Ethics Commissioner indicating he had made mistaken rulings, my office received at 1438 hours, 2:38 in the afternoon, a letter from his office reversing his decision of May 26 and, to his credit, apologizing. I will also table that correspondence.

Mr. Speaker, there is, I believe, little question that I was blocked from fulfilling my duties as an MLA. I am the opposition critic responsible for Bill 43, and as such I had had extensive written and verbal correspondence on the bill. As you know and everyone here knows, it's a contentious piece of legislation with deeply held views on both sides, exactly the kind of thing that should be hashed out here.

As the critic I had acquired a good understanding of Bill 43. I had asked questions concerning it in question period before it came to the Assembly in Committee of the Whole. I had prepared a number of amendments to introduce during Committee of the Whole. I had a significant list of stakeholders across the province who were counting on me to raise their concerns. In short, I had given a serious commitment to fulfilling my duties as an MLA and as a member of Her Majesty's Loyal Opposition. I was not able to do these things because of the rulings of the Ethics Commissioner. I scrambled to make do in the best way possible through such things as having amendments made in other members' names, but it is clear my rights as an MLA were infringed.

When I read *Hansard* the day after Bill 43 passed through Committee of the Whole, I was surprised to see that a number of government members who may have been in a similar position to me participated in debate and voted on Bill 43. One of the first questions that came to my mind was: am I being held to a different standard than government MLAs? Mr. Speaker, that can be a serious concern for opposition MLAs in a province where one party has been completely dominant for four decades.

However, Mr. Speaker, the concern I want to emphasize today is about the rights of MLAs, all of us, to fully participate in this Assembly and about the general lack of understanding of conflict of interest that led to my rights as an MLA being infringed.

Let me deal first and ever so briefly with the rights of MLAs to fully participate in this Assembly, which is, of course, crucial to a matter of privilege. I'm concerned that these rights are being increasingly curtailed and that the current ruling is not the only one to do this. In recent weeks MLAs have been cautioned by the Ethics Commissioner about participating in debate on matters relating to teachers' pensions if they are themselves teachers or have family members who are teachers. A number of MLAs dutifully recused themselves from debates and voting even though the Conflicts of Interest Act says that a private interest does not include a matter that is of general application or that affects a person as one of a broad class of the public. This is section 1 of the act, Mr. Speaker.

Mr. Speaker, I am aware of at least one other ruling, this one from the previous Ethics Commissioner, that was startling in its effects on my rights as an MLA. I will read a portion of that into the record. This stems from the fall of 2007. It arose during the debates on royalties. As it turns out, through inheritances from homesteading my family, my wife, owns a fraction of a per cent of the mineral right, so in the course of royalties I wrote the then Ethics Commissioner. I said:



Dear Mr. Commissioner:

As I have indicated and filed previously with your office, my wife owns a partial interest in a freehold mineral rights point on some farmland in Alberta. This interest is generating some income for her from oil and gas production. She inherited the interest, and it goes back to her family's time as homesteaders.

Given the current debates on royalties, including discussion of freehold mineral rights, I want to ask your advice on my involvement in this issue. Given that there are thousands of people who own such rights, it seems to me this is a program or policy of general and widespread application and that I should be able to participate freely in the public debate. Can you please advise me as soon as possible.

The response was startling, and I think all of us need to be concerned about this as MLAs. This is dated October 19, 2007, from Donald Hamilton, at the time Ethics Commissioner.

Dr. Taft:

Thank you for your e-mail requesting my advice on your ability to participate in matters relating to the royalty review in Alberta.

To be consistent with advice I have given to other MLAs in similar circumstances . . .

I don't know who, but I think we need to be very alert to this as a group of MLAs.

. . . my advice is that you do not participate in the debates or discussions on the royalty review.

I do appreciate that there are a number of citizens who hold mineral rights but their circumstances may vary and not all may take the same position on the issue of royalties. For that reason, it is my advice that there is a private interest and that it is not a matter of general application.

Donald Hamilton

Ethics Commissioner

I was Leader of the Opposition. This was the largest issue in the province at the time, and I had just been told I could not participate. I was startled. I sought legal opinion, and I can tell you that counsel was startled, too.

I wrote back. I won't go through all of this, but I pointed out to the Ethics Commissioner, and I quote from my correspondence:

In the entire 105 page report of the royalty review panel there are just two sentences concerning freehold mineral [rights]: "Freehold Mineral Tax: That a flat 6% tax apply regardless of level of production. Retain the base exemption of \$1600."

In 105 pages that's all that the report addressed.

So, Mr. Speaker, my point in reading this is that the events and rulings of the last week are the culmination of what I think is a very worrisome trend, and that's why I'm bringing this to the floor of the Assembly for all members to consider. The ruling of this commissioner in recent days brings to a head a trend that has been building from the time of the previous commissioner. It is a trend that I believe is misguided and misinformed. It is based on a wrong-headed approach to conflict of interest. And if it continues to develop, it will not only erode the fundamental privilege of MLAs; it will become a recipe for paralysis of the Legislature.

3:10

It is also important to note that these decisions by ethics commissioners create a false impression that this Assembly is being tough on conflict of interest. In fact, I was not in conflict of interest with Bill 43. I should have had every right to debate, to vote, and to ask questions in question period. It's because Bill 43 did not create a private interest. It applied to a broad class of the public, numbering in the tens of thousands, and it was of general application. The same logic applies to the teachers' pensions issue, and it also applies to the matter of freehold mineral rights, each of which apply to tens of thousands of people.

Mr. Speaker, in asking you to find a point of privilege, you may consider what is the remedy. After all, if there's no feasible remedy, then why bother? Because I have sought views on this in the last 24 hours quite broadly, I've been informed from very credible sources that in many jurisdictions in this country this could lead to a resignation by the Ethics Commissioner, but I don't believe that's necessary. I do believe we need to consider other, more constructive remedies. In the long term these could include amending the Conflicts of Interest Act to set a minimum qualification for the commissioner, such as having a background in the legal profession. But, more urgently, the remedy I would seek is to have the commissioner prepare an in-depth working paper for study by all MLAs and, of course, by the Ethics Commissioner himself on the nature of conflict of interest and on standards of best practice.

Ironically, until we as an Assembly and the commissioner understand conflict of interest better, we think we're being tough on the issue when we are simply being misguided. On the one hand, we carefully recuse ourselves from issues that are not conflicts of interest under the Conflicts of Interest Act, and then on the other hand, we stand by while any number of people appointed to government boards fall short of best practice and in some cases are in obvious conflict. Over and over this Assembly passes legislation or approves appointments that do not meet standards of best practice.

Mr. Speaker, in recent years the corporate world has gone through a dramatic improvement in standards concerning conflict of interest. Part of that process was a systematic, industry-wide process of education for people in the corporate worlds. It is time this Assembly followed suit. It would be a wonderful remedy to this privilege if, in fact, it led to the Ethics Commissioner undertaking a serious education program for all MLAs concerning best practice on conflict of interest.

Thank you, Mr. Speaker.

**The Speaker:** I thank the hon. member.

Is there an additional member who would like to be recognized on this subject matter? The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker. The question of privilege that's been raised is a very serious matter. Well, any question of privilege is a very serious matter, but in this case it involves a question being raised against an officer of the Legislature on a particularly critical issue, and I would want to indicate that I think the issue itself is a critical issue. The question of the definition of private interest and when an interest is not a private interest because it is a matter of general application to the public is a very critical issue for many of us. Bill 25 has certainly raised that issue for members of the House, as has Bill 43.

The critical piece – I'm using the word "critical" too many times, so I'll find another word. The real question here for a question of privilege is not the issue itself, which is important. As the Speaker you will know that as Government House Leader I have approached the Speaker and the Attorney General, the Speaker to act on behalf of all members of the House and the Attorney General to act on behalf of members of Executive Council and people appointed by Executive Council, to approach the Ethics Commissioner to deal with this broader issue of private interest and general application because it's a very critical issue to members of the House doing their work. However, it should be clear in all of the expressions that the hon. member raised and in the letters that we received that the Ethics Commissioner provides advice, and it's up to each and every one of us as members of the House to determine our participation.

When I excluded myself from the House with respect to Bill 25 because of the advice of the Ethics Commissioner, I specifically said: I'm excluding myself because the Ethics Commissioner believes that I have a conflict of interest. In fact, I did not believe,

myself, that I had a conflict of interest. I believe that the law of general application would have protected me in terms of participation in that debate, but it wasn't an issue that I was prepared to make a point of at that particular time. It is an issue that I think is important and I think should be addressed in an important and appropriate way.

But that's not a question of privilege of the House because the question of the hon. member being able to do his duty is one that he has to determine. Every member of this House has to determine when they should be present and when they shouldn't be present, and only each of us as an individual, knowing our personal circumstances, is in the position to make that decision. We should and we can ask for advice, and we do ask for advice, and when the Ethics Commissioner provides advice, it is prudent to follow that advice until, if one disagrees with the advice, one can get it changed.

The issue of whether or not an individual member is precluded from doing his duty. If the doors are locked and they can't get in, that might be a question of privilege. If one's character is besmirched in an inappropriate way to the extent that they no longer can carry the trust of their members, that might be a question of privilege. But the question of whether one can attend and participate and vote on an issue, whether they have a question of conflict or not, is a personal question for members to determine themselves. They can take advice on that, and I would quote the letters that I have. I know the hon. member referred to several letters. There are two letters here. In one of them it says, "It is my advice that you may participate in further debate," and the other is, "It is my opinion that the term . . . would include that of your father-in-law and that you must therefore recuse yourself." "It is my opinion": that's what's being asked for here.

I don't want to diminish in any way the importance of the issue. I think it's a very important issue because I think members ought to be able to participate fully in every matter that comes before the House unless there is an expressed private interest. But this is not a matter which should be determined by referral to the privileges and elections committee for some determination as to whether the Ethics Commissioner has or has not impeded the interests of a private member. I would say it is not that and should not be that for this particular reason: if the House was to do that, it would undermine, in fact it would eviscerate, the role of the Ethics Commissioner in its entirety because if we were to . . . [interjections]

**The Speaker:** The hon. Government House Leader has the floor.

**Mr. Hancock:** Mr. Speaker, this is a very important question, and I would ask that the hon. member . . .

**The Speaker:** Come on. Keep coming.

**Mr. Hancock:** I will. I lost my train of thought there because of the chirping from Calgary-Buffalo, which was entirely inappropriate.

The point that I was making is that we cannot eviscerate the role of the Ethics Commissioner by having it open to the House determining a question of privilege on the basis of any ruling that we might disagree with. That would undermine the role of the Ethics Commissioner entirely. That would put every ruling of the Ethics Commissioner with respect to the participation of a member in question.

When I say ruling, I want to put it in the context that I said earlier. We have the privilege of being able to approach the Ethics Commissioner as individual members with the benefit of privacy to outline our personal circumstances and ask for advice as to whether our personal circumstances would put us in a conflict. We get that advice, and then we either take that advice, which is the prudent

thing to do, or do not take that advice, as we wish, but it is our decision to do that. It is not, in my view, appropriate for this House to undermine that role of the Ethics Commissioner by second-guessing, by in fact saying: you gave me wrong advice, and that interfered with my ability to do my job. If you believe the Ethics Commissioner has given you wrong advice, then look to somewhere else to get advice, and then act on the benefit of your conscience and your understanding of your position. That is the position that I think we need to be in while understanding the very important issue that's been raised about how far, how broadly we want to have interpreted this question of private interest or general public application.

3:20

I think the hon. member is exactly right when he says that at some point in time, after having these discussions and having the benefit of what's happened with respect to these two bills, we may need to look at the conflicts act itself and determine whether it needs to be changed in any way. But I think the appropriate process right now is for the discussions to happen with the Ethics Commissioner from the perspective of the Speaker on behalf of members and the Attorney General on behalf of Executive Council, both groups of people that are affected by the Conflicts of Interest Act and any opinions of the Ethics Commissioner, and determine whether there can be some bulletin published or direction given as to where that line might be. I don't think you can ever be definitive about where that line is, so it always is a matter of opinion. We cannot undermine and eviscerate the role of the Ethics Commissioner in this way, by allowing a question of privilege to determine this type of an issue.

**The Speaker:** I guess it's going to lead to further discussion. Now, I want to be very, very clear to hon. members. I will recognize anyone who chooses to participate in this matter today. This matter was raised by the hon. Member for Edmonton-Riverview as a very personal item. It was his privilege within the Legislative Assembly of the province of Alberta. It was not a discussion with anyone else. It was his experience. He knows it better than anyone else. So we will focus entirely on the subject matter that was raised by the Member for Edmonton-Riverview.

The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thank you very much, Mr. Speaker. I'll try to do that, and I'll try to be quite brief. I simply want to say with respect to the role of the Ethics Commissioner, which was part of the privilege that was raised by the hon. member, that it is incumbent on all of us to carefully heed the advice of the Ethics Commissioner. To suggest that if we disagree with the Ethics Commissioner, in some way we should be prepared to reject his advice or go outside to get other advice, I think is not a fair statement. If you think about it, if the Ethics Commissioner gives you advice and you don't follow it and another member then raises a question against you, which could lead, ultimately, to the loss of your seat, and an investigation is initiated by the same Ethics Commissioner, who then provides a report to this Assembly, what are the other members of the Assembly going to rely upon in order to make their judgment? Are they all going to go out and get their own separate legal opinions? No.

In fact, you can almost count on the fact that all members of the Assembly will rely on the judgment and the opinion of the Ethics Commissioner to make a judgment about your own personal situation and whether you have a conflict of interest. The result then is a vote in the Assembly that ultimately could cost you your seat. So I would submit to you, Mr. Speaker, that the hon. Member for Edmonton-Riverview has made a very serious and valid point, and I think that the approach suggested by the Government House Leader goes nowhere. The reality is that we depend upon the Ethics

Commissioner for advice, and if we don't accept it, then he is involved in the process that follows from that, and other members of the House are very dependent on his advice in deciding what further action to take. The net result of that is that you simply have no choice but to accept the advice of the Ethics Commissioner.

**The Speaker:** Additional participants? The hon. Member for Calgary-Nose Hill.

**Dr. Brown:** Thank you, Mr. Speaker. As I understand a matter of privilege, your function is limited in these cases to deciding whether the matter is of such a character as to be an issue of privilege and whether or not it should entitle the House to make a motion with respect to the issue. In my respectful submission I think that the matter of privilege raised by the Member for Edmonton-Riverview is a serious matter. It raises issues of a broader concern to all of us as Members of the Legislative Assembly, and I know that I for one would be loath to reject the advice of the Ethics Commissioner. In fact, I think that I share with the Member for Edmonton-Riverview the belief that when the Ethics Commissioner gives a ruling or a direction in a particular matter, I would be bound to follow that advice.

In my respectful submission, Mr. Speaker, I'm not going to propose a motion, but I wonder whether or not it is an appropriate circumstance where one member of the House, perhaps, would make a motion to refer this matter to the committee on privileges and elections to investigate the matter further and perhaps to report back to the House.

**The Speaker:** No ruling has been made by the chair yet, so it's a bit presumptuous to talk about motions.

**Dr. Brown:** Well, when you make your ruling, Mr. Speaker, I guess that is an option for the House if you should decide that this is an issue of privilege.

But, as I said, I think it is a serious matter, and I think it warrants further investigation by the House.

**The Speaker:** Thank you.

Sorry, hon. member. One shot.

**Dr. Taft:** I can't close debate? Okay. Thanks.

**The Speaker:** Are there additional comments to be made by hon. members?

Hon. members, this issue was unknown to the chair until 10:55 this morning, and the last involvement that the Speaker had with respect to this matter was when the Speaker rose in the House and, in fact, read into the record the advice provided by the Ethics Commissioner. All members will know that the chair was pretty forceful with respect to heeding the advice forthcoming from the Ethics Commissioner. It was very clear. The chair was also unknowing, hon. Member for Edmonton-Riverview, about any ruling with respect to royalties that was made to the member in times gone by.

This is a matter that I want to thank the hon. Member for Edmonton-Riverview for raising in the House. This is a very serious situation. The chair, having been in this Assembly for nearly 30 years, appreciates the importance of a member wanting to participate and having the broadest general application and ability to participate as an elected person. The chair also knows that we have a Conflicts of Interest Act and that there have been rulings with respect to this. The chair is aware of the changing advice given to the hon. Member

for Edmonton-Riverview, and the chair can fully understand because when I read the letter that was provided with the first advice on May 26, I must say that a few questions came into my head with respect to that ruling. Then on June 1 to get a letter that shows a different perspective can cause some issues.

Look. I do not recall when a question such as this has been raised in this House, but I do know that it applies to the integrity of all 83 members of this Assembly. All 83 members must be assured, then, that when advice is sought and advice is given, they can move forward with comfort and a feeling of assurance. The chair will not comment further on some of the opinions expressed here in the last few minutes as to whether the chair agrees or disagrees with them. That will come at a later moment.

I intend on taking this matter. I take it as a very serious situation – and I underline the words “very serious situation” – because it involves the integrity and the privileges of all members of this Assembly and their participation in this Assembly and their belief that the advice given to them is of the highest possible quality that can be provided. Hopefully, I'll be in a position to come back tomorrow with a statement with respect to this.

I recognize as well that the hon. Member for Edmonton-Riverview sought what I would believe to be a very professional remedy with respect to this. I do not recall any request being made by the hon. Member for Edmonton-Riverview for having a motion or the matter referred elsewhere other than to prescribe some certain steps to be taken to basically create a working paper to look at standards of best practice, to review all of this. There's a variety of ways that that may be done, but I do want to take the time to think about this. Hopefully, it will be tomorrow afternoon that I will return with a statement with respect to this.

I want to repeat again that this is serious. Basically, it involves the contempt, I think, of an officer of the Legislative Assembly of Alberta. In essence, that is the underlying statement that we're talking about and the assurance associated with it. I appreciate the comments of all members, and I will deal with this further.

3:30

## Orders of the Day

### Government Bills and Orders Third Reading

#### Bill 43

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

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

**Mr. Griffiths:** Thank you, Mr. Speaker. It is my pleasure today to rise and move third reading of Bill 43, the Marketing of Agricultural Products Amendment Act, 2009 (No. 2).

I truly appreciate, Mr. Speaker, the support that was received at Committee of the Whole and the vigorous debate that was engaged in. It is regrettable that the Member for Edmonton-Riverview couldn't participate. Bill 43, if everyone recalls, gives fundamental right of choice to producers of four commodity groups, namely beef, pork, sheep, and potatoes.

There was only one question that remained from Committee of the Whole which I had not had a chance to answer. That was about exactly how the refund process would work. In fact, the change will go into effect for each of the commissions in their 2010-2011 fiscal year. The hon. Member for Lacombe-Ponoka was exactly correct, Mr. Speaker, when he said that the regulations will have to be put together after this legislation is passed. The regulations would specify the refund process and likely use a process that's similar to

the other refundable commissions, where there is a payment period and a refund period. The existing refundable commissions have varying regulations. Some have a refund period that's only once per year, some have a refund period that is twice a year, and some do it quarterly.

I can assure all the members of this Assembly, all the members of the commissions, and the members of the public that once Bill 43 is passed, Mr. Speaker, the Agricultural Products Marketing Council will consult with each of the commissions and members to ensure that the regulations work appropriately for them, their producers, and the commissions themselves, to make sure that they're effective and they don't create any tremendous undue burden by spending a lot of time dealing with the refunds and commissions at inappropriate times.

I appreciate the support that was given in Committee of the Whole to this legislation, and I anticipate the continued support through third reading. With that, Mr. Speaker, I will take my seat.

Thank you.

**The Speaker:** Hon. Member for Edmonton-Riverview, I'm giving you first chance to participate in this debate. You've got 20 minutes.

**Dr. Taft:** Well, thank you, Mr. Speaker. I will go from memory on the discussion of Bill 43.

**The Speaker:** Usually the best speeches, by the way.

**Dr. Taft:** I realize this has been a contentious piece of legislation, a difficult one for the government and one that has led to some pretty bitter feelings in the agriculture sector.

I guess we can deal with it beginning from the point of principle as it's been put to me. One of the first people I called in the cattle industry who talked to me about it captured it in a sentence. He said: this is about a few people with a lot of cattle versus a lot of people with a few cattle. I thought that was a pretty good summary of the interests here. The concern is that the few people with a lot of cattle are carrying the day and that the provisions in the current legislation that are there to allow a plebiscite on this issue, in which the many owners, each with a few cattle, could exercise a vote on the basis of equal suffrage, on the basis of one person, one vote, are being revoked or being overruled, that in fact the democratic processes under the bill are eliminated and that a default position is being pushed through that favours the few owners with the many cattle.

There is an issue here of people in the beef, hog, lamb, and potato industries feeling that what they assumed were democratic rights are being steamrolled. I can understand that. I know they feel very strongly, and frankly I'm sympathetic to them.

The concern further is that if Bill 43 is passed – and it looks like it will be – there will be an impact on the viability of the various producer organizations to really fulfill their jobs. The Alberta Beef Producers are concerned that a handful of large operators may cost their organization hundreds of thousands of dollars a year or even more than that and, as a result, curtail their efforts to support the industry. So there's the democratic issue here, and there's the economic issue, and I am sympathetic, frankly, to the large number of smaller producers on both fronts.

There's a third issue here, Mr. Speaker, which has to do with what we might call collateral damage, a term borrowed from, as we all know, war. It's, I think, a term that was concocted in an effort to reduce some of the ugliness related to civilian casualties in war. Regardless, the collateral damage here would be the impact on the pork producers, the sheep and lamb producers, and the potato

producers. They very strongly feel that this is really a beef issue. It didn't involve them at all. Nobody in the pork industry was particularly outspoken on this issue and nobody in the sheep or potato industries either, yet they're caught up in this because of the real conflict within the beef producer sector. So there's that issue as well.

Then that, of course, raises the matter of fairness. If you're a pork producer happily going along raising your pork when there's no particular issue of any note around the functioning of the check-off and the viability of the producer organization, suddenly it feels like the rug is pulled out from under you because of the conflicts occurring in the beef sector. Then you can see why they feel it's pretty unfair. The same applies to the potato sector and the sheep sector.

Mr. Speaker, there's a series of fundamental problems with this bill: democratic, economic, and fairness. That's why we have opposed this bill.

Now, we've heard all sides of the debate. I've had correspondence from those who support the bill, and clearly the government supports the bill. There's a gulf between the two sides that's not going to be bridged. The decision will be made, and things will move on.

I guess I'm left most fundamentally questioning on the basis of the democratic matter here. Given that there were grounds in the existing and historic legislation for a plebiscite to be held, why didn't the government simply allow the plebiscite to be held? After all, that is how elections generally are run. In the stock market people get to vote by how many dollars they have, but in the political arena it's been historically for very good reason one person, one vote. That was the set-up for the producer organizations. I think it's a regressive step for democracy that we've abandoned that principle and, instead of one person, one vote, in effect said one animal, one vote or one dollar, one vote. It's an unhealthy trend.

I am concerned about a tendency in this government in many different areas to consolidate power, to in my view weaken democratic institutions, and to justify it in the name of economics. I know that some government members have done that. The Member for Battle River-Wainwright has explored this issue in some of his debates on Bill 43 and has come out saying that when the chips are down, this is, first and foremost, an economic issue. For me it's first and foremost a democratic issue. So we lock horns, and since there are only a few of us and there are a bunch on the government side, we lose. But that doesn't necessarily mean that I'm convinced that it's the right outcome.

3:40

Mr. Speaker, I appreciate the opportunity to rise at this point to Bill 43. I might as well say on the record, although I said it at some length half an hour ago, that I really do regret not being able to participate in debate in Committee of the Whole because of the ruling of the Ethics Commissioner. I had a bunch of really good amendments and very well-prepared notes and an awful lot of people around this province looking to me to carry their case forward. Speaking for a few minutes in third doesn't equal that, but I'll take it.

Thank you, Mr. Speaker.

**The Speaker:** Additional? The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you, Mr. Speaker. To move the process along, I would like to introduce an amendment. I will ask the pages to pick it up and distribute it, and then I will speak to the amendment.

**The Speaker:** We'll wait till it's circulated.

Hon. Member for Calgary-Varsity, please proceed. I believe that there are enough copies out.

**Mr. Chase:** Thank you, Mr. Speaker. I am moving that the motion for third reading of Bill 43, Marketing of Agricultural Products Amendment Act, 2009 (No.2), be amended by deleting all the words after "that" and substituting the following: "Bill 43, the Marketing of Agricultural Products Amendment Act, 2009 (No.2), be not now read a third time but that it be read a third time this day six months hence."

Speaking to the amendment, Mr. Speaker, there has been tremendous conflict with regard to Bill 43. Questions that I asked during the committee stage such as, "How were producers contacted? Were any polls taken? Were there public consultations held, and if so, where and when?" couldn't be answered. So I'm left with the feeling that this bill has been imposed on the agricultural community as opposed to being proposed by the agricultural community.

Without repeating details that I brought forward in the Committee of the Whole debate, I want to emphasize the point made by the hon. Member for Edmonton-Riverview with regard to the few who own many cattle and the many who own a few cattle. In terms of the total number of cattle in this province: 5.4 million cattle and calves. In terms of the number of individuals involved in raising those cattle and calves: 28,750 farms. Those are a lot of individual farms that I don't believe received the consultation necessary to have the opportunity to provide informed input into the consideration of this bill.

What we have is the traditional western style battle of various groups over the usage of the land. I can't help but think of westerns where we had the cattle barons hiring gunslingers to run off the farmers and the shepherds. This type of conflict is antiproductive to this province.

Now, in dealing with our discussion this afternoon and the point of privilege, it was noted that the Ethics Commissioner barred the MLA for Edmonton-Riverview from debate on this bill at Committee of the Whole but later reconsidered this ruling. Others in the House who participated in the debate on Bill 43 could have had potential conflicts of interest but were still able to participate, while the Member for Edmonton-Riverview was not able to.

I believe that time is needed, not only time for the members within this House to get back to their constituents, the 28,750 of them – and those are just the farms. We can assume that there are other family members involved on those farms. I think the Ethics Commissioner needs an opportunity to clarify prohibitions affecting the participation of Members of this Legislative Assembly and to share these clarifications with all members of the House. I don't believe this bill is ready. I don't believe the homework has been done that is necessary to assure that not only the economic interests of the few are met but the livelihood and the survival of family farms and ranches throughout the province that are at stake.

As the hon. Member for Edmonton-Riverview pointed out, the underlying consideration that is most key to this bill is the democratic right to express an opinion, and I don't believe that the individuals who live on the 28,750 farms that produce cattle and calves have had an opportunity to have their opinions taken into account. I don't believe that the 2,180 farms that produce lamb and sheep have had their voices heard, nor do I believe that the 1,570 farms that produce hogs have had an opportunity for input nor, it follows, would the 400 farms that grow potatoes and the individuals who live on those farms.

Now, Bill 43 is taking a very drastic measure in terms of removing the rights of a plebiscite. That is draconian, to say the least.

Therefore, I believe that the hon. mover of this bill has good intentions, but he and I are both teachers, and we know what happens when you don't do the research and the homework assignment is incomplete. Using that analogy, I think that in the six months that intervene – I know that farmers and ranchers are extremely busy. The seeding has taken place. They're praying for rainfall to help with their animals and help with the production. Mother Nature has a tremendous influence on the success of farms, whether they're of the potato nature or cattle or sheep or hogs. If we're going to get this right, if we're going to do service to the over 31,000 individuals involved in agricultural undertakings in this province, I don't believe that Bill 43 meets those requirements.

Hence, what I am saying is: let's do our homework right. Let's allow six months of public consultation to take place, and let us give those 31,000 individuals an opportunity for full participation. This may be the last time they get that opportunity, Mr. Speaker. If this bill goes forward and eliminates the plebiscite, I have grave concerns about the state of democracy being eroded even further. Therefore, I have proposed this amendment, and I look forward to others participating in the discussion as to: is this homework complete, or is there more work to be done?

Thank you.

**The Speaker:** Hon. members, we are on an amendment. The debate will be restricted to the amendment.

**Hon. Members:** Question.

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

[Several members rose calling for a division. The division bell was rung at 3:50 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Chase	Mason
Hehr	Taft
MacDonald	Taylor

4:00

Against the motion:

Ady	Hancock	Quest
Allred	Horner	Redford
Anderson	Johnson	Renner
Benito	Johnston	Rodney
Bhardwaj	Lukaszuk	Rogers
Blackett	Marz	Sarich
Boutilier	Mitzel	VanderBurg
Brown	Morton	Vandermeer
Dallas	Oberle	Webber
Elniski	Prins	Woo-Paw
Griffiths		

Totals	For – 6	Against – 31
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[Motion on amendment to third reading of Bill 43 lost]

**The Speaker:** The amendment is defeated. According to our rules if such amendment is defeated, the question is immediately put on the motion for third reading.

[Motion carried; Bill 43 read a third time]

**Government Bills and Orders  
Second Reading**

**Bill 49**

**Municipal Government Amendment Act, 2009 (No. 2)**

**The Speaker:** The hon. Member for Edmonton–Castle Downs.

**Mr. Lukaszuk:** Thank you, Mr. Speaker, for recognizing me. It's a pleasure today to rise and commence discussion on Bill 49, the Municipal Government Amendment Act, 2009 (No. 2).

This bill will extend the good-faith clause, under which our Alberta firefighters work, to municipalities and fire departments. What it will do is reduce the time fire departments and firefighters spend in courts responding to liability claims, and in turn it'll increase the time that these valuable firefighters spend protecting their communities.

Now, Mr. Speaker, you may ask yourself: what would a firefighter be doing in a courthouse? Well, a trend has developed in Alberta, an unfortunate trend, where following a fire, following a loss of property, in the settlement of insurance claims very often, more often than not, fire departments and municipalities are named in lawsuits. Naming someone in a lawsuit sometimes is a routine thing, but in these cases these lawsuits are actually pursued. What happens is that firefighters are then asked to attend examinations for discovery at various law firms. Experts are hired from outside of the jurisdiction, often even from outside of the country, and these firefighters are being questioned on what it is that they did or did not do during that emergency, during the fire, and what more they could have done to perhaps save the property further and, therefore, diminish the liability of the insurance company for paying out and settling a claim.

Mr. Speaker, an example occurred not that long ago. All of us will remember a fire in a condominium complex in Clareview in Edmonton. Minus 30 to minus 35 outside, the middle of winter, in the middle of the night a semiconstructed condominium site caught fire, with exposed timber burning. Firefighters showed up from several fire departments. Their hoses were freezing. Firefighters ended up in emergencies because of slips and falls and other injuries.

Well, a number of years later this matter has reached the courts, and a fire chief from California – yes, Mr. Speaker, a retired fire chief from California – was retained by the defence, and he was questioning what our Edmonton firefighters could have done differently. What experience did he have? I don't know. But I tell you that in most of these cases all of our municipalities settle these claims because fighting these claims is very expensive. What they do is settle them for a certain percentage of whatever the statement of claim demands, which is Alberta taxpayers' money. The money that's being transferred by our MSI funds to municipalities now is being expended on settling these claims instead of being expended on services for Albertans.

Perhaps, Mr. Speaker, what is even more troubling – and every firefighter will tell you this – is that firefighters feel horrible about having to appear in an examination for discovery or even a trial and being questioned by someone three years later on what they could or couldn't have done in a moment of an emergency, under a given set of treacherous circumstances. Everybody can be an armchair critic a number of years later.

There's a stake for us as Albertans in this, Mr. Speaker. I don't want to see our firefighters running into a fire, saving lives and saving property, and now having to second-guess themselves, to second-guess their instinct, to second-guess the training that they have received for many, many years and doubt whether they should or should not do something because they may become liable and

may have to one day appear before a judge or a justice or perhaps in an examination for discovery. That is not what should be on their minds at a time when they're going into fire and when they're going into emergencies and are responding and are saving lives. These are costly ventures for municipalities. They are frustrating ventures for firefighters.

Now, in my recent discussions with our retired fire chief from Edmonton, when I asked him, "How is your retirement treating you?" even though he is fully retired, his response was, "I am very busy." He still has a number of court cases and examinations for discovery that he has to attend and prepare for for many, many years to come. So we are now pulling firefighters out of retirement to attend to these matters.

What also is very important, Mr. Speaker, is that in much of rural Alberta our firefighters are volunteers. It is difficult to find volunteer firefighters because that demands a great deal of time and commitment from them. It takes them away from their gainful employment. They have to be trained. Imagine being asked to volunteer and do all that yet be told: by the way, there could be an insurance company questioning some day whether you did your job right, and you may have to appear before judges or before lawyers and be questioned on it. It's frightening, and it's discouraging volunteer firefighters from being enrolled.

Mr. Speaker, this bill will put an end to this. What this bill will do is extend the good-faith clause, meaning that any and all decisions made during an emergency that are made in good faith – and we imagine most, if not all, decisions of firefighters are made in good faith – will not be subject to future litigation or will make future litigation significantly more difficult for plaintiffs in these cases.

This bill also is a bit of a success story because it came as a process of collaboration. Even though insurance companies in these cases are usually the plaintiffs, credit has to be given where credit is due. The Insurance Bureau of Canada has met with me on numerous occasions, Mr. Speaker, and fully supports this piece of legislation. They understand how important this issue is, and they now understand the ramifications of laying these lawsuits against municipalities. They do support us in passing this particular legislation, so at this point I would like to extend my sincere gratitude to the Insurance Bureau of Canada and all of their member companies who have collaborated with me in drafting this particular piece of legislation. I know that they are comfortable with the wording of it, which probably diminishes the chances of them ever trying to appeal any decisions in the future, because they are the co-drafters of this legislation.

**4:10**

Mr. Speaker, this bill responds to resolutions passed by the Alberta Urban Municipalities Association and the Alberta Association of Municipal Districts and Counties, who have requested that the municipal act be amended because they were on the receiving end of the frustration of having to have their municipalities, fire departments, and firefighters continuously appear before courts and judges. Also, we have consulted with department staff, obviously, within the Ministry of Municipal Affairs. We have consulted with firefighters, which included the city of Edmonton and the city of Calgary, so consultation should not be a problem.

Mr. Speaker, it is time we support our firefighters. The day couldn't be more appropriate. We just had some massive fires in Edmonton in a seniors' facility, and in the absence of this legislation I can assure you that with a fire like this, where firefighters responded in droves, a loss may follow to offset the cost of the claim that may have to be paid. I would encourage, at this point, all members of this Assembly to support our firefighters, to give them

that peace of mind so that they know that when they go into a fire, that's the only thing that they have to worry about: the safety of others' property and their own safety and not worry about lawsuits and appearing before judges and lawyers in the future. That's the last thing they should be doing. They're trained to do much more important things than that.

I will take my seat at this point, Mr. Speaker, and ask all members to support this bill. Thank you.

**The Speaker:** Did I hear the hon. member say that he was moving a motion to adjourn?

**Mr. Lukaszuk:** That is correct, Mr. Speaker.

[Motion to adjourn debate carried]

### **Bill 50 Electric Statutes Amendment Act, 2009**

**Mr. Blakett:** Mr. Speaker, I am pleased to move second reading of Bill 50, the Electric Statutes Amendment Act, 2009, on behalf of the Minister of Energy.

The amendments in Bill 50 propose that the government of Alberta take responsibility for approving a need for critical transmission infrastructure projects to meet the electricity needs of Albertans. We will do that based on the expertise of our province's Electric System Operator, a nonprofit body with the responsibility of ensuring that Alberta's electricity system operates in the public interest of all Albertans.

At the same time the government will ensure that the regulatory processes continue and that landowner and public concerns are addressed about where transmission facilities are located. When it comes to transmission sitings, landowner issues will be heard. These folks must have a say in the process. That's part of the legislation we debated here previously. The impacts of these new transmissions will be mitigated to the extent possible. Landowners will receive fair compensation. That's an issue that we've heard here in the past few days, and it's one that will continue to be addressed by the Alberta Utilities Commission. The way these matters are addressed will not change. In fact, these issues aren't even part of this legislation. That's because those decisions on the siting of critical transmission infrastructure projects have been made.

We know these lines are needed, but the actual routing has not been determined. That remains part of the Alberta Utilities Commission's regulatory process, just as it is today. With Bill 50 we are simply moving approval of need from the Alberta Utilities Commission to the government of Alberta. From a public policy perspective this just makes good sense. The technical input and analysis are done, and the provincial government, elected by the people of Alberta, will now be responsible for determining when and which lines are needed.

Mr. Speaker, the hon. minister introduced a document called the provincial energy strategy last fall. Some thought it had some good ideas, some nice pictures and so on. There were some folks across the way who said there was a lot of meat to the document. Well, that document specifically indicates that the government of Alberta will take responsibility for a comprehensive plan to upgrade our transmission system in Alberta, and that's exactly what Bill 50 does.

Mr. Speaker, as you know, there have been no new major power lines built in Alberta since the 1980s. Think about that. Our population has grown by over 1.3 million people since 1986, with nearly 400,000 people coming to our province in the last four years alone. More Albertans means more schools, hospitals, community

centres, office buildings, shopping malls and so on, all requiring massive amounts of new electricity.

What else has happened since the 1980s? Mr. Speaker, we've seen tremendous advancements in technology: computers in nearly every home, the advancement of the Internet, multiple TVs in homes, and other conveniences, which all require power to operate. As we look to the future, this demand will only grow.

Well, let's take a step back. Where are we today? Our transmission system has been working at or near its limits for extended periods of time. In recent years you've heard about new peaks in electricity consumption during both cold snaps in the winter and extreme heat in the summer, and that means that more than ever before Albertans are at risk of losing their electricity service. The Minister of Energy believes that's something he simply cannot accept, and that's why the government is moving ahead with Bill 50.

Upgrading the electricity system will be expensive. These projects are worth an estimated \$8.1 billion, Mr. Speaker, and yes, the ratepayers of this province will be expected to pay their share of that cost based on the amount of electricity that they use. That means about 80 per of the costs will be borne by industrial and commercial businesses operating in our province. Yes, there will also be costs borne by households. Those costs will ramp up over time, but it is estimated that costs will be around \$8 a month for an average household, again based on their consumption.

Let's remember a couple of things, Mr. Speaker. First, these costs have always been covered by ratepayers. It was either bury the costs of the electricity like it was in the past, or it will be broken out in bills as it is today. So that's not new. And remember one thing: there's a real cost to consumers of doing nothing at all. It's not free to maintain our entire transmission system as it exists today. Last year the inefficiency of our transmission system resulted in more than \$220 million in electrical line loss. That means there was a need for additional electricity to be generated and then, of course, the environmental impacts that come from generating that wasted electricity, power that is lost on the lines in the form of heat. Not only are consumers on the hook for \$220 million in lost electricity, but that's also enough power for 350,000 homes a year. Our system operator is successfully managing the demands on the transmission system, and they're getting by; however, the situation we're facing increases the risk of widespread power outages and unreliable service. That risk and the costs will only grow if we don't act now.

Now, some might be thinking that this isn't an issue because the lights come on when they flip the switch. The system is working right now, isn't it? We've seen what system failure can mean in the United States and eastern Canada, and to a much lesser extent we've seen what it can mean here. Consider July 24, 2006. That morning a transmission line tripped out, and as a result, two generators were isolated from the system. Then the Alberta-B.C. tie-line tripped due to a lightning strike, resulting in customer outages in Calgary, including their C-Train. Or how about May 15, 2007? A farmer accidentally drove his tractor into one of the 24-kilovolt lines near Red Deer which runs between Calgary and Edmonton.

Some might suggest that these issues are minor inconveniences; however, as we look to the future, the potential for greater failure exists. Albertans are not willing to accept anything less than a reliable source of power. They expect the lights to come on when they flip the switch. I would suggest it's the responsibility of this Assembly to ensure that that happens.

We know the risks, so what are the benefits, Mr. Speaker? If we are going to maintain our lifestyle and our province's economic growth, Albertans require an adequate, reliable source of competitively priced electricity. They expect it, and they depend on it. Alberta needs more generating capacity, but as they say in the

electricity business, transmission must precede generation. In other words, private investors, who pay for all the new generation in Alberta, are the ones who must make decisions on when to build new electricity generation. Why would those investors pay for new generation if they have no way to ship their product to Albertans? Further, if we are to encourage the responsible development of our resources, advanced clean-coal technology and coal gasification for example, we need the transmission capacity in place to deliver this product into the marketplace.

Coal in Alberta is cheap, and it's relatively easy to get, and there's a lot of it. There's an economic advantage to us to have it developed and for us to use it to generate power, particularly since Alberta has limited capacity for hydro power. Since the federal government is moving ahead with a yet unspecified plan to phase out traditional coal-fired generation, advanced coal technology is a must for Alberta.

4:20

That leads me to another important issue, the price of power in Alberta. There has been much made about Alberta's electricity prices under our restructured electricity market. The one way to help drive electricity prices downward in Alberta is through increased competition in the market, and that means unlocking all potential sources of electricity throughout the province to meet the needs of all Albertans.

I know there have been some that suggest we should simply build generation close to where the electricity is being consumed. There could be some potential for that in the future, but at this point in time that just doesn't reflect the reality of Alberta's electricity system. We operate on a single grid that serves all Albertans. The minister is not interested in creating two or more islands in the province to serve the needs of certain cities or regions. His job is to serve all Albertans, and properly fortified transmission systems will do just that.

There are proposals to bring on new generation of all types, from wind in the south, advanced coal in the centre part of the province, cogeneration in the north, and so on. These projects, including renewable energy projects, are simply waiting for new transmission line capacity to meet the electricity demands of Albertans. We know we need transmission. It's time to act, and it's a good time to act.

As we've been discussing throughout this session, the global economic slowdown is affecting Albertans. While these projects are costly, we've seen a recent decline in the price of steel and other products, and Alberta has the labour force available and able to take on projects of this size. It just makes good sense to move now on so many levels.

I realize it's June, Mr. Speaker, and folks might be wondering: why is the minister bringing forward new legislation now? Well, the simple answer to that is that it's important to have this bill before the Legislature before the Assembly rises so that all members will have their summer to discuss the important issue with their constituents. Awareness of these issues is, first, an important step for Albertans.

Mr. Speaker, I'd like to adjourn second reading debate.

[Motion to adjourn debate carried]

### Private Bills Committee of the Whole

[Mr. Mitzel in the chair]

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

### Bill Pr. 1

#### Beverly Anne Cormier Adoption Termination Act

**The Deputy Chair:** Are there any comments or questions with regard to this bill? The hon. Member for Airdrie-Chestermere.

**Mr. Anderson:** Thank you, Mr. Chairman. I would move that the question be put.

**The Deputy Chair:** Any other comments or questions?

[The clauses of Bill Pr. 1 agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Deputy Chair:** Opposed? That is carried.

### Bill Pr. 3

#### Les Filles de la Sagesse Act Repeal Act

**The Deputy Chair:** Are there any comments or questions with regard to this bill? The hon. Member for Red Deer-South.

**Mr. Dallas:** Thank you, Mr. Chairman. I'm going to make a motion with respect to an amendment, so at this point if we were to distribute copies of that amendment, I'll proceed.

**The Deputy Chair:** Hon. member, we will pause for a moment while the amendment is passed out.

**Mr. Dallas:** Okay.

**The Deputy Chair:** Hon. member, you may proceed.

**Mr. Dallas:** Thank you, Mr. Chairman. I move that Bill Pr. 3, Les Filles de la Sagesse Act Repeal Act, be amended as follows: the preamble is amended in the third recital by striking out "and liabilities."

**The Deputy Chair:** Any comments or questions on the amendment? The hon. Member for Calgary-Varsity.

**Mr. Chase:** Oui, monsieur. Je suis certain que Les Filles de la Sagesse apprécient beaucoup cet amendement. Alors, nous allons le supporter.  
Merci.

**The Deputy Chair:** Are there any other comments or questions on the amendment?

[Motion on amendment A1 carried]

**The Deputy Chair:** We are now speaking to the bill.

**Hon. Members:** Question.

[The clauses of Bill Pr. 3 as amended agreed to]

[Title and preamble agreed to]



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

**Hon. Members:** Agreed.

**The Deputy Chair:** Opposed? That is carried.  
The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Chairman. I move that the committee rise and report Bill Pr. 1 and Bill Pr. 3.

[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 certain bills. The committee reports the following bill: Bill Pr. 1. The committee reports the following bill with some amendments: Bill Pr. 3. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

**The Acting Speaker:** All those members who concur in the report, please say aye.

**Hon. Members:** Aye.

**The Acting Speaker:** Opposed, please say no. So ordered.

4:30                   **Government Bills and Orders**  
                          **Third Reading**  
                          *(continued)*

**Bill 36**  
                          **Alberta Land Stewardship Act**

**The Acting Speaker:** The hon. Minister of Sustainable Resource Development.

**Dr. Morton:** Thank you, Mr. Speaker. I'd like to move third reading of Bill 36, the Alberta Land Stewardship Act.

Bill 36 provides a legal foundation to the land-use framework to manage our land and natural resources for now and for decades to come. We have consulted widely on Bill 36 and listened to criticisms and concerns from Albertans, from stakeholders, and even the opposition parties, and made amendments that have improved the Alberta Land Stewardship Act. We've made amendments that ensure that the Métis Settlements General Council continues to make decisions consistent with the Metis Settlements Act. They also ensure that the Métis Settlements Appeal Tribunal continues to hear matters related to land compensation on Métis settlements. Amendments to the bill have strengthened accountability and reporting on regional plans by appointing a committee every five years to evaluate whether regional plans are meeting the purposes of this act and to report publicly on their findings.

Concerns were raised over executive power with respect to statutory consents. Existing statutory rights to compensation, such as they are, are not changed by Bill 36. However, if cabinet decisions and a regional plan require or cancel approval for a disposition, we have put a new process in that ensures fairness for the holders of these dispositions, requiring that reasonable notice to the holder be given and that the holder of the disposition be given the opportunity to propose an alternative means of achieving the

objective. This amendment provides new procedural protections for disposition holders that did not exist before.

One opposition amendment actually narrows the remedial powers of the courts. I was encouraged to see, perhaps, that the opposition is learning that unfettered judicial discretion is even more to be feared than unfettered political discretion since at least cabinet is accountable for its decisions.

There were other concerns raised about accountability, and I'll repeat what we said the other night: decisions about regional plans need to be made by elected representatives and not by the courts.

**Mr. MacDonald:** Didn't you guys say: after Ron Stevens was gone?

**Dr. Morton:** We covered that base, too.

There were concerns raised, helpful concerns communicated to us about the continuing role of municipal and local authorities. I want to reconfirm that municipalities are represented and will be represented on regional advisory councils, will be consulted as stakeholders as the regional plans are developed, and will continue to exercise their existing powers within the framework of the regional plans; that is to say that local authorities will continue to make decisions to meet local needs. Municipalities will retain their authority for municipal development plans, area structure plans, land-use bylaws, subdivisions, and development standards.

This legislation also respects the property rights of Albertans. We've introduced a new conservation and stewardship tool, the conservation directive, which may be used to conserve valued landscapes, ecologically sensitive areas, and scenic landscapes if this is expressly identified in a regional plan. But we have ensured that if a directive is used in a regional plan, landowners will be compensated for any loss in market value to the land that may result. This is a first in Canada, and one that Albertans can be proud of.

Mr. Speaker, in 2003 in the water for life initiative the government of Alberta committed itself to a place-based approach to sustainable development, a regional and watershed approach to sustainable development. Now, six years later, the Alberta Land Stewardship Act is the bookend, the logical follow-up to the water for life policy. The Alberta Land Stewardship Act is the most comprehensive land-use policy in Canada and, indeed, in North America.

Bill 36 is a timely response to the growing pressures on our air, land, water, and wildlife in a growing and changing Alberta. In a growing and changing Alberta if we want to keep what we value about life in Alberta, we have to change how we manage that growth. The Alberta Land Stewardship Act represents innovation. I cannot tell you that the Land Stewardship Act is risk free, but no innovation is. To innovate is to risk. I can tell you that Alberta was not built by people who were not willing to take responsible risks.

Our hydrocarbon legacy is a blessing, and our development of this resource has provided generations of Albertans with good jobs and economic opportunity. But there is the challenge to manage this development in a way that doesn't undermine the beauty and ecological health of our great province. The Land Stewardship Act is how we will manage this challenge. It is our opportunity to help define the future of our province so that it will be as good for our children and grandchildren as it has been for our generation. This is what stewardship is all about; this is what the Alberta Land Stewardship Act is about.

Thank you.

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

**Mr. Hehr:** Well, thank you, Mr. Speaker. It is a privilege to rise and speak on Bill 36. I've had the opportunity to speak at the other

two stages prior to this, so I won't belabour this much longer. I'd first just like to commend the minister on bringing forward a bill that is very necessary and, in fact, timely for the Alberta landscape. We've needed this type of framework put into play for some time.

It's a detailed and comprehensive bill that, hopefully, will lead us to a path of better resource and land management, that can balance our growing population, growing water use, growing economy, all of those things, all with the recognition that we are running out of land, running short of water, and our air is becoming more and more polluted, in some areas anyway. That's what this bill does. It sets a framework for us to try to manage that. It understands that we in Alberta have probably come to a tipping point, where we can no longer just continue to go about doing whatever we want to various plots of land, various streams, various riverbeds, what have you, without some sort of centralized or some sort of regional plans, which are in place here.

I've put these concerns on the record before but might as well do it again. That's what I'm here for. We do see this as being somewhat of a very large concentration of power in Lieutenant Governor in Council, in cabinet, in that decisions regarding the land-use framework happen at the council level, happen behind closed doors, and are not openly reported to the public. Also, we pressed strenuously for some amendments that would allow for some judicial review to this plan.

I think, at least, what I would put forth is that this is a good plan, but – guess what? – politicians can resist anything but temptation. You know, sometimes although we have a good plan, we get into a rough spot later on, and we say: "Well, let's tinker with this or tinker with that. Maybe we'll shove a shopping mall here, and it'll appease things for a temporary time. It'll get people off our back. It may get some donations coming in the door, what have you, and we'll go back to the land-use framework in a couple of months." You know, I realize that's a scenario that has happened from time to time. That's why we pressed for judicial review. I think anyone around this hall would agree that these things have happened in the past, and that's why we've gone to judicial review.

Nevertheless, it is what it is, sir. I appreciate the opportunity to be able to speak on this for the third time. Let's hope that the land-use framework adds to the continued road to Alberta becoming a more sustainable province.

Thank you very much.

4:40

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

**Mr. Allred:** Thank you, Mr. Speaker. I'm pleased to rise today and speak in support of Bill 36, the Alberta Land Stewardship Act, in third reading. Bill 36 is the product of over two years of intense public consultation and is the first legislative step in both the implementation of the land-use framework and the development of regional planning. This act will accomplish three important goals. First, it will provide a means for the government to meet its economic, environmental, and social objectives; second, it will provide a means to plan for the future; and finally, it will ensure sustainable land development while taking into account the cumulative effects of human development.

Through the extensive consultation process and also during the last election campaign Albertans have stressed the need for long-term, effective planning at the regional level. To this end, both the land-use framework and Bill 36 will implement a regional planning model, allowing for effective implementation of provincial policies. Specifically, the Alberta Land Stewardship Act will eliminate exemptions that existed in previous planning legislation that related

to resource infrastructure and pipeline transmission systems. In the past these exemptions created undue complications that made effective land-use planning more difficult. In essence, Mr. Speaker, Bill 36 will create the legislative framework needed to ensure that the unique considerations of regional planning do not conflict with the effectiveness of provincial policies.

As my hon. colleague for Airdrie-Chestermere has stated, the new regional planning does not mean creating a heavy-handed, centralized bureaucracy in Edmonton. Rather, it means looking ahead, weighing options, anticipating the future, and attempting to forecast the cumulative effects of development. That, I would suggest, Mr. Speaker, is what planning is all about. This, in turn, means accumulating a lot of land-use data and making intelligent decisions based on that data. The end result will be the creation of an effective planning and zoning process.

There's no question in my mind that long-term land-use planning and zoning is in the greater public interest as can be seen in the case of projects like the Edmonton and Calgary ring roads. A further example of regional planning can be found in both the capital region plan and the Calgary regional partnership. While this legislation clearly supports these long-term development projects, it also remains committed to addressing the cumulative effects of development. After all, the impact of a public project on land can extend for many years and can have many unplanned consequences. Bill 36 recognizes this potential and creates legislation that addresses not only planning issues but long-term developmental impacts as well.

The hon. Member for Edmonton-Strathcona stated earlier in the debate that the land-use framework could truly be one of the most important government initiatives ever introduced and could put Alberta quite high up in terms of responsible land-use policy with respect to other jurisdictions. I agree that the land-use framework is one of the most important government initiatives and will ensure that Alberta leads North America and probably the world in land-use planning. We will now have a hierarchy of land-use plans, leading with the provincial plan, the land-use framework, down through regional, municipal, area structure plans, and the more prescriptive land-use bylaws.

Mr. Speaker, Alberta has over the years been renowned for having the best land-use planning legislation in North America and even the world. We in Alberta have a long history of land-use planning going back, I believe, to the first planning legislation that was introduced in, I think, 1913. The former Planning Act, which was folded into the Municipal Government Act in the late 1990s, was and continues to be very effective planning legislation at the municipal level. Unfortunately, the well-developed system of regional planning was withdrawn in 1995. This created a number of regional disagreements which this legislation will cure. We need to get back to a system of regional co-operation and collaboration on the land-use front for the greater public interest. Mr. Speaker, Bill 36 will continue this tradition and ensure our continued leadership in the realm of effective land-use planning.

Bill 36 is a groundbreaking piece of legislation and has earned my full support. With that, I will conclude my comments and urge all members to join me in support of Bill 36. Thank you, Mr. Speaker.

**The Acting Speaker:** Standing Order 29(2)(a) is available.

The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you very much, Mr. Speaker. I appreciate the fact that the hon. mover of Bill 36, the Alberta Land Stewardship Act, noted even the support of the Official Opposition. Not to belabour the point, but even is what Bill 36 is all about. "Even" suggests balance, a balanced approach between the environment and

the economy. I appreciate the clarification that the hon. Minister of Sustainable Resource Development explained within the amendments, that it was strictly alphabetical order that economy preceded environment, but we know that both are of equal significance.

Reference was made to the water for life strategy 2003 and Lorne Taylor's initiatives. The whole point of Bill 36 is correctly built on the foundation of Alberta's seven watersheds, and water protection needs to be at the heart of all decisions that we make. It is disconcerting to me that while we're moving ahead with greater concerns over cumulative effects, a reduction in water testing and environmental stewardship is taking place because, for whatever reason, they are not considered sufficiently economically valuable to receive funding within the Department of Environment. I am also concerned about potential cutbacks to the front-line representatives of Sustainable Resource Development.

What I would like to do is very quickly acknowledge some key water stewards in this province. I would like to acknowledge the Leader of the Official Opposition, the MLA for Calgary-Mountain View, who pushed this government to pretesting prior to drilling and having that testing involve testing of isotopes so that we had an understanding of the predisposition of the water prior to the drilling for oil and gas. That's absolutely essential.

I want to thank Dr. Brad Stelfox, who is Alberta's absolute expert on cumulative effects – Dr. Stelfox's projections have been recognized by all Albertans, government members included – for his ability to lay out what could be without pushing what should be and leaving that up to the people of Alberta to decide. I would like to also recognize the work of Dr. David Schindler, who for years has been a leading advocate on water conservation and protection. Last but not least, I would like to thank a young man by the name of Dan Woynilowicz of the Pembina Institute, who has written numerous papers and provided numerous talks and PowerPoint presentations on the importance of protecting water, our number one Alberta resource.

Thank you very much for allowing me to participate, Mr. Speaker.

**The Acting Speaker:** Any other members? The hon. Member for Edmonton-Gold Bar.

**Mr. MacDonald:** Yes, thank you. On the bill, Mr. Speaker. It's with interest that I rise to participate in the debate on Bill 36 this afternoon. Certainly, I don't share the enthusiasm that other hon. members have regarding this legislation. To be truthful, I have many reservations about this bill. I have read it, put it away and then picked it up again and reread what I had read, and I'm still, unfortunately, not impressed, with all due respect to hon. members.

4:50

I hear of the public consultation process that occurred. It was two years in length. I heard the hon. Member for St. Albert talk about that. I certainly read, like many others, the comments from the mayor of Edmonton over the weekend in the minister of health's favourite newspaper, the *Edmonton Journal*. The mayor of Edmonton was outraged at the lack of consultation regarding the private member's bill which passed through the Assembly.

Now we have under this bill amendments to the Municipal Government Act, which is going to override local governments. Also, if the provincial government is not satisfied that the orders of the government or the minister in question are being adhered to, I'm looking at a section here that would allow the provincial government to withhold money: "withholding money otherwise payable by the Government to the municipal authority or regional services commission pending compliance with an order of the Minister." That's a lot

of power. That's, in my opinion, very, very disrespectful to local levels of government, whether it be a city or a regional municipality. I don't understand why that is necessary if we are to have compliance with a regional plan.

Now, the hon. Member for Edmonton-Riverview initiated the whole public debate around land management and plans to go into the future for land and our water. The hon. Member for Edmonton-Riverview certainly would not consider this amendment to the Municipal Government Act necessary. In fact, the hon. member presented a plan, and there was nothing like that in the ideas and initiatives that were presented by the hon. Member for Edmonton-Riverview.

So I take strong exception to this government, a government that has been in power for the best part of four decades, again taking this authority to suspend the authority of a council to make bylaws in respect to any matter. It's quite simple: you are overriding local government, and if you feel that a government is not abiding by your wishes, well, then you're going to withhold money. I fail to understand why we would need to do this. If in the consultations that were made the governments that you consulted with agreed to this – I see where the AUMA has endorsed this bill, but I don't know if they endorsed that particular amendment.

Also, there is a section in here that will force urban unions if necessary. I know the Premier worked very hard in getting groups together from around metro Edmonton so that they could work together in a more effective and efficient manner. There wasn't any need for Bill 36 at that time. The Premier, to his credit, got some good work done. But this bill is unbelievable.

Also, in the time that I have, judicial oversight. I think we need judicial oversight. There are three legs to the democratic stool. There's the executive branch, there is the judicial branch, and of course there's the legislative branch. I can see why the hon. Minister of Sustainable Resource Development has his issues around judicial oversight. The judiciary, Mr. Speaker, do not make the laws; the laws are made here in the Legislative Assembly. They simply enforce them if necessary, if a matter comes before them. There are three sections of this bill that allow complete override by the minister or by the cabinet. I just don't understand why we would need to have that: no review by the court.

This also applies to a decision of an appeals body. I'm going to read directly from this because I think this is draconian, Mr. Speaker. I'm looking at section 74(3):

On receiving the report of the appeal body, the Minister may, by order, confirm, reverse or vary the decision appealed and make any decision that the person whose decision was appealed could have made, and make any further order that the Minister considers necessary for the purpose of carrying out the decision.

I think that is completely unnecessary. Why do we need to have this ultimate authority? Then after this ministerial override of an appeals process, I don't see how we can say that this is fair to landowners or fair to Albertans. There's no review by the court. There's absolutely no review by the court, and there are two other sections in this bill where there is direct reference made to no review by the court.

Now, I don't think, whenever this bill was drafted by the minister, that the hon. minister wanted people to go into this in detail. If we look at part 5, the transitional provisions, related amendments, and coming into force of this legislation, sections 68 to 94 are conveniently listed as related amendments. There are significant amendments in there, Mr. Speaker, that I think this Assembly has failed to take notice of. There are significant amendments to the Public Lands Act, among other pieces of legislation, that I don't think we have dealt with effectively in the time we've had to debate this bill.

I'm amazed. I know we need to have a land-use law. I know that is necessary, but what I do not feel is necessary is the absolute power

that we are providing to the minister and to cabinet. I think that whenever landowners eventually become more aware of this bill as it's implemented, they're going to have a lot of questions, like I do.

I know that earlier in this session we had a long and lengthy discussion on Bill 19, but one of the last amendments, I think the very last amendment, is an amendment to Bill 19. That's section 3. I think 3(1), to be precise. Of course, we're striking out the notwithstanding clause and substituting: "Subject to any applicable [Alberta Land Stewardship Act] regional plan and notwithstanding." "Notwithstanding" goes back in there. We all know what that means. I'm really, really disappointed. I was told before, whenever we were debating Bill 19, that there was another shoe to drop with this, and this is it, this amendment, the very last amendment in Bill 36. Everything is connected here. Unfortunately, the connections do not bode well for the landowners of this province because I think they're going to be bulldogged here. The province has got this benevolent attitude that whatever they decide is right. I'm sorry. I cannot accept this bill in this form.

In conclusion, I want to say that we need a land-use framework, but this bill, for myself, just doesn't meet the test. I'm sorry. I cannot accept this bill. Thank you.

**The Acting Speaker:** Standing Order 29(2)(a) is available.

The hon. Member for Edmonton-Highlands-Norwood.

5:00

**Mr. Mason:** Thanks very much, Mr. Speaker. I'm pleased to rise and speak to third reading of Bill 36, the Alberta Land Stewardship Act. I think it's an interesting bill, and there are different aspects of it that are worthy of comment. I think the first one is the approach that's been taken in general, the overall approach to the issues. They flow from the choice of the ministry to head this up. I was somewhat surprised when Sustainable Resource Development was selected as the lead ministry in developing this plan. Normally I would have thought it would have been Municipal Affairs. I think you would get a different approach depending on which ministry was taking the lead on this particular bill.

A lot of the concepts in the bill I think flow from the fact that it's Sustainable Resource Development that is heading it up. For example, the division of the province into regions based on their watersheds wouldn't occur to the average Municipal Affairs minister as the way to develop. I'm not saying that it's a wrong thing at all, just that it seems to come from that. There is some good thought put into different provisions that allow for the conservation of land and resources in natural areas. It outlines four in particular. In that respect I think it's interesting, and there are some positive things that have come out of it.

The real question, I think, that bedevils the leaders at the municipal and provincial levels, which is the second thing I wanted to mention, Mr. Speaker, is the whole question of intermunicipal planning. Alberta used to have a system of regional planning councils. I was serving on the executive of the Edmonton regional planning council at the time the then Minister of Municipal Affairs, Dr. West, directed all of the regional planning commissions to wrap up their affairs.

Now, there were some disadvantages to the whole approach. Basically, in the Edmonton region, the one that I'm familiar with, Edmonton appointed I believe it was nine members of the regional planning commission, and then there was individual representation from other towns and rural municipalities within the boundaries surrounding Edmonton. So there was, I think, a pretty good balance in terms of representation between the city itself and the regional area, and we worked through a lot of areas.

The principles there, though, were important because it gave focus to a balance or appropriate roles for rural municipalities and urban municipalities. In other words, it had a major objective of preserving agricultural land and preventing urban sprawl although in those days that wasn't really a popular term to call it. Effectively, it operated in a way that acted as a check on urban sprawl.

Once it was wrapped up and the new approach was in bilateral plans, that had to be negotiated bilaterally between adjacent municipalities, that broke down, and we saw a great deal more urban sprawl taking place. It's actually culminated in the last few years in a situation where municipal counties are consciously attempting to ring municipalities on their borders with urban-style development. They do that for a very clear reason, Mr. Speaker, and that is to ensure that as development occurs, the tax base occurs in their jurisdiction and not in the urban municipality.

I've had complaints about this when I've met with mayors right around the province, not just from larger centres but some smaller towns as well. That's been a growing concern, and I think it's very, very dangerous. For example, a city like Edmonton provides many of the services for all of northern Alberta in terms of health care, to some degree in education, certainly in social services, provides many of the cultural and recreational opportunities for the region, and deals with policing costs and health costs, at least until recently with ambulances.

To deprive the central municipality of tax revenue allows, I think, some suburban municipalities to have increased tax revenue but not some of the responsibilities, so there has to be a balance there. Our view is that urban styles of development belong in urban municipalities, and rural development, which can include heavy industry, by the way, should be occurring in rural municipalities. We need to make a clear distinction between them.

Now, it's possible that this act can do that, but it does that, I think, in a way that troubles me, and that brings me to the third thing that I really wanted to talk about, which is the centralization of power. The decisions that are being made in this act reside ultimately in the hands of the cabinet. We've established the principle of the provincial government as Big Brother, sorting out potential disputes in plans and knocking recalcitrant municipal children into line. It's this aspect, I think, that concerns me the most, Mr. Speaker, and makes me wonder a little bit why some of the municipal organizations haven't raised more of a fuss about this.

I know that in the Federation of Canadian Municipalities, when I chaired the governance task force, we were very clear that municipal governments were an equal order of government to provincial and federal governments, and we were also clear that they should not be subject to a high degree of control by provincial governments. In fact, we objected strongly to the whole doctrine that municipalities should be the child of the province, but it seems to me that this principle is very strongly incorporated into this piece of legislation.

I also think, Mr. Speaker, that this is yet another example of the government's own trend towards centralizing power in the political leadership of the province. Specifically, I'm talking about the cabinet. There are so many decisions that have previously been made by other organizations in the province that are now being made at the cabinet level, even with respect to, you know, government grants to community organizations; for example, the Wild Rose issue that we have dealt with. There is more and more centralization of decision-making and the exclusion of bodies that are less partisan, less political, that aren't part of the cabinet or the government. They're falling like tenpins, in my view, in terms of any decisions that might be of great significance, including financial decisions and some of the decisions around municipal planning.

I know the hon. minister mentioned just a few minutes ago that he hoped the opposition was beginning to see that political power or

power vested in the political side was superior to power vested in the courts because the government, at least, was accountable. I rather prefer an approach where there's some distribution of power so that there are checks and balances. I like the concept of having some checks on power, whether it's judicial power or political power. I think that when you centralize it all in one or the other, you're not really counterbalancing perceived overreaching by the courts. You're not substituting it with something that really deals with that whole question.

5:10

What you really are doing is just transferring the problem into another sphere or into another jurisdiction. I think that the real answer is not to take power away from the courts and give it to the government. The real answer is to distribute the power more evenly and allow more participation and greater participation at the community level in the making of decisions. I don't think this bill does that in any way.

Mr. Speaker, I just want to, I guess, wrap up by saying that while I think there are some innovative and positive things here and that I don't think putting this bill under the leadership of Sustainable Resource Development was a mistake in any way and has produced some, I think, real benefits, some real positives in the bill, I don't think that the solution to intermunicipal planning or the overcentralization of power in the hands of the cabinet are really features of the bill that can allow me to support it. I think that we need a bill that more clearly addresses some of the principles, some of the urban principles that we need to see, and concentration of population and sound urban planning.

A real direction to oppose urban sprawl should be set out. I just want to indicate in passing as well on that point that the government seems to be very, very committed to the whole concept of ring roads, ring roads, ring roads everywhere. One of the things that produces urban sprawl, that puts in place infrastructure for urban sprawl more than any single investment government can make is ring roads. You can see this in American cities. You look at Minneapolis; you look at many other cities. The ring roads around major cities allow the creation of satellite communities for miles and miles and miles around. If you look further at some of the cities and the impact of that on urban cores, it's decay. It's decay because tax money, tax base flows out to the surrounding municipalities, and everybody that can afford it gets out of town, and they live in these municipalities. The inner core still has all of the responsibilities for the region in many, many areas and can't afford those commitments, so blight and urban decay are the result, and that's not what I want to see.

I think that if some of those principles were laid out in this bill, I could support it, but on balance it doesn't address the emerging issues of a modern, rapidly growing and rapidly urbanizing province, and for that reason I cannot support it.

Thank you, Mr. Speaker.

**The Acting Speaker:** Standing Order 29(2)(a) is available. Does the hon. minister wish to close?

**Dr. Morton:** I call the question.

[Motion carried; Bill 36 read a third time]

### Bill 27

#### Alberta Research and Innovation Act

**The Acting Speaker:** The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker. I take pleasure in moving Bill 27, the Alberta Research and Innovation Act, for third reading.

The act provides for a considerable amount of restructuring with respect to the research and innovation agenda for the province. It preserves, in my view, some of the good work that has been done in this province over the last 25 to 30 years in terms of investment in research. It recognizes that innovation and unleashing innovation is the future of the province and that we need to have a very strong approach to it and provides a real structure to move us forward into the next era of innovation and development in a knowledge-based economy.

I'd ask the House to join me in supporting and voting for Bill 27 in third reading.

**The Acting Speaker:** Any other members wish to speak? The hon. Member for Edmonton-Gold Bar.

**Mr. MacDonald:** Yes. Thank you very much. Certainly, Bill 27 has caught the attention of many hon. members. In conclusion, in debate in third reading, even though I'm not supportive of this enterprise, I would like to again put on the public record my appreciation for the time of the minister and his staff in providing the Official Opposition with their view of this legislation.

Much has been said about this bill during the course of debate. Certainly, there have been amendments presented by this side of the House. There have been amendments, in particular, put forward by the hon. Member for Edmonton-Riverview, who, of course, has the University of Alberta within his constituency. Postsecondary education has been an issue that the hon. member has been very vocal on, and he certainly has an opinion on what would make for a very strong postsecondary institution, including, of course, the University of Alberta.

There have been amendments put forward, as I said, to improve this legislation. Certainly, the government did look at one and consider it and accept it, but there are still outstanding issues around this bill, particularly whenever we look at what will be done here when we consolidate or we bring together through the Alberta Research and Innovation Act the Alberta Agricultural Research Institute, the Energy Research Institute, the Forestry Research Institute, the Alberta Information and Communications Technology Institute, the Life Sciences Institute, parts of iCORE transferred from Alberta Advanced Education and Technology, the endowment funds for medical research, and the foundation for science and engineering research. So we're looking at a pool that will be in excess of \$2.5 billion when all is said and done.

I can understand where the department is coming from. I could appreciate what the minister was talking about whenever he was visioning this part of the world as a centre of excellence for research and development, and I can understand that. But I'm not so certain that we have the ability to govern this new enterprise. I'm looking at, again, some of the outstanding issues that we have in particular on the Ministry of Advanced Education and Technology from the Auditor General. Whether it's the last report or going back two to three years, the Auditor General has put up some flags. We talked about this in second reading, and I'm just not convinced. It's like increasing the allowance of your teenagers: more money, more scope. The more money they have, the faster they can get around town.

5:20

I would urge caution here. I know the minister has put on the record his view, his attitude toward this and why we need this, but I'm not convinced at this time that we do. I'm not convinced that we have the ability to govern this. More and more this government has the habit – it's not a disturbing habit, but it's a habit – of more and

more activities occurring outside the potential view of the Legislative Assembly. This is another example of that.

Sure, we're going to have experts, and they're going to be from all different fields and professions, and they're going to have the best interests of the act at heart. I have no doubt about that. But the \$2.5 billion, Mr. Speaker, is money that belongs not to the government, not to the minister, not to the research community. It's taxpayers' money.

In conclusion, I would like to say that I don't see the public interest, the taxpayers' interest here. I hope I'm proven wrong. I hope, if this bill becomes law, that everything works out. I hope what the minister told me in the briefing comes true. But I'm a little skeptical. One only has to look at some of the examples that were brought up by the Auditor General to validate the skepticism that I have expressed.

Thank you.

**The Acting Speaker:** Any other members wish to speak? The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you very much, Mr. Speaker. I'll be extremely brief. I am extremely proud to be the representative of the University of Calgary, which is one of the top research institutions in Canada, never mind the province of Alberta. One of the most effective areas or departments in which this research is undertaken is in the ISEEE, which is the Institute for Sustainable Energy, Environment and Economy, and at times "experiential learning" is substituted for "economy."

It's absolutely important, however, when we're doing research, that that research not be strictly focused on industrial aspects. There is no doubt that we need to move beyond our dependency on nonrenewable resources, but if the types of research are restricted, then the outcomes are also limited.

I previously referred to Aldous Huxley's *Brave New World*, where research determined the nature of the society that was being built. I'm very concerned, for example, that while I support tremendously innovation and technology and advancements in medicine and while I support in those areas, particularly, the government's sponsorship through medical trust funds of a program that's jointly operated by the University of Calgary and the Foothills hospital that allows students from all over the province to conduct their own research in a lab setting with mentorship from a number of well-known and capable research experts, as I say, cross-connected with the University of Calgary and the Calgary Foothills hospital – this is wonderful – I've also recounted the terrific advancements in nanotechnology. I've referred previously to the Alastair Ross research centre and Smart Technologies, that has recently opened up.

What I believe we are lacking and where we need to expand our research is research into the humanities, research into areas of sociology, research into psychology, research into the important role, as the button we were given today indicates, of the arts and culture. I believe that these areas, if we're going to be a rounded society, require research dollars as well. It shouldn't be just a matter of how quickly and safely we can get things out of the ground, but we should look at our human potential and the importance of those discussions. I truly believe that had more thought been given to sociological effects and aspects, the government might have reconsidered how quickly Bill 44 was put through, and they might reconsider the effect it's going to have on education in this province and, as we put forward in an amendment, the potentially chilling effect. The point I am making is that while I support the notion, obviously, of research and innovation, I want to see the scope expanded to go beyond just the areas of medicine and science and include areas such as humanities.

We're a complex group; there's no doubt about it. Recognizing and studying that complexity so that we can be more tolerant and understanding of a variety of viewpoints and having the opportunity to discuss those viewpoints is extremely important. What I see in one sense is an exclusion of open-ended discussion in Bill 44, yet Bill 27 is talking about reaching out. So I say: let's extend our reach.

Thank you, Mr. Speaker, for the opportunity to debate.

**The Acting Speaker:** Standing Order 29(2)(a) is available.

The hon. Member for Calgary-Buffer.

**Mr. Hehr:** Well, thank you very much, Mr. Speaker. It's a privilege to speak to Bill 27. As I had an opportunity to speak earlier and listen to many other people, I too shall be relatively brief. One of the continuing themes that we've seen come up, at least in my short time in the Legislature – and I believe this has been a relatively new habit of the government – is to continually put power into the cabinet, the Lieutenant Governor in Council. Needless to say, if memory serves, this is another one of those bills that does it.

What you have here is a tremendous amount of money being put towards what looks like a very good cause. Well, what is a better cause than research and innovation? Everyone in Alberta knows that we have to learn to diversify our economy to try and move to a knowledge-based economy, whatever that may look like. We have to get off sort of the fossil fuel treadmill, even to a certain extent our production of beef in this province. If you look at it taking a thousand litres of water to produce one pound of beef, well, you know, it doesn't take a long time to figure out that that might not be the most sustainable area of things to be involved in.

Anyway, when you look, then, at this fund being essentially controlled from the Premier's office and the cabinet, that's an awful lot of money that can get set in picking a direction of where you want research to go or in looking for a particular solution to Alberta's problems: "Alberta's future is in carbon capture and storage, so we're going to put all this money into here," or "Alberta's future is in, say, the raising of Holsteins, and we're going to go one hundred per cent in favour of creating the best Holstein cow available."

**Mr. Chase:** Hopefully, it's not that black and white.

**Mr. Hehr:** Hopefully, it's not that black and white, yes.

Anyway, I'm just saying that if we allow that to occur, it sort of defeats the purpose of the winners coming out of the laboratory, the real competitiveness that can happen in a lab, and the real, I guess, advances that can occur there from the ground up and not from the top down. That's where you see the real winners in this type of innovation, and the hon. Member for Edmonton-Riverview put forward many amendments that I believe would have gone a long way to spurring that creative process from the ground up, where the ideas and the friction that are created in competition in the labs would rise to the top.

5:30

Nevertheless, it appears that this government again has preferred a top-down approach to how this is going to go. Let's just hope that it works out. I think this bill is fraught with peril, that we may be looking back some 10 years from now and saying: where the heck did the money go? But let's hope not. Let's always look at the glass half full, or let's look at the sunny side of life as the session is almost over.

Thank you very much, Mr. Speaker. It was an opportunity to speak and get my points on the record.

**The Acting Speaker:** Standing Order 29(2)(a) is available. Seeing none, the hon. leader of the third party.

**Mr. Mason:** Thanks very much, Mr. Speaker. I'd like to speak to this. This is an extension of the concern that I talked about and other members have talked about on the continuing centralization of decision-making in a political way. It's very, very problematic when it comes to academic research, so I think that the framework laid out in this bill is cause for concern for a number of reasons.

First of all, there's a real lack of detail about the new framework, how it will affect researchers and their funding. We've got the legislative skeleton here in front of us, Mr. Speaker, but we don't really know how it's going to operate. We don't know what kind of day-to-day functions it will serve and what the transition to the new framework will look like. We don't have details about the public reporting requirements of these entities that are being created, so we don't know how accountable they'll be to the people of Alberta. The only public report that the bill guarantees is an annual report from the minister of finance that summarizes the activities of the endowment funds during the previous fiscal year.

We have been in touch with a number of researchers who are funded through the existing government institutions, and they seem to be quite worried by how little they know about the changes that are going to be made and how they will be affected by them. I think this is especially problematic at a time when the global economic situation has made finances so uncertain. For example, the Alberta Heritage Foundation for Medical Research just announced that it will only be awarding \$39 million in research money this year. They gave out \$59 million in both of the years 2007 and 2008. The reason that they're giving out less is because the endowment fund lost a considerable amount of value.

Now, I think I'm just going to make an aside here, Mr. Speaker, to say that the overdependence on endowment funds in education is potentially a real problem, and the recent economic circumstances have demonstrated the limitations of that approach. That doesn't mean that we should throw out endowments altogether, but let's be clear. When we save lots of cash and invest it in the stock market, we are taking significant risks, and it won't always be there when we need it. It's a bad time, I think, to be compounding financial uncertainty and insecurity with organizational uncertainty and insecurity.

Mr. Speaker, there is some evidence in Bill 27 that the government is trying to get more control over research money, and this is a big concern. AHFMR and the AHFMR endowment fund are currently under the AHFMR Act – I think you should use just an acronym or something for some of these things, just one word like “SMART” so that it's easier to say, but that's just me – and it says that:

The Minister of Finance must, at the request of the Foundation made on reasonable notice, pay from the Endowment Fund to the Foundation money that, in the opinion of the trustees, is required by the Foundation for the furtherance of its objects.

There's a similar clause in the Alberta Heritage Foundation for Science and Engineering Research Act with regard to that foundation. However, the section in Bill 27 regarding endowment funds says:

The Minister of Finance and Enterprise must, at the request of the Minister of Advanced Education and Technology made on reasonable notice, pay from the specified endowment Fund money that, in the opinion of the Minister of Advanced Education and Technology, is required to carry out the purposes of the Fund, which include the funding of the research and innovation corporations.

So any removal of the funds from the endowment fund now has to come through the minister.

The ministry has also been talking about aligning research with government priorities through this new framework. This is precisely the problem, Mr. Speaker. You do not want to have the government directing research so that it aligns with the immediate political priorities of the government. That will undermine the research effort in this province and will create no end of problems. We will essentially have a research program in this province that will not produce the long-term results that we wish. Putting politicians in charge I think is very much wrong.

**Mr. Hehr:** Fraught with danger.

**Mr. Mason:** It's fraught with danger, and I think that we should resist the temptation.

I think this frightens researchers because more government intervention basically means less opportunity to get innovative, leading-edge research funded. If you're not working on what the government is interested in, then you're out of luck. This could drive some of our top researchers out of Alberta if open calls for submissions are replaced with calls for submissions in specific research areas. It also represents an opportunity for government to favour the areas of research their friends are involved in. I hate to say that I think the government is capable of doing that, but I do.

The ministry says that the conversation about funding priorities is a two-way conversation between the government and the universities, but the bill only really accounts for the priorities of the government being primary. Also, the alignment of the new research entities would align departments according to the ministry, and this is one of the motivations for structuring research entities in this way. The addition of a cross-government portfolio advisory committee which has the relevant ministers on it indicates that the ministry's priorities for research are going to have a much bigger influence on what gets funded through the research entities.

Also, Mr. Speaker, in the current legislation specific powers and purposes for various research entities are outlined. However, Bill 27 only says that the Lieutenant Governor in Council may make regulations about the capacities and powers of the corporations, so it's unclear whether the new corporations will have the same abilities as current entities and whether the government will be taking more control over research operation. Once again, there's a lack of transparency about how these entities will actually operate. Thus, it's unclear how the public will be benefiting from the results of these research corporations' initiatives.

Mr. Speaker, I think that AHFMR – I'm just going to call it that – has been an extremely successful force for medical research in Alberta and has put Alberta medical research on the map internationally. Changing the way government sponsors medical research in Alberta is a risky move because the government is trying to fix something that isn't really broken. Where have we seen this movie before, hon. members? We risk losing some of our top researchers due to the uncertainty that this transition is causing as well as the threat of more government interference in the distribution of research funding.

Mr. Speaker, I want to just indicate that there are concerns about loss of academic freedom. There are implications for being able to retain people that have been recruited. I've mentioned government interference in research priorities.

5:40

I think, Mr. Speaker, there's a concern about the immediate status of researchers funded through current programs and their future funding that simply needs to be addressed by the government. There's a great uncertainty in the research community over this bill

and the future directions of the government and the decisions that will flow from the passage of this piece of legislation. I think the principles of academic freedom have stood the test of time against all sorts of governments far, far more tyrannical than this one. I want to be positive about this and suggest to hon. members that this is not the most tyrannical government that's ever tried to interfere with research funding. But, frankly, I think we could do better, and this act is part of a worrisome trend. It's interesting that the two bills, the last one that we just spoke about, about land use, and this one, have some common features, and that is cause for considerable concern.

That being said, I want to indicate with great regret to my hon. colleagues that I will be unable to support Bill 27 at third reading.

**The Acting Speaker:** Standing Order 29(2)(a) is available.

The hon. Government House Leader on behalf of the hon. Minister of Advanced Education and Technology to close debate?

**Mr. Hancock:** Question.

[Motion carried; Bill 27 read a third time]

**Bill 45**  
**Electoral Boundaries Commission**  
**Amendment Act, 2009**

**The Acting Speaker:** The hon. Minister of Justice and Attorney General.

**Ms Redford:** Thank you, Mr. Speaker. It's my privilege to rise this afternoon to move third reading of the Electoral Boundaries Commission Amendment Act, 2009.

I believe that this legislation is important because it provides for the way forward for our province. It ensures that we have the opportunity to make sure that Albertans are well represented as we continue to have new people come to our province. I think it's a very good balance between the representation that we need to have in our government and in this House with respect to urban and rural MLAs.

I would urge all members to support this bill. Thank you.

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

**Mr. Hehr:** Well, thank you very much, Mr. Speaker. I listened with intent. Again, I enjoy the sentiment of what my hon. friend on the other side just said, yet I don't think I can support this bill either. The simple fact of the matter is that at this time – and I think we all know this as I've tried to train you guys; get ready for this – Alberta needs another four MLAs like . . .

**Mr. MacDonald:** A hole in the head.

**Mr. Hehr:** Thank you, hon. Member for Edmonton-Gold Bar.

**Mr. Mason:** Unless they're New Democrats. Then it's okay.

**Mr. Hehr:** Yes.

Needless to say – I've put this on the record before – it costs approximately \$10 million for four more members to sit here for four years. I think that at this time in the Legislature we can roll up our sleeves, pull ourselves up by our bootstraps, a good conservative mentality, rise to the top, and lead by example. On that front I'd like to bring some fiscal sanity back to the House, urge all members to vote against this unnecessary expenditure, and recognize that with cellphones, computers, technology, what have you, we can do a good job representing the citizens of Alberta and do not need another four members at this time.

I urge all members to send this bill back. Let's send it to the drawing board, and let's let the electoral redrawing committee do this with only 83 members in this House, not 87. Thank you very much, Mr. Speaker.

**Mr. Oberle:** Mr. Speaker, at this time I'd like to move that we adjourn debate.

[Motion to adjourn debate carried]

**The Acting Speaker:** The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker. In light of the hour and in light of the fact that we've had some late evenings, including last night, I would move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; the Assembly adjourned at 5:46 p.m. to Wednesday at 1:30 p.m.]





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