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The 27th Legislature
Third Session

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The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta
The 27th Legislature
Third Session

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Legislative Assembly of Alberta

1:30 p.m.

Wednesday, March 10, 2010

[The Speaker in the chair]

Prayers

The Speaker: Good afternoon and welcome. I would ask all members to remain standing after the prayer so that we may pay tribute to a former colleague who has passed away.

Let us pray. Renew us with Your strength. Focus us in our deliberations. Challenge us in our service to the people of this great province. Amen.

Mr. Thomas (Tom) George Thurber
October 26, 1934, to March 7, 2010

The Speaker: Mr. Thomas (Tom) George Thurber, former Member of the Legislative Assembly, sworn in as member 618, passed away on Sunday, March 7, 2010, at the age of 75 years. Mr. Thurber was first elected in the election held March 20, 1989, and served three terms until March 11, 2001. During his years of service he represented the constituencies of Drayton Valley-Calmor and Drayton Valley for the Progressive Conservative Party. During his terms of office Tom Thurber served on Executive Council as Minister of Public Works, Supply and Services from June 30, 1993, to December 21, 1994, and as Minister of Municipal Affairs from December 21, 1994, to March 26, 1997. He also served on the standing committees on Law and Regulations, Private Bills, Public Accounts, and Public Affairs.

With our admiration and respect there is gratitude to members of his family who shared the burdens of public office.

Tom Thurber, in his own inimitable way, has asked that there be no memorial nor funeral for him because he did not want people standing around talking about him.

In a moment of silent prayer I ask you to remember hon. member Tom Thurber as you have known him. Rest eternal grant unto him, O Lord, and let light perpetual shine upon him. Amen.

Please be seated.

Introduction of Visitors

The Speaker: The hon. Minister of International and Intergovernmental Relations.

Ms Evans: Thank you, Mr. Speaker. What an honour it is for me today as one of the 2.2 million Albertans that are sharing in the rich ancestry of the European Union and one of those states to be able to welcome somebody in our midst to this Chamber who comes representing that wonderful European Union. Our history in Alberta is rich and richer by far because of the association we have of the people that are descendants from one of these countries, and together they form Alberta's fourth-largest market. It's a real honour today to introduce His Excellency Ambassador Matthias Brinkmann, who arrives here as head of the delegation of the European Union to Canada, who has recently with his wife and four children taken up residence in Ottawa. Accompanying him is Luigi Scarpa de Masellis, who is the adviser, economic and commercial affairs, from the embassy in Ottawa. I would ask them to please rise in your gallery so that we can give them the traditional warm welcome of the Assembly.

Introduction of Guests

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 all members of this Assembly 30 young visitors from Aldergrove elementary school. They are accompanied by their teacher, Mrs. Christine Steil, and by one of the parents, Mrs. Kathy McDonald. We had a good, long chat with these bright young people about what they wanted to do. I was quite impressed and amazed by their understanding of the process. They were asking questions about Committee of the Whole and laws and bills and how long it took to pass a law. In fact, I thought: well, geez, they know almost as much as their MLA if not more. These young people want to grow up to be veterinarians, snowboarders, soccer players, pharmacists, firefighters, and doctors. But to tell you the truth, with their knowledge of the Legislature I think we've got a bunch of future leaders sitting up there. I'd like to ask all of my colleagues to welcome these young people to the House and ask all of my friends to rise and receive the traditional warm welcome of the Assembly.

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

Mrs. Sarich: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to all members of the House visitors from my constituency of Edmonton-Decore. They are 14 wonderful students filled with passion for education from St. Matthew school, where with pride they emulate their school motto: Together toward Tomorrow. Indeed, togetherness and unity are needed for all of our tomorrows. The students are in the members' gallery, and they are joined by their teachers, Mrs. Karen Baniak and Mrs. MaryAnn Goetz, and parent helper Mr. Trevor Busch. I would ask that the students of St. Matthew school please rise with their teachers and parent helper to receive the traditional warm welcome of the Alberta Legislature.

Thank you.

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

Ms Redford: Thank you, Mr. Speaker. I'm pleased to rise today to introduce six individuals who are joining us today for a tour of the Legislature. They are participating in the government of Alberta's leadership program, which is a comprehensive 18-month program that encourages participants to develop their own leadership style. Participants experience leadership education, assessment and feedback, developmental experiences, and a chance to build new relationships with colleagues and mentors. I had the opportunity earlier today to meet with these people. They're interested, they're engaged, and they care what we do here. They are Carla Kolke and Anita Sharma from Alberta Justice, Sylvia Lepki from Employment and Immigration, Kathleen Pate from Energy, Kirk Wolstenholme from Sustainable Resource Development, Tyler Wightman from Municipal Affairs. I'd ask them to rise and receive the warm welcome of this House.

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

Ms Woo-Paw: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to all members of the Assembly three guests seated in the members' gallery today. First, Mr. Amson Saintimé, president of the Haitian Community Services Centre, and Miss Christina Tertulien, administrative assistant from the same organization.

The Haitian Community Services Centre represents over 250 families in Edmonton. It fosters positive development of the local Haitian community and helps and guides them in settling and integrating into life in Edmonton. Since the earthquake in Haiti the

centre has been very active in assisting these families in finding and creating support for loved ones in Haiti.

Accompanying them today is Ms Laura Roberts, communicator and advocate with the Multicultural Health Brokers Co-operative. This co-op was created and operated by 40 community members and workers from 18 local immigrant and refugee communities in Edmonton. Currently it is the only workers' co-operative in Alberta. The co-op is involved in providing culturally and linguistically relevant holistic family support, community development, system navigation, and advocacy to over 1,500 families.

I would like to ask them to please rise and receive the warm welcome of this Assembly.

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

Mr. Olson: Thank you, Mr. Speaker. I'm very pleased today to introduce to you and through you to all members of this Assembly three guests in the public gallery. David Goa is the director of the Chester Ronning Centre for the Study of Religion and Public Life. That's at the U of A's Augustana campus in Camrose. He's both a philosopher and a teacher who has spent 30 years of his life teaching religious studies at the U of A and also doing field research work in the study of culture at the Royal Alberta Museum. Along with him are his friends Faris Kaya and Riza Akcali. They are, as I said, seated in the public gallery. If they would please rise and receive the warm welcome of this Assembly.

The Speaker: The hon. Member for West Yellowhead.

1:40

Mr. Campbell: Thank you, Mr. Speaker. It is a pleasure to rise and introduce to you and through you to all members of this Assembly and especially the Member for Airdrie-Chestermere one of my staff members from government members' communication, Ms Jessica Powless. This lady with blond hair supports all members of Calgary caucus, which once included both of our former colleagues. Ms Powless keeps our Calgary members up to date on current events, news stories, messaging, and media as well as other duties prescribed by myself, her supervisor. Ms Powless is a valued member of our team, and I would ask her to now rise and receive the traditional warm welcome of this Assembly.

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

Ms Blakeman: Thank you very much, Mr. Speaker. Well, each day I've been introducing members of the professional film and television community by name, and each day more of them have been coming to show their concern for the competitiveness of this sector in Alberta. Today there are too many of them to name, so I would ask them to please rise as a group. They're representing a wide cross-section of people who work in the film and television industry in Alberta. I'm very pleased to welcome you to the Assembly. Please, I would ask that you join me in extending that welcome to everyone.

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

Mr. Anderson: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to all members of the Assembly the very talented staff members of the Wildrose Alliance caucus. If they would stand as they are called. With us today are Ms Barb Currie, legislative assistant to the hon. Member for Calgary-Glenmore; Mr. James Johnson, researcher for the Wildrose caucus;

and Mr. Jeff Trynchy, legislative assistant for myself and for the hon. Member for Calgary-Fish Creek. They've been of great assistance to us in keeping us on our toes, and we're having a good time up there. I'd like for them to receive the warm welcome of this Assembly.

Members' Statements

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

Seniors' Consultation in Calgary

Mr. Bhullar: Thank you, Mr. Speaker. In an ongoing effort to foster dialogue between government and community, I had the privilege of organizing a function that involved several seniors' groups in my community and the Minister of Seniors and Community Supports. This particular function was also attended by the Member for Calgary-Mackay, the Member for Calgary-East, and the Member for Calgary-Fort. As well, parts of the day were attended by the Member for Calgary-McCall. The combined efforts of Marichu Antonio of the Ethno-Cultural Council of Calgary and Lalita Singh of the United Way made this meeting a great success.

I would like to thank all the seniors' organizations for participating and for making our community that much stronger. Bear with me, Mr. Speaker. There are many of them: the Bangladesh Canada Association, the Calgary Hambastagi Cultural Association, the Canadian Hispanic Seniors Society, the Council of Sikh Organizations, the Filipino Christian Fellowship, FOCUS on Seniors, the Filipino Calgarian Seniors Club, the Guru Ravidass seniors' society, INCA seniors' society, the Indo-Canadian immigrant seniors' organization, the North Calgary Cultural Association, the Somali Canadian Society of Calgary, the Tibetan Association of Alberta, the United Sudanese-Canadian Enhancement Society, Portail de l'immigration association de Calgary – I'm sure I didn't do that justice – the Young Once Seniors Association of Calgary, the Calgary Chinese Elderly Citizens' Association, the Golden Generation club, the Calgary Korean Association, the Calgary Vietnamese veterans' association, the Royal Women Association, and the Indo-Canadian seniors' society as well as the Peruvian association.

Mr. Speaker, it's our seniors that built this province, and quite frankly it's their generosity and their hard work that leads and helps us, really, to ensure that our future generations foster a spirit of caring as they did.

Thank you, Mr. Speaker.

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

2010 Arctic Winter Games

Dr. Swann: Thank you, Mr. Speaker. Earlier this week I had the privilege of attending the 2010 Arctic Winter Games in Grande Prairie, which run from March 6 through 13. What an amazing celebration of circumpolar peoples, youth sports, and cultural excellence.

The opening ceremonies were reminiscent of the Vancouver Olympics, with tremendous creativity and talent expressed in unique cultural presentations. Key organizers were the Grande Prairie 2010 Winter Games Society, Grande Prairie city council, and the county of Grande Prairie, with several thousand volunteers as well as support from the provincial and federal governments. I was thrilled to hand out medals to a number of world-class athletes who came to compete in events such as skiing, snowshoeing, dog mushing, high kicking, and many more. In fact, the medals themselves are quite beautiful, shaped like ulus, the traditional Inuit knife. What a thrill

for the young people to earn and a life-changing experience for most of the competitors.

Participating athletes came from the Yukon, Alaska, Quebec, Nunavut, the Northwest Territories, Greenland, Scandinavia, and Russia. It took three years of planning and effort to transform Grande Prairie into the host city, and all Albertans should be very proud of the results.

Dream, Achieve, Inspire: this was the motto of the 2010 Arctic Winter Games, and the people of Grande Prairie and their guests from across Canada and the world embraced these words with passion. Naturally, I am rooting for team northern Alberta to bring home the most ulus, but no matter the final result, we can all take pride in Grande Prairie and her people for a remarkable achievement.

Thank you, Mr. Speaker.

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

Chester Ronning Centre

Mr. Olson: Thank you, Mr. Speaker. I'm going to venture to guess that most of my colleagues here are probably like me. Some days they get up and wonder: "What am I doing? What am I accomplishing?" You know, we come from many different belief systems, many different traditions, and sometimes it's challenging to kind of just maintain a handle on where we're headed.

About four or five years ago the Chester Ronning Centre was launched at Augustana campus of the University of Alberta in Camrose. The centre strives to cultivate a deeper understanding of the relationship between religion and public life and faith. The centre was the first research institution in Canada to study this intersection of religion and public life and provide us with a better understanding of these issues. It's vital to have a truly comprehensive knowledge of this intersection of beliefs for us to understand the events that are shaping our world.

Although the Ronning centre is located in little Camrose, director David Goa, whom I just introduced, and his associates realize that the work extends far beyond the walls of that academic institution. Routine meetings with members of various religious traditions are beneficial in providing an understanding of how those traditions are positioning their citizens in this changing world.

The Ronning centre is named after a great Canadian and a great Camrosian, Chester Ronning, who lived in Camrose for years, was president of Camrose Lutheran College, was a member of this Assembly, and also was one of Canada's most distinguished diplomats. His most notable work was bridging communications between North America and China, which facilitated the Canadian government's recognition of the new Chinese government in 1970. He strove for a better understanding between east and west, and now this centre with his name strives for a better understanding of issues where faith and public life intersect.

It's an honour to have that centre in my constituency, and I'd like to thank Mr. Goa and his associates for their work. Thank you.

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

Calgary Vietnamese Tet Festival Celebration

Ms Woo-Paw: Thank you, Mr. Speaker. Calgary's Vietnamese community chose a unique and very meaningful way to bring in the lunar new year, or Tet Festival, this year. The Calgary Vietnamese Youth Group, the Vietnamese Students Association, and the Association for the Encouragement of Learning brought together 700 people for a celebration focused on youth education, support, and achievements.

The event started with a keynote speaker, Dr. Kim Nguyen-Lam, who shared her inspirational story of struggle, overcoming barriers, and success. It is also a story of community mobilization, institutional change, and struggle for full participation. From refugee to faculty member, associate director of the Center for Language Minority Education and Research at California State University to state panel member related to teacher credentialing and preparation programs and policies, and on board of trustees of the Garden Grove unified school board district, Dr. Nguyen-Lam is a tireless leader in the promotion of educational equity for racial and linguistic minority students, families, and communities. Her appointment as the chief superintendent of a school district, which was rescinded due to her race, sparked a community movement to examine issues of diversity and institutional discrimination.

This new year gathering also included 17 career mentors who provided advice to students and a presentation from Alberta Advanced Education and Technology's Learning Clicks ambassador, who also distributed interactive Learning Clicks CDs to the 400 youth in attendance. Representatives from the University of Calgary, SAIT, and Mount Royal University were also there to provide information to the youth and their families. The event concluded with scholarship awards given to 276 students from grades 7 to 12, who also received a letter of congratulations from Alberta's Minister of Education.

Mr. Speaker, I'm sure the Member for Calgary-Montrose, who was also in attendance, agrees with me that it was a wonderful event of community connection, reflection, learning, and celebration. I'd like to thank the many leaders and volunteers for organizing this event that benefits the entire community. Thank you.

1:50

The Clerk: Oral Question Period.

The Speaker: Mr. Clerk, would you just hold the clock?

Statement by the Speaker

Rotation of Questions and Members' Statements

The Speaker: Hon. members, before we commence Oral Question Period today, the chair would like to advise the House that yesterday afternoon the Speaker's office received a copy of a House leaders' agreement signed by the Government House Leader and the House leaders for the Official Opposition, the New Democrat and the Wildrose Alliance caucuses, and the Member for Fort McMurray-Wood Buffalo.

In brief, this agreement proposes a new question period rotation and the addition of two more members' statements per week. As indicated in the chair's February 8, 2010, statement on the subject of the rotation of questions, which can be found at pages 16 to 19 of *Alberta Hansard* for that day, the chair is always amenable to agreement among the caucuses, but it must be acceptable to all of the parties in the Assembly. In the absence of such agreement, which materialized only yesterday, the chair devised a scheme for the rotation of question period to ensure the smooth operation of the Assembly while recognizing the changes in caucus numbers.

The rotation outlined in the February 8, 2010, statement ends today and will be replaced by the rotation provided for in the House leaders' agreement outlined in the memo from the Government House Leader to House leaders dated March 4, 2010, and subsequently sent to the Speaker by the Government House Leader under cover of a March 9, 2010, memorandum.

The chair wishes to advise members that commencing today the rotation of questions during Oral Question Period shall be as

follows. The Official Opposition will continue to be entitled to the first three main questions each day. With respect to the routine on days 1 and 3, the Wildrose Alliance will be entitled to the fourth question, the New Democrats will be entitled to the fifth, and it would then alternate between the Official Opposition and government members until the 12th question, which would be asked by the Wildrose Alliance. The Official Opposition will be entitled to the 13th, 15th, and 17th questions, and members of the government caucus will be entitled to the 14th, 16th, 18th, and any subsequent questions, time permitting.

On day 2 the same sequence will apply except for the 12th question, which will be asked by the New Democrats.

Finally, on day 4 the rotation will shift slightly to accommodate the Member for Fort McMurray-Wood Buffalo. To be clear, the fourth question will go to the Wildrose Alliance, the fifth question will go to the New Democrats, and the independent member will be entitled to the sixth question. The questions will then alternate between the Official Opposition and members of the government caucus until the 13th question, which will be asked by the New Democrats. The Liberals will be entitled to the 14th, 16th, and 18th questions. Government members will be entitled to ask the 15th and 17th questions and any questions after the 18th.

To recap, for our four-day rotation, 18 questions per day schedule the Official Opposition will see their number of daily questions increase from eight to nine. The Wildrose Alliance caucus will get six questions instead of their current eight, a reduction of two. The ND caucus will get six questions instead of their current eight, a reduction of two. The PC private members' number will remain the same, with six questions on days 1, 2, and 3 and five on day 4. The independent member remains with one question per four days.

The chair also notes that House leaders agreed to eliminate preambles to supplementary questions. The chair will continue to undertake a vigilant watch of the clock to ensure that questions and answers do not exceed 35 seconds and will reinstate the rule prohibiting preambles for supplementaries. The agreement makes it very clear that there are to be no preambles to the supplementaries, and the supplementaries are to be on the same subject and purpose of the main question.

One last item noted in the agreement is the desire to increase the number of members' statements by two each week, with one being added to the Routine on Monday and the second on Thursday. This will require an amendment to the standing orders, so the chair would anticipate that this would be brought forward in the very near future by way of a government motion to be debated in the Assembly.

In the light of the new reality brought about by the House leaders' agreement, it seems only fitting that today be considered day 1. The revised schedule is on the members' desks. At the appropriate time in the Routine I will table the agreement, and following Orders of the Day members will receive copies of the agreement that I hope all will read carefully so that they can more completely understand all aspects of the agreement. This agreement is not precedent setting and does not bind either the chair or the Assembly and may change as new realities arrive.

Oral Question Period

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

Review of MLA Compensation

Dr. Swann: Thank you, Mr. Speaker. The Official Opposition for years has been fighting for an independent review of MLA salary and benefits. The need for this review was further highlighted when

the Premier and his cabinet voted themselves huge raises after the last election. While we won the battle with the passing of Motion 501, there are still unanswered questions about the scope of review of this committee. To the Premier: will the recommendations of the committee be binding?

Mr. Stelmach: Mr. Speaker, I met with the hon. leader the other day, I believe at a social function here in the city of Edmonton, and I asked him if we can get an opportunity to just sit down and chat about the motion that was passed, since it was moved by an hon. member from the opposition. We're going to do whatever we can to work with the opposition parties and put the right committee in place. That information, I believe, goes to a committee that's chaired by you, Mr. Speaker.

The Speaker: The hon. leader.

Dr. Swann: Thank you, Mr. Speaker. Will the MLA pay committee's scope include the extra pay that government members receive for sitting on internal cabinet policy committees?

Mr. Stelmach: Mr. Speaker, again, I asked the hon. leader to sit down and work through all of these questions that they might have and also have input on what process we follow and what's on the table for review.

Dr. Swann: Again to the Premier: will the MLA pay committee's scope include travel, accommodation, and hosting expenses that are claimed by both members and their assistants?

Mr. Stelmach: That comes out of the Legislative Assembly, so that's a completely different matter. But I will say, though, in terms of ministerial expenses, that I believe we're the only jurisdiction that on a regular basis puts all the expenses on the web on a regular interval. No matter what expenses are incurred in the office, all Albertans know of them almost immediately.

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

School Closures

Dr. Swann: Thanks, Mr. Speaker. Government utilization policy is forcing school boards to drain the city core of schools in favour of the suburbs. At the same time, cities like Edmonton and Calgary, in keeping with the government's own land-use framework, are trying to reduce urban sprawl and revitalize their cores, which is hard to do without good schools to attract people to the core. To the Premier: will the Premier commit to an expeditious review of these contradictory education and municipal policies before real damage is done to core neighbourhoods in Calgary and Edmonton?

Mr. Hancock: Well, Mr. Speaker, it's not government policy that determines whether a school is closed or not. It's a question of what the most appropriate educational opportunities for students are. School boards have a responsibility to make sure they use their resources well to make sure that they have the best opportunity for students, and they do a good job at it. Edmonton public school board, with the city centre school project, closed some schools, yes, but made sure that the receiving schools provided a better educational opportunity for the students in that area.

The Speaker: The hon. leader.

Dr. Swann: Thank you, Mr. Speaker. Given that the last Minister of Education mentioned reviewing a school closure situation in 2005 and nothing happened, will the Premier end the empty promises and temporarily halt school closures in Edmonton and Calgary until this review is done?

Mr. Stelmach: As the minister mentioned, Mr. Speaker, we're going to do what's best in the interests of the education of the children.

The Speaker: The hon. leader.

Dr. Swann: Well, thank you, Mr. Speaker. They're clearly not talking to each other in the government. Given the government's policies for school utilization are on a collision course with municipal development, why won't the Premier take this issue seriously and put in place a school utilization policy that actually works with our municipalities instead of against them?

2:00

Mr. Hancock: Mr. Speaker, I can let the hon. member know that I have had many, many conversations with school boards and with mayors and municipalities about how we can better use our schools both as a school facility and as a community facility. We're working very closely with them in terms of how surplus school properties can be utilized, how they can be maintained where necessary in order to be reused as a school when the neighbourhood regenerates. All of that work and that communication is actually happening.

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

Patient Safety Report

Dr. Taft: Thanks, Mr. Speaker. Yesterday afternoon the Alberta Health Quality Council and Alberta Health Services released a one-and-a-half-page summary of a 60-page investigation into four patient safety incidents at the Children's hospital in Calgary. The Health Quality Council wanted the full report released; Alberta Health Services is blocking that release. To the Minister of Health and Wellness: will the minister exercise his authority and order Alberta Health Services to release the full, unedited report?

Mr. Zwozdesky: Mr. Speaker, I've spoken with the Health Quality Council. I've also spoken with Alberta Health Services not long ago. I've asked them to work together immediately to provide as much information as they possibly can and to release a full, detailed report regarding this matter as soon as possible.

The Speaker: The hon. member.

Dr. Taft: Thanks. Again to the same minister, Mr. Speaker. Accountability cannot happen without full disclosure, and the Health Quality Council drafted the report so that it could be released without violating privacy. Mr. Minister, why the secrecy?

Mr. Zwozdesky: Mr. Speaker, there's no secrecy. The fact is that you have to respect the parameters of the Alberta Evidence Act, you have to take into account the Health Information Act and what its parameters are, and then you have to contact family members. You have to work with physicians. You have to be very careful in these matters, and I'm sure the hon. member knows that. Those issues are being looked at as we speak, and I've asked for the full, detailed report to be released within 10 days.

Dr. Taft: Mr. Speaker, this report was concluded in October. The Health Quality Council took full account of the issues that the minister has provided. The minister has made himself complicit in this cover-up. Why won't he stand behind the Alberta Health Quality Council and have this report released? Who's he trying to protect?

Mr. Zwozdesky: Mr. Speaker, perhaps the member didn't hear what I just said. I said that I've spoken with both of these parties. I've asked them to go through this issue very thoroughly. They are doing that as we speak, and in less than 10 days they will have the full report issued to the public as requested by me the minister.

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

Competitiveness Review of Oil and Gas Industry

Mr. Hinman: Well, thank you, Mr. Speaker. Isn't this fun? Question, question, question. They never have answers. This is going to be fun.

This government seems to think that the world revolves around them. The government's bullying and cavalier attitude has a direct effect on hard-working Albertans, employers, investors, and small-business owners. This government yanked the rug out from underneath the most significant industries despite repeated warnings from those who actually understood the entire process. My question is to the Premier. Are the elected government MLAs going to have time to review and give meaningful input to the new, new, new, new, new royalty framework?

Mr. Stelmach: Mr. Speaker, there was a committee established to review the competitiveness of the oil and gas sector. That report and the recommendations: the two people appointed, working with government and industry, have come to a number of recommendations. Those recommendations came forward to the minister. The minister has apprised cabinet of those recommendations, and then they will be moving forward for further review by caucus.

Mr. Hinman: Well, is that going to be a three-hour review or a couple of weeks?

Again to the Premier. The Department of Energy recently posted an unusually large block of land for bid. We'll know the results later today. Has the government been holding back on the release of this competitiveness review to try and take credit for a possible record land sale today?

Mr. Stelmach: Mr. Speaker, I don't know how holding back a report is going to either increase the land sales or decrease land sales. The companies that are bidding on land will make their own business decisions based on the current environment: the price of gas, the price of oil, some of the new technology that's being applied. But I also have to stress the fact that there are very good incentive programs, that were put in place just about a year ago, that are certainly supporting the increase in land sales over the last few months.

Mr. Hinman: It's interesting that we need to change it, then.

My question for the Premier is simple. What does he tell the tens of thousands of Albertans who lost their jobs and had their life savings drained to survive because the government got greedy and actually shrunk the economic pie with the great royalty robbery? What are you going to tell them?

Mr. Stelmach: Mr. Speaker, we've gone through a huge economic downturn. I remember sitting in this particular Assembly when oil was \$145, \$147 a barrel, and it dropped down to \$35, natural gas from \$10 down to \$3, and the fact that there have been significant finds in a number of American states, huge, huge reserves of gas in shale that we'll now be able to drill for and frac properly – those are changing conditions within the North American continent, and I said that we're going to be innovative and competitive.

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

Oil Sands Tailings Ponds

Mr. Mason: Thanks very much, Mr. Speaker. Yesterday a federal official testified in court that birds have been landing on tailings lakes and dying for at least 20 years. The provincial and federal governments receive reports on wildlife deaths every year, and I have one such report here, dated March 31, '06, to Alberta Environment. Allowing animals to come in contact with this waste means that industry has been in breach of the Environmental Protection and Enhancement Act for a long period of time. My question is to the Minister of Environment. How long have you known that oil sands companies were in breach of the act?

Mr. Renner: Well, Mr. Speaker, the member knows full well, as I believe that we've even discussed it in this Assembly, that we have ongoing status of the impact that industrial development has on wildlife. Unfortunately, everything that we do as mankind in this world has some impact on wildlife. What we're dealing with here in Alberta is a trial that is dealing with the absence of mitigation to prevent undue harm to wildlife.

Mr. Mason: Mr. Speaker, this minister should familiarize himself with the act that he's sworn to uphold.

Given that the industry files reports outlining wildlife deaths every year and knowing that industry had significant and recurring breaches of this act for decades, why did this minister not act sooner?

Mr. Renner: Mr. Speaker, I'll simply repeat what I said in answer to his first question. There are instances that, frankly, are unavoidable. Every day there are instances where the interaction of humans and animals results in the loss of life to the animals, whether it's through incidents on our highways or a myriad of other things. There are some instances that are simply unavoidable. What we're dealing with here is whether or not there was sufficient mitigation in place to avoid those kinds of interactions.

Mr. Mason: Mr. Speaker, again to the minister. Given that hundreds of birds have surely died at oil sands sites and there are 20 or more just like this one, it's clear that this government is more concerned with protecting its friends than it is with protecting our environment and our international reputation. I want to know from the minister when this government will finally realize that this is damaging our international reputation and that it's the fact that they continue to put their friends ahead of the environment.

Mr. Renner: Mr. Speaker, what's most damaging to our international relationships are irresponsible statements like that.

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

Support for the Film Industry

Ms Blakeman: Thank you very much, Mr. Speaker. The Alberta Film Advisory Council has AMPIA producers, film commissioners, and unions working together to advise the minister. Unfortunately, the minister has not attended even one meeting in the last two years, and the MLA position that was on the council was cancelled. After a three-year consultation the council developed a business case for the minister. My questions are to the Minister of Culture and Community Spirit. Why has the minister abandoned the three-year Alberta film development business case? What happened to it?

Mr. Blakett: Well, Mr. Speaker, just to clarify one thing, I haven't been invited by the Alberta Film Advisory Council to a meeting until last week. I will be attending a meeting with them on the 29th of March. I have representatives from my department that attend those meetings on a regular basis.

As far as the business case, it was deemed when we sat down with the film producers and representatives from the guilds that some of the aspects of the business case weren't relevant and weren't going to go forward, so we have moved on.

2:10

Ms Blakeman: Of course you're invited. It's your council.

Given that our film industry needs both indigenous Alberta productions and the work for many Albertans through Hollywood big-budget movies, why is the minister continuing to pit the two sides against one another?

Mr. Blakett: Mr. Speaker, I've never pitted the two sides against one another. If that's the assertion the hon. member would make, ask somebody from AMPIA if I ever did anything disparaging to any member of a guild or union. Our crews, our grips, our camera people, our sound people are some of the very best, hard-working people in the entire world, and they're recognized as such internationally. I would never do anything to disparage that. We need to work together. I've consistently said that we need work together and would continue to work with those people who want to.

Ms Blakeman: You need to watch your Facebook postings, then.

Will the minister show leadership to the industry, commit to attending meetings of his own advisory council, re-establish the MLA co-chair, and work to rebuild this sector?

Mr. Blakett: Mr. Speaker, I as minister responsible for the film and television and digital industry will take responsibility for meeting with the representatives of that group. I don't think it's necessary for us to have an MLA co-chair. I will become active with that, as I have continued to be, and will continue to meet with anybody in the industry who's willing to meet with me.

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

Oil Sands Tailings Ponds

(continued)

Mr. Johnson: Thank you, Mr. Speaker. Recently the news and the opposition have focused on concerns stemming from tailings ponds in our oil sands region. My question is for the Minister of Environment. What is this minister's response to those who say that we need to intervene and put an end to tailings ponds?

Mr. Renner: Well, Mr. Speaker, there's no denying that there are

significant challenges associated with the development of oil sands, not the least of which are tailings ponds. But it's important to remember what the purpose of the tailings ponds is in the first place, and that is to prevent the process water from ever entering into our natural water courses. Safe, alternative ways of dealing with this waste water are constantly being improved, and the bottom line is that we are committed to ensuring that we continually have improvement.

The Speaker: The hon. member.

Mr. Johnson: Thank you, Mr. Speaker. To the same minister. In order that concerns on tailings ponds be dealt with, government needs to play a key role and work with industry. What meaningful actions is this minister taking to ensure that the management of tailings ponds continues to improve?

Mr. Renner: Well, Mr. Speaker, we are in fact taking action now. We're well along a path to long-term storage of tailings, and the interim directive 074, that was jointly developed by Alberta Environment along with the ERCB, talks about how we are going to manage tailings on a go-forward basis. There are really two issues. One issue is: how do we prevent the development of new tailings through new technology? Then the secondary: how do we eventually eliminate the existing tailings?

The Speaker: The hon. member.

Mr. Johnson: Thank you, Mr. Speaker. I can say that my family lives very close to the Athabasca River, and the health of that river is very important to all of us. Potential seepage of tailings remains a problem. What actions is the minister taking to protect the environment from tailings pond seepage into the Athabasca River or our groundwater aquifers?

Mr. Renner: Well, Mr. Speaker, we have the most intensive investigation that is known to ensure that we have the ability to detect seepage where it would exist. As I've said a number of times in this Legislature, there is no evidence that there is any seepage that is coming into contact with the Athabasca River. We are confident that the tailings ponds as they exist today are safe receptacles. That being said, we are committed to the elimination of those tailings ponds.

Kainai Community Correctional Centre

Mr. Hehr: Mr. Speaker, on February 9 the Kainai Community Corrections Society, who operate a corrections facility for Alberta's aboriginal population, were told they would have to close their doors on March 31 because this government would no longer provide funding to the facility. To the Solicitor General. After meeting with the people from Kainai, they indicated that the ministry was pleased with the performance of the facility. Given that, I was wondering why the corrections facility was being closed when so many aboriginal offenders could benefit from its existence.

The Speaker: The hon. minister.

Mr. Oberle: Well, thank you very much, Mr. Speaker, and thank you to the hon. member for that question. It allows me to clarify that there is absolutely no performance issue involved here. It's a simple matter of the fact that our minimum security inmate population has dropped radically as a result of conditional sentences, community

supervision, those sorts of things, and the Kainai centre is around about 50 per cent capacity and continues to decline. I have those resources available in other centres, and we've made a budgetary decision. It has nothing to do with performance.

Mr. Hehr: Well, given that the Kainai community corrections facility is designed and operated for aboriginal offenders, who make up 35 per cent of Alberta's prison population, and not only that but it also employs 29 people on the Blood reserve, accordingly, could the Solicitor General please explain to me how closing this facility helps these aboriginal Albertans?

Mr. Oberle: Well, once again, Mr. Speaker, my job here is to provide correctional services for the entire population spectrum of the province of Alberta. The fact is absolutely crystal clear. We have very few minimum security inmates anymore. That is a minimum security facility, and I can't fill it.

Mr. Hehr: Finally, Mr. Speaker, why did the Solicitor General give only 50 days' notice to the Kainai community corrections facility that they would be closing their doors within 50 days? Why the short notice?

Mr. Oberle: Mr. Speaker, I am planning to meet – we're trying to arrange a date – with the leadership there, and we'll certainly talk about that. The fact of the matter is that I can't release budget details any time before the budget is actually tabled in the House, so I had no possibility of warning them of what was coming there. I will meet with the community and discuss their concerns.

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

Anthony Henday Drive

Mr. Sandhu: Thank you, Mr. Speaker. My constituents and I have been closely watching the progress of the Anthony Henday Drive construction in north Edmonton and are excited to start driving on this new road. The section was scheduled to open in the fall of 2011. My question is for the Minister of Transportation. Will the government be able to deliver on its commitment to have the road completed in 2011?

Mr. Ouellette: Well, Mr. Speaker, I'm very pleased to say yes. Construction on the northwest Henday is on track, and it's set to open in the fall of 2011. The \$1.42 billion road is being built as a P3, which allows the project to be completed two years earlier than conventional delivery, will save taxpayers \$240 million, and this will give Albertans a 30-year warranty on the road.

The Speaker: The hon. member.

Mr. Sandhu: Thank you, Mr. Speaker. While I am very glad to hear that construction is progressing well, my constituents are waiting for the final missing section that will connect Manning Drive to Yellowhead Trail to meet with highway 21. Can the minister tell us when the final section of the Anthony Henday Drive will be completed?

Mr. Ouellette: Well, Mr. Speaker, my department is moving ahead on the final section of the Anthony Henday, and I'm hoping that we can start the P3 process later on this spring. The final nine kilometres will connect Manning Drive with Yellowhead Trail on the

east side of Edmonton, and it will include a new bridge over the North Saskatchewan River. Government has set the goal of completing the Anthony Henday Drive by 2015, and we're on track to meet that goal.

The Speaker: The hon. member.

Mr. Sandhu: Thank you, Mr. Speaker. My final question is to the same minister. How much of the capital plan is being spent this year on highway construction?

Mr. Ouellette: Mr. Speaker, a strong transportation network supports all sectors of the Alberta economy. It's vital to our future growth. Our roads are also fundamental to supporting and building strong communities. That's why Alberta is investing \$1.9 billion on the provincial highway network this year. Our continued investment in road infrastructure is an important part of Alberta's economic recovery and our future growth.

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

Distracted Driving

Mr. Kang: Thank you, Mr. Speaker. The Minister of Transportation would rather make excuses than take the initiative. He failed to fund the airport tunnel by passing the buck to the city of Calgary and so far – so far – failed to bring in distracted driving legislation. His excuse? He's waiting to get the legislation just right. To the Minister of Transportation. Ontario has distracted driving legislation. Why can't Alberta adopt something similar?

2:20

Mr. Ouellette: Well, Mr. Speaker, I have to say that he's absolutely right on one thing: I'm waiting to make sure we can get it right. He's absolutely wrong on another. It's not our responsibility to fund the airport tunnel.

The Speaker: The hon. member.

Mr. Kang: Thank you, Mr. Speaker. Why won't the minister legislate against electronic distractions now since he could always expand the legislation to apply to other types of distractions later on?

Mr. Ouellette: Mr. Speaker, I think I've said that to the hon. member a number of times. There are a lot of distractions out there. We want to make sure, when we put legislation in place, that it's effective, and in order for it to be effective, it's got to be enforceable. We're looking at all those aspects to make sure we get it right.

The Speaker: The hon. member.

Mr. Kang: Thank you, Mr. Speaker. I'm talking about electronic distractions right now, Minister. Then you can change them later on, add other distractions.

To the minister again. This government has failed to end drinking and driving. Now they won't rein in distracted drivers. Why are safe drivers not a priority for this minister?

Mr. Ouellette: Mr. Speaker, I don't know how many times I've said in this House how important safe driving is to this government and keeping our roads safe and protecting all Albertans on our roads.

Federal Equalization Payments

Mr. Dallas: Mr. Speaker, recently the Frontier Centre for Public Policy published a paper that concludes that the so-called have-not

provinces that receive federal equalization transfers are better off in terms of the service levels that their governments provide than the have-provinces that actually subsidize these transfers. In other words, the real have-not provinces are provinces like Alberta that do not receive equalization payments. While I understand the concept of equalization . . .

The Speaker: We have to have a question in a hurry.

Mr. Dallas: My question to the Minister of Finance and Enterprise is: how are Albertans being disadvantaged by federal equalization?

The Speaker: The hon. minister.

Dr. Morton: Thank you, Mr. Speaker. The Frontier centre research confirms what we've been saying all along, that equalization is not working for Canada, and it's not working for Alberta. Last year Alberta sent \$21 billion more to Ottawa than it received back, over \$5,700 per man, woman, and child. Yet as the hon. member indicates, this research indicates that in Alberta we have fewer hospital beds, fewer teachers, higher university tuition than some of the so-called have-not provinces that are receiving these transfers.

Mr. Dallas: Mr. Speaker, my supplemental to the same minister. The Premier of Ontario has said that he has the same concerns yet is reported to have said recently that it isn't important enough for him to pursue. Why is it so important to Alberta, which arguably is in better economic shape than Ontario?

The Speaker: The hon. minister.

Dr. Morton: Thank you, Mr. Speaker. The Premier of Ontario has pointed out in the past that it's not just an Ontario or Alberta issue; it's a Canadian issue. It's a well-confirmed fact, not just by the Frontier centre but by the C.D. Howe and Fraser institutes, that the receiving provinces have higher spending, larger civil services, higher taxes, therefore less investment, therefore a smaller tax base. They then get more transfer. It's a vicious circle. It's not working for Alberta, and it's not working for Canada.

The Speaker: The hon. member.

Mr. Dallas: Thank you, Mr. Speaker. To the same minister: what is this government going to do about this flawed system of transfer payments?

Dr. Morton: Mr. Speaker, the principle of equalization is entrenched in the Constitution, but the quantum, the amount of money that's transferred, is not specified. Since it's good neither for the sending provinces – B.C., Alberta, and Ontario – nor for the receiving provinces, we think it's time to begin a discussion about changes. All of these transfer programs come up for renegotiation in 2014. Now is the time to begin talking about changes to make them good, a program that works for all of Canada.

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

Capital Infrastructure Planning

Mr. Anderson: Thank you, Mr. Speaker. Part of governing effectively entails being able to prioritize between needs and wants. This year the government proposed a capital budget of \$7.2 billion. In order to balance the books, the Wildrose proposes that we rein

that back to roughly \$4.6 billion this year, which still places us at the very top of all the provinces. The government is always asking what we would do differently, how we would prioritize. Our caucus would like to take up that challenge. To the Transportation minister: would you be willing to table in the House the exact order of priority for capital projects?

Mr. Ouellette: We want to make sure, Mr. Speaker, that we build the infrastructure that's needed in this province through our capital plan that's there. And I don't ever remember asking the Alliance what they would do.

Mr. Anderson: Given that the airport tunnel project in Calgary is clearly a top priority of Calgarians and Albertans, will this minister table your department's priority list so that we can all sit down like elected adults and figure out a way to delay a less time-sensitive project in favour of the airport tunnel?

Mr. Ouellette: Mr. Speaker, I've got to say that I really have a hard time believing that people do not understand what different responsibilities different municipalities have. It's been said a number of times that local roads are the responsibility of the local municipality. We supply infrastructure money through different types of grants, and they get to prioritize because that municipality knows what's best for them and what they need. We don't need to micromanage that for them.

Mr. Anderson: You know, an ounce of prevention is better than a pound of cure, Mr. Speaker. Given that waiting to build the Calgary runway until the other runway has gone over will cost taxpayers millions of dollars, why won't this minister allow Albertans to see the exact order of priorities for infrastructure projects as they now stand so that all Albertans and their elected representatives can have a discussion about what can wait so that we can get this key piece of infrastructure rolling?

Mr. Ouellette: Mr. Speaker, as far as I know, we don't hide anything. It's showing on our plan all of the infrastructure that we're going to build over the next three years. We're also saying that we will help municipalities in the best way we can, but they have to deliver what they believe is important to them within the finances they have to do it, and we have to do what we believe is the best for Albertans.

The Speaker: The hon. Member for Lethbridge-East, followed by the hon. Member for St. Albert.

Local Food Production

Ms Pastoor: Thank you, Mr. Speaker. Local food production is about knowing where your food comes from and what products or fertilizers, if any, are used in its production. It's about smaller, family farms, a strong rural community, and a sustainable new agricultural industry. To the Minister of Agriculture and Rural Development. Six hundred million dollars a year is spent by this government to maintain our agricultural system, yet we continue to lose farmers and prime agricultural land. Why isn't some of this money going to support our local food industry?

Mr. Hayden: Mr. Speaker, in fact it is. We have loan programs in place for producers that max out at \$5 million, depending on the operation and the innovation that's being proposed. Farmers' markets and local food production is one of the fastest growing areas of the agricultural industry, and I support it all the way.

Ms Pastoor: As the minister has pointed out, it is a growing industry. It's a \$350 million a year industry and growing. Will the minister expand the approved farmers' markets program to increase access to local food and meet the market demand?

Mr. Hayden: Mr. Speaker, we are working on a continuous basis with the producers that go into the farmers' markets and the farmers' markets. It's absolutely an area of interest to us as it adds some diversification to the industry, and I think it's got great potential. As people believe more in purchasing food within a 100-kilometre limit, I think the potential will continue to increase.

2:30

Ms Pastoor: Organic food is a \$30 billion a year industry internationally, but Alberta lacks a legislated organic standard. When will the minister introduce legislation that includes organic standards?

Mr. Hayden: Actually, Mr. Speaker, the industry itself has the standards and the requirements based on the number of years since the soil had chemicals used in it. I can't recall right off the top, but I think it's something like 18 or 20 years. Nothing can be certified as organic food through these associations unless it meets those standards. It absolutely is a growing market and, I think, something worthy of attention.

Mr. Speaker, with respect to the numbers of farms and people in rural Alberta that have been decreasing, it's no surprise to our government. It has been happening since 1910.

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

Incorporation of Financial Advisers

Mr. Allred: Thank you, Mr. Speaker. Several financial advisers have expressed concern that legislation that allows professionals such as doctors, lawyers, dentists, and accountants to incorporate as professional corporations does not grant the same privilege to financial advisers. Real estate agents and insurance agents are also allowed to incorporate. My question to the hon. minister of finance: why does the current legislation discriminate against financial advisers?

Dr. Morton: Mr. Speaker, currently individual financial advisers are not able to use incorporation to provide investment advice in any province in Canada. The issue of adviser incorporation has been discussed by provincial securities regulators in the industry for a number of years, and no consensus or conclusion has been reached. I can tell the hon. member that the Alberta Securities Commission has recently put forward a possible model of incorporation. Several other provinces have shown interest in it. I've asked to be informed of the progress, and we'll let you know if that changes.

The Speaker: The hon. member.

Mr. Allred: Thank you, Mr. Speaker. My second question to the same minister. The problem as I see it appears to stem from the provisions in the Alberta Securities Act. What is the rationale for these restrictions in the Alberta Securities Act?

Dr. Morton: Mr. Speaker, registration is one of the core areas of securities regulation. Individuals who sell securities must be registered because of the key role they play in the efficient functioning of capital markets. The primary aim of registration is to ensure

that those engaged in the securities business are suitable; that is, they must demonstrate that they're not only honest and of good repute but also competent, of good character, and have a degree of financial well-being. These standards help foster both investor protection and investor confidence.

Mr. Allred: My final question again to the same minister. Given that TILMA is now in place, financial advisers are not on a level playing field with their cohorts in British Columbia as well as Saskatchewan. How can this situation be rectified with regard to British Columbia?

Dr. Morton: Mr. Speaker, I don't believe the hon. member's facts are quite correct. Under the passport system, of which Alberta is a member, a new national registration regime was implemented in the nine participating provinces last September. This provides standardized registration categories as well as a single set of registration requirements. This new registration regime effectively eliminates any barriers to labour mobility that may have existed under the previous regime.

The Speaker: The hon. Member for Calgary-Varsity, followed by the hon. Member for Bonnyville-Cold Lake.

Protection of Children in Care

Mr. Chase: Thank you, Mr. Speaker. More children in Alberta are taken into custody by this province per capita than anywhere else in Canada. When children in care are hurt or die, the privacy of the family is paramount, but the details of the incidents need to be released. The sharing of information and solutions is the only way to bring change. We need to know what happened and what is being done to fix it. To the minister: how is it in the best interests of a dead child or their family to keep the circumstances that led to their death a ministry secret? Exactly whose interests are being protected?

The Speaker: The hon. minister.

Mrs. Fritz: Well, thank you, Mr. Speaker. I will look at the preamble and see, hon. member, if your preamble was correct. I think it is incorrect, but I'll look into that further.

In answering this question, we are governed by laws and regulations, and they do regard privacy for children in various circumstances. For the one that this member is discussing, there is an ongoing police investigation. To respect the integrity of that investigation, we will not be releasing any further information at this time.

The Speaker: The hon. member.

Mr. Chase: Thank you. Will the minister provide details that led to the death of a 21-month-old child in care last Wednesday and the findings of the ministry's internal investigation when it is completed? We don't need names. We don't need addresses.

The Speaker: The hon. minister.

Mrs. Fritz: Thank you, Mr. Speaker. As I indicated, I believe people have the right to know what has happened in cases involving children in this ministry and not just in this situation but in others as well. That information will be released that is appropriate in accordance with the regulation and the legislation that we have.

There is an ongoing police investigation right now, and I will not compromise the integrity of that investigation.

Mr. Chase: I don't want the investigation compromised, but when it's through, we need the details.

I will ask again. Will the minister take the first step to end the systemic secrecy and require that the children's advocate report directly to the Legislature, as is the case in all other provinces?

The Speaker: The hon. minister.

Mrs. Fritz: Well, thank you, Mr. Speaker. The children's advocate and the reporting that the children's advocate does in the ministry is not related to systemic secrecy. It's related to what is right, and it's related to the information. There are four quarterly reports that come to the Legislature through the children's advocate as well as an annual report, and the member is aware of that.

The Speaker: The hon. Member for Bonnyville-Cold Lake, followed by the hon. Member for Edmonton-Riverview.

Northern Student Supplement

Mrs. Leskiw: Thank you, Mr. Speaker. Many of my constituents are concerned about the cuts in postsecondary education, more specifically cuts to the program of scholarships designed specifically for rural students like the northern student supplement. My first question is to the Minister of Advanced Education and Technology. Could the minister please explain why the northern student supplement program has been cancelled as indicated in Budget 2010?

The Speaker: The hon. minister.

Mr. Horner: Thank you, Mr. Speaker. Certainly, in this budget we had some very difficult decisions to make with our budget for student financial assistance. What we did was that we chose to focus our resources on the priorities, and one of our top priorities is to ensure that we are able to help as many students as possible gain access to our academic institutions. To accomplish that, we were going to discontinue three grants and shift those dollars into the student loan program because I can give \$1 to one student, but I can use that same dollar and do three student loans.

Mrs. Leskiw: To the same minister. Like many students from rural communities both my children attended postsecondary school in the city and, as a result, were burdened with added living expenses compared to those students who had the opportunity of living at home during school. Many rural students are forced . . .

The Speaker: Okay, okay. No preambles, remember?

Mrs. Leskiw: That's after today.

The Speaker: No, no. [laughter]

Mrs. Leskiw: What programs are in place to relieve the unique financial pressures of rural students?

Mr. Horner: Mr. Speaker, rural students do have added issues to face when they have to travel to the cities, and we recognize that. It goes well beyond tuition, and that's something we've talked about a lot in this House and with the students, that the affordability of our postsecondary system is more than just tuition. It's travel to and

from. It's affordable housing. It's all of those things. Today 70 per cent of student aid recipients are considered to be independent from their parents, and that's an important factor to consider when we're looking at our student financial assistance package.

Mrs. Leskiw: To the same minister. The minister is often heard talking about building Alberta's next generation, knowledge-based economy. Isn't he concerned that the increase will deter Albertans, particularly rural Albertans, from pursuing postsecondary education?

Mr. Horner: Well, Mr. Speaker, we had a good discussion about this exact topic last night in our estimates in the House when we talked about the fact that, you know, some would consider an investment in stocks or something and borrow for that investment, and it's still an investment. We look at the investment that the taxpayers of Alberta are putting in, on average 70 per cent to every one of those postsecondary courses, and the students are putting in, on average, about a 30 per cent investment. How they are able to do that is important to us because we want to help every student have access to that. So if they have their own resources, that's great, but if they don't, we want to help them.

The Speaker: The hon. Member for Edmonton-Riverview, followed by the hon. Member for Edmonton-Mill Creek.

2:40

Patient Safety Report (continued)

Dr. Taft: Thank you, Mr. Speaker. My question will be to the Minister of Health and Wellness. I want to confirm with him what he said earlier today in question period, that the full, unedited report prepared by the Alberta Health Quality Council into patient safety incidents at the Children's hospital in Calgary will be made public within 10 days.

Mr. Zwozdesky: Mr. Speaker, what I believe I said is that a full, detailed report within the parameters of the Alberta Evidence Act and respecting the parameters of the Health Information Act is to be made available within 10 days. I'll leave it up to them to get together and figure that out. I'm sure they will.

Dr. Taft: Well, Mr. Speaker, our information is that the report was already written to meet those parameters, so if the report is going to be released unedited, why not just release it today?

Mr. Zwozdesky: Mr. Speaker, as I've indicated, I've spoken with the two groups, and I've asked the same issue of them. I said: why not just release it? They said that they have some confidentiality issues that they still have to address, and as soon as they get the green light on those confidentiality agreements, which I know the hon. member himself would respect and know about, the report will be released, as I've just indicated.

Dr. Taft: Mr. Speaker, the Alberta Health Quality Council has said that the confidentiality issues are already addressed. It's as if Alberta Health Services thinks the Health Quality Council reports to them. Will this minister do the right thing and from here on give the Alberta Health Quality Council full independence in releasing its reports?

Mr. Zwozdesky: Mr. Speaker, the first two incidents that were reported on were done within a matter of hours. Immediate action was taken. The third one was done within a very short time period

as well, and so was the fourth one. But as they all came in, it was decided by the Health Quality Council, through their own protocols, to lump all four together in one report. That's what they've done. They are just as concerned about patient quality and safety as we are, and we'll ensure that it gets released.

The Speaker: The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Edmonton-Ellerslie.

Support for Library Services

Mr. Benito: Thank you very much, Mr. Speaker. My question is to the Minister of Municipal Affairs. Knowing the importance of library services, especially to immigrants and foreign workers in Alberta, why has the government made a budget reduction to library services?

Mr. Goudreau: Mr. Speaker, immigrants and foreign workers and all Albertans truly value and rely on our libraries right across the province of Alberta. This government is committed to strong, province-wide library systems. The reduction that the member is talking about involves internal programming spending but will not reduce provincial funding to individual library boards. As a matter of fact, Budget 2010 increases library funding for growing communities with a \$600,000 increase.

Mr. Benito: To the same minister: is the funding for the construction of the new library still intact?

Mr. Goudreau: Mr. Speaker, yes, the MSI funding for this project remains intact. This government is committed to supporting and investing in municipalities despite our tougher economic times. Individual municipalities make decisions as to how they spend their MSI dollars. I'm pleased that the province did approve the city of Edmonton for a \$30 million grant to build this particular library, which will benefit the residents living in Mill Woods.

Mr. Benito: My final question is to the same minister. When do we expect the construction and opening of this new library in Mill Woods?

Mr. Goudreau: Mr. Speaker, MSI dollars go directly to the municipalities so they can prioritize the funding to meet the unique needs of the people that are living within their communities. It's those municipal leaders that are responsible for choosing the projects and managing their timelines, so it's basically up to the city of Edmonton. They've received the approval. It's up to the city of Edmonton and the councillors to decide when they will build the particular library in the Mill Woods area.

School Configuration

Mr. Bhardwaj: Alberta Education appears to be moving away from separate schools for elementary students and junior high, or middle schools, and replacing them with larger K to 9 combined schools. My constituents are concerned that their younger children will not receive the attention they need in a larger facility. My questions are to the Minister of Education. What is the rationale behind combining the schools?

The Speaker: The hon. minister.

Mr. Hancock: Well, thank you, Mr. Speaker. The question of what configuration, what size of school is really a decision that's made by

local school boards acting in the best interests of their students and their community. There is a lot to be said. We have through the Inspiring Education process over the course of the last year been talking about how we might change the way we do education, recognizing the current situation, current realities, new technologies, so configurations of classrooms and configurations of schools themselves should be the topic of discussion. With respect to K to 9, I mean, there's a lot of evidence to suggest . . .

The Speaker: The hon. member.

Mr. Bhardwaj: Thank you very much, Mr. Speaker. My next question to the same minister. The needs of a five-year-old vary rapidly from the needs of a 14-year-old. How is combining administration, facilities, and staff going to reflect the disparity in needs?

Mr. Hancock: Well, administration, of course, is something entirely separate in terms of the ability to use administration effectively and efficiently, different from the programming needs. There's a lot of evidence, as I was saying, Mr. Speaker, to suggest that you could make great utilization of combining classes and ages: older students helping younger students, learning together. Quite frankly, we've been doing it. I grew up in rural Alberta. We had K to 12 schools, worked perfectly well. We shouldn't be focusing on specifically any particular type of classroom or configuration but what's in the best interests of the children and the community.

The Speaker: The hon. member.

Mr. Bhardwaj: Thank you very much, Mr. Speaker. My final supplemental to the same minister: with issues such as violence and drugs and alcohol use facing teenagers, is the minister concerned about the interaction between teenagers and elementary-aged students that will require increased supervision?

Mr. Hancock: Mr. Speaker, regardless of the configuration of the school we have certain requirements that need to be there for students to be successful. We need a respectful and caring school culture. We need safety and security. We need to focus on teaching and learning. We need positive, caring relationships between students and teachers. We need social and behavioural expectations to be adhered to, and we need community involvement. That is true whether we're talking about a grade 1 to 3 school or a grade 1 to 9 school or a grade 1 to 12 school. Those behavioural expectations and the focus on making sure that it's a safe and caring place for students has got to be our ultimate priority.

The Speaker: Hon. members, that concludes the question period today. Today, 19 different members were recognized – that was made up of nine members of the Official Opposition, two members of the Wildrose caucus, one member of the New Democratic caucus, and seven private government members – a total of 114 questions and answers.

In 15 seconds from now we'll proceed with the Routine and members' statements.

Members' Statements

(continued)

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

2010 Vancouver Winter Olympics

Mr. Rodney: Thank you, Mr. Speaker. Albertans can be proud of their contributions to the 2010 Winter Olympics. I'm not just referring to the recent \$100 million injection of our Alberta government in our Olympic heritage venues or the fact that over half of our Canadian team lives and trains in Alberta or the incredible work of the ministries of Tourism, Parks and Recreation as well as Culture and Community Spirit with the Alberta train, Plaza, and House. I'm also referring to the priceless memories which our athletes from across the country have shared with us that will last a lifetime.

I'm sure that none of us will forget when Alberta's own Jennifer Heil won Canada's first medal, when Alexander Bilodeau shared our country's first gold on Canadian snow with his brother and the entire nation, when Virtue and Moir capped a 13-year project with gold, when Joannie Rochette found the podium after her mother had passed on, and when our Canadian men and women won hockey gold.

I also think that Michael Bubl  deserved a medal for utilizing a big, beautiful background of Moraine Lake, Alberta, during his performance during the closing ceremonies.

Mr. Speaker, an American Olympian friend of mine told me Canada did a super job with these Olympics, just like they did in Calgary. It was a great reminder that this record-setting journey actually began with Alberta's Olympics in 1988.

2:50

Canadians won more gold medals in 2010 than any country on Earth has ever won at an Olympic Games, winter or summer. Now, in the minds of some the Own the Podium campaign was controversial at best and arrogant at worst, but in my humble assessment it was simply wildly successful. It was based on a U.S. program which has been in operation since Nagano, and it can be easily argued that the Canadian version was not only much faster; it was far less expensive.

We were on top of the world in 14 different events. While this brought back beautiful memories for me of '99 and 2001, it also brought back memories of this past June, when some great friends and I climbed to the highest point in Russia and Europe. At that time we could not have imagined that in a matter of months a young Georgian from across the valley would perish in an accident on opening day in Whistler.

But we did know that the people of Sochi were getting ready for 2014. Let's get behind our government and all Canadians getting ready for Sochi in 2014.

Oil Royalty Framework

Mr. Anderson: Mr. Speaker, yesterday the Premier tabled an article from the *Airdrie City View* which he said proved that I supported his economically disastrous new royalty framework. I know the Premier is a busy man, but, honestly, perhaps he should have read the article first before tabling it. I do thank him for tabling it for everyone to see. Remember, this article was written in 2008, prior to the NRF's taking effect.

After outlining the key importance of the oil and gas sector in creating jobs and agreeing with the adjustments made to the oil sands royalties, something I've always said publicly and in caucus, I then say the following:

When Premier Stelmach [initially] announced the royalty changes, he left the door open for further modifications . . . I, and many others, have been advocating that given the global economic slowdown, plummeting oil and gas prices, as well as the competitive royalty regimes of BC and Saskatchewan, it is important to readjust royalties downward . . .

As your provincial representative, I will continue, as promised, to advocate for further decreases in royalty rates for oil and gas projects outside of the oilsands. I believe that doing so is essential to the . . . prosperity of our province.

That's quite a smoking gun, indeed.

Mr. Speaker, again, this article was written in 2008, before the destructive NRF took effect. It proves what I and thousands of Albertans told the Premier and his chief of staff for a long, long time: that his energy policy was flawed, that the economy and industry had changed and we would not be competitive, and that thousands of Albertans would suffer if he went ahead with his ill-conceived royalty changes.

I thank the Premier, his chief of staff, and his research staff for reminding me of this article. Not only does it show I've been consistent on this issue; it shows I've been consistently right. It also shows just how consistent the Premier, his chief of staff, and his Energy ministers have been on this issue, consistently out of touch, consistently wrong-headed, and consistently incompetent with an industry so many Albertans rely on for their well-being.

Thank you, Mr. Speaker.

The Speaker: And the hon. member knows what he shouldn't have done.

Mr. Anderson: I was speaking to their actions, only their actions.

The Speaker: No, no. The member doesn't know what he shouldn't have done. He can read *Hansard*.

Notices of Motions

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. Today I'd like to give the House oral notice of a motion that I propose to move.

A. Be it resolved that the Standing Orders of the Legislative Assembly of Alberta be amended in Standing Order 7 by adding the following after suborder (4):

7(4.1) When Members' Statements is called, Members other than Members of the Executive Council may make a statement, each statement to be no more than 2 minutes in duration, according to the following allocation:

- (a) on Monday and Thursday, up to 7 Members, and
- (b) on Tuesday and Wednesday, up to 6 Members.

B. Be it further resolved that

1. The amendment in this motion shall come into force on passage and shall have effect until the dissolution of the 27th Legislature;
2. Standing Order 7(4) shall not have effect for the balance of the 27th Legislature.

Tabling Returns and Reports

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

Dr. Morton: Thank you, Mr. Speaker. Pursuant to section 6(2) of the Alberta Economic Development Authority Act it is my pleasure to table five copies of the authority's 2009 activity report. The Alberta Economic Development Authority celebrated an important milestone last year, 15 years of providing strategic advice and recommendations to the government on key economic issues.

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

Ms Notley: Thank you, Mr. Speaker. I have three tablings today.

The first is the appropriate number of copies of a report from Syncrude Canada entitled Annual Report of Oil Sands Development in 2005 and Projected for 2006, Mildred Lake Oil Sands Mine. The report includes information on wildlife that has come into contact with tailings ponds and was related to questions asked by my colleague from Edmonton-Highlands-Norwood earlier today.

The second tabling, Mr. Speaker, is the appropriate number of copies of three photographs of ducks caught in the bitumen mat of Syncrude's Aurora tailings pond on April 29, 2008.

The third tabling is the appropriate number of copies of 24 postcards signed by Albertans calling on the provincial government to keep its promise to build 600 new long-term care beds. These postcards have been collected by the Canadian Union of Public Employees.

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

Ms Pastoor: Thank you, Mr. Speaker. I'm tabling five copies of the letter our caucus has been asked to table in which Sandy Bray of Calgary explains the impossible task of being the only income earner living with and caring for two elderly parents, one with dementia, and a 17-year-old son. The waiting list for a nursing home can be a two- to three-year wait. She asks for help.

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

Mr. Anderson: Thank you, Mr. Speaker. I'd like to table five copies of the Wildrose Alliance caucus Restoring Alberta's Energy Competitiveness document. It outlines the effect the royalty framework has had on the economy in this province, which has been negative, and goes on to propose some proposals for how we can get back on track.

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 letter that I wrote on March 5, 2010, to the chairman of the board of Edmonton public schools regarding population data that was gathered and tabulated by the city of Edmonton in 2009. In this letter I request respectfully for the public board to cease and desist from any further closures of public schools.

The second document I have is dated spring 2010, Options: Your Guide to Private Medicine. It was a supplement in the *Calgary Herald* a few weeks back, and it asks questions such as why Albertans are seeking private health options.

Thank you.

The Speaker: The chair today would like to table the required number of copies of a March 9, 2010, memo from the Government House Leader which attaches a March 4, 2010, agreement signed by all parties, a revised projected sittings days calendar effective today's date, and a revised schedule concerning Oral Question Period rotation based on the house leaders' agreement dated March 4, 2010. Members will receive copies of the complete package shortly after Orders of the Day is called.

Tablings to the Clerk

The Clerk: I wish to advise that the following documents were deposited with the office of the Clerk: on behalf of the hon. Mr. Webber, Minister of Aboriginal Relations, responses to questions raised by Mr. MacDonald, hon. Member for Edmonton-Gold Bar; Ms Notley, hon. Member for Edmonton-Strathcona; Dr. Taft, hon.

Member for Edmonton-Riverview; Ms Calahasen, hon. Member for Lesser Slave Lake; and Dr. Brown, hon. Member for Calgary-Nose Hill on February 10, 2010, Department of Aboriginal Relations main estimates debate.

The Speaker: Hon. members, might be revert briefly to the Introduction of Guests?

[Unanimous consent granted]

Introduction of Guests

(continued)

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

Mr. Blackett: Thank you, Mr. Speaker. It gives me great pleasure to rise today and introduce to you and through you seven special guests who are visiting from our sister province of Hokkaido, Japan. These individuals are part of a delegation visiting our province to learn about our voluntary sector. They are studying leadership in the voluntary sector, international development, youth agencies, citizens' and disability support, senior citizens' facilities, libraries, and health care facilities. I'd like to introduce Ms Keiko Sato, Mr. Koji Takahashi, Ms Tomoko Maruya, Ms Yoshiko Fujii, Mr. Masaaki Noh, Ms Ayaka Tateyama, and Mr. Nobunao Kasai. If I could have them rise and receive the warm welcome of this House.

Orders of the Day

Government Bills and Orders Second Reading

Bill 7

Election Statutes Amendment Act, 2010

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

Ms Redford: Thank you, Mr. Speaker. I'm pleased today to rise to speak to Bill 7, the Election Statutes Amendment Act, 2010.

This bill contains amendments to both the Election Act and the Election Finances and Contributions Disclosure Act. Our elections legislation allows Albertans to continue to elect their provincial representatives in a clear and orderly way using processes that are neutral, consistent, and understandable. Hand in hand with the Election Act is the Election Finances and Contributions Disclosure Act. They work in tandem. They govern how political entities will collect and use money and require detailed financial reporting to the Chief Electoral Officer.

3:00

This is a complex body of law. We've taken the time as a government to review each change to ensure that it represents an improvement to this essential democratic process. Throughout our review we have held discussions with the Chief Electoral Officer's office, and I'd like to take this opportunity to thank that office for their involvement and co-operation in our review.

Now I would like to address some of the more significant amendments included in Bill 7. First, I'll talk about prisoner voting, Mr. Speaker. Currently our legislation does not allow inmates to vote in provincial elections. In a 2002 decision, *Sauvé versus Canada*, the Supreme Court of Canada held that denying inmates the right to vote violates section 3 of Canada's Charter of Rights and Freedoms. As a result of this clear direction from the Supreme Court of Canada Bill 7 will give all eligible inmates the ability to vote at future provincial elections by way of a special ballot process.

In most cases the inmate's vote won't be counted in the constituency in which they are serving their sentence. Instead, their vote will be counted in accordance with the tests set out in the legislation.

Although we have heard comment that we should use the notwithstanding clause of the Charter to challenge this provision, I want to clarify that this is not a legal possibility, Mr. Speaker. The notwithstanding clause applies only to certain sections of the Charter. It does not apply to section 3 of the Charter, which is the section that includes the right to vote.

I'll now talk about the appointment of returning officers. After the last provincial election the Premier promised to change the manner by which returning officers are appointed. Previously all returning officers were appointed by the Lieutenant Governor in Council. Bill 7 authorizes the Chief Electoral Officer to appoint returning officers. The Chief Electoral Officer will be able to start the appointment process as early as two years after the previous general election. The Chief Electoral Officer will be able to fill all returning officer positions in a timely manner. This amendment eliminates any perception of political involvement in the appointment process.

With respect to the appointment of enumerators, and in a similar vein, Bill 7 removes the perception of political involvement in the appointment of such enumerators. This bill requires each returning officer to personally hire all the enumerators that are needed in the returning officer's electoral division. This replaces the old process of gathering input from constituency associations in communities as to who should be considered for enumerator positions.

One of the issues that will be very interesting as we go forward, Mr. Speaker, is new technologies. Technology is changing rapidly, and Bill 7 will allow the Chief Electoral Officer to explore and promote the use of new technologies. If there is a way to improve the efficiency of our voting process, we want to know about it. Using new kinds of equipment or developing new procedures to make casting a vote easier may lead to greater public participation in our democratic process. Running an election is a complex process. While we're always striving for an easier and more efficient voting process, we must protect the integrity of the system and safeguard accuracy, secrecy, and political neutrality in the process.

While Bill 7 provides the opportunity to undertake pilot testing in by-elections, it also includes safeguards. Before testing new technologies, the Chief Electoral Officer must make a presentation to the Standing Committee on Legislative Offices explaining in detail the procedures and equipment that he proposes to use. If the standing committee approves the approach, the new technologies can be incorporated at a by-election. I'm excited about this opportunity and what this recommendation represents. It provides us the opportunity for a forward-looking, nonpartisan discussion that could result in great benefits for all Alberta voters.

Bill 7 will also add flexibility to early opening of voting stations. It will allow for a pilot project to test early opening of polls. Normally our polls open at 9 a.m. In the interests of making it more convenient for Albertans to go to the polls, Bill 7 would allow the Chief Electoral Officer to run a pilot project where polls could open at 7 a.m. during a by-election. This change was made on a test case basis only, as the extra two hours added to the polling day means that election officers will be working more than a 15-hour day. To help election officers complete all of their duties, including the count at the end of the day, the amendments will allow the use of vote counting equipment. This will help ensure an accurate count of the ballots.

Once the by-election is completed, the Chief Electoral Officer is required to report back to the Legislative Assembly, outlining his

opinion as to whether the extended hours had any effect on voter turnout and whether the vote counting equipment was effective and efficient. The Chief Electoral Officer's report will help inform future decisions regarding whether polling hours should be extended across the province.

We've also dealt with advance polls, Mr. Speaker. To further encourage voter turnout, Bill 7 eliminates restrictions for those who may use an advance poll and makes it easier for voting and more accessible for Albertans with demanding or unpredictable schedules. The legislation would allow Albertans who are eligible to vote to do so at an advance poll without requiring them to give a reason for doing so. This additional flexibility provides one more opportunity for Albertans to cast their votes.

In addition to increasing flexibility with respect to location and time, Mr. Speaker, we've also dealt with identification. Bill 7 contains options for voters to make it easier for them to identify themselves. A person whose name appears on the list of electors does not need to provide ID now in order to receive a ballot. A person can ensure that their name is added to the list of electors in a number of ways, including through enumeration, by registering online with Elections Alberta, or by otherwise contacting the Chief Electoral Officer's office.

If on election day an individual's name is not on the list of electors, he or she must take additional steps to establish their identity and eligibility to vote. Bill 7 sets out how a voter may establish his or her identity. This includes that the voter may provide government-issued photo ID, the voter may show two documents from a list of documents that are authorized by the Chief Electoral Officer, or a voter's identity can be vouched for by another voter whose name already appears on the list of electors. The bill removes the requirement for a voter to swear an oath to accompany the necessary identification. Instead, the voter will be asked to complete a declaration. This would be a faster process and would reduce waiting times for those people who are not on the list of electors.

Mr. Speaker, this bill will also deal with third-party advertising. It deals with the rules for political advertising specifically for third parties. Bill 205, a private member's bill, set out new rules for individuals or groups who engage in political advertising during an election campaign. This bill was passed by the Legislative Assembly last fall, but it is not yet in force. The government supported the principles underlying the private member's bill, but after looking at it in some detail, we have improved it by aligning it more closely with the existing rules in the Election Finances and Contributions Disclosure Act.

Chief Electoral Officer powers have also been dealt with in this bill, Mr. Speaker. Under existing legislation, the Chief Electoral Officer has the power to investigate and inquire into possible violations of the rules under the Election Finances and Contributions Disclosure Act. Among other things, the Chief Electoral Officer has the power to request production of financial documents. Bill 7 would give the Chief Electoral Officer the additional power to inquire and investigate perceived violations under the Election Act. For example, Bill 7 would allow the Chief Electoral Officer to investigate an allegation that the list of electors has been used inappropriately. Also, the bill gives the Chief Electoral Officer flexibility in determining the size of the fine imposed on a person who donates more than the contribution limits allow. Bill 7 also gives the Chief Electoral Officer the power to address emergencies on polling day by changing the hours that a polling place is open.

We also deal with tie votes in Bill 7, Mr. Speaker. We believe that this is an improvement in that it will provide for a change in the way that tie votes are resolved. Currently if after all the counts are

done, there is a tie between two or more candidates, the returning officer is required by law to cast the deciding vote. The current law treats returning officers unfairly in several ways. First, a returning officer can't cast a vote unless there is a tie. Second, if there is a tie, the returning officer can't necessarily vote for the candidate of their choice as he or she must select one of the two tied candidates. Third, the returning officer cannot decline to vote, as is the right of all other electors. Finally, the returning officer's vote is not secret. To eliminate this, Bill 7 provides that in the case of a tie vote between candidates there will automatically be a by-election.

3:10

In conclusion, Mr. Speaker, this legislation deals with fundamental democratic principles. Bill 7 strikes a balance. It updates and streamlines electoral processes while at the same time maintaining the integrity and security of the vote. I encourage all members to support Bill 7, the Election Statutes Amendment Act, 2010, and I look forward to hearing and participating in the debate.

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

[Motion to adjourn debate carried]

Bill 1

Alberta Competitiveness Act

[Adjourned debate February 25: Mrs. Fritz]

The Speaker: The hon. Member for Strathmore-Brooks.

Mr. Doerksen: Thank you, Mr. Speaker. I'm pleased to rise today and speak to Bill 1, the Alberta Competitiveness Act. I want to begin by thanking the hon. Premier for bringing forward this important piece of legislation. As Alberta emerges from the recent economic downturn, the Alberta Competitiveness Act addresses matters that are important to our long-term and ongoing success as a province and as a country and, certainly, addresses issues that are important to my constituents.

Mr. Speaker, I have a particular interest in the subject matter that Bill 1 deals with. As a farmer and rancher I know the importance of meeting the demands of a market and of positioning a business to be competitive. Through my previous involvement as chairman of the Alberta Beef Producers and the Canada Beef Export Federation I know the challenges agriculture and specifically the beef industry face related to competing in international markets.

The preamble to Bill 1, Mr. Speaker, highlights priorities that are important to Alberta's future success.

Alberta's success is founded on the competitiveness and the entrepreneurial spirit of Albertans . . . competitiveness is core to the Government of Alberta's plan to position Alberta for sustained prosperity . . . the role of government is to create the conditions for competitiveness so that entrepreneurship, innovation and investment will generate benefits for Albertans . . . better alignment of activities across Government to strengthen partnerships among Albertans, business, industry and Government will support the development of a shared strategy to increase Alberta's competitiveness.

[Mr. Mitzel in the chair]

Mr. Speaker, reviewing the mandate of the body created under Bill 1 I think really focuses on the priorities of this government and I believe is a highlight for the focus of our government in this Legislature:

to increase Alberta's competitiveness by

- (i) accelerating the implementation of current Government of Alberta initiatives to increase competitiveness,

- (ii) developing a shared strategy to increase Alberta's competitiveness through strengthened collaboration with industry, business and Albertans,
- (iii) developing benchmarks for measuring Alberta's [success];

[Further,] to develop strategies and initiatives

- (i) to encourage innovation and to develop and adopt technology,
- (ii) to create effective regulatory systems that deliver the results Albertans require and that provide clarity, predictability, certainty and efficiency, and
- (iii) to increase Alberta's competitiveness and productivity of individual economic sectors.

Those are important initiatives for all Albertans and particularly for agriculture. But I believe that this initiative will have a positive impact on a whole range of sectors throughout our economy, including energy, forestry, agriculture, as I suggested, transportation, health care, and education.

I want to focus my comments this afternoon, though, on positive impacts that this legislation can have for agriculture, again, based on the experience that I've had representing agriculture producers over a period of many years. Competitiveness is a mindset, Mr. Speaker, one that I think is extremely important for Albertans within the Canadian context. As Alberta livestock and agriculture producers we know that our capacity to produce requires access to markets in order to gain returns for our production that keep us competitive in terms of recovering costs for high-quality products that agriculture producers go to market with in this country.

I appreciate the fact that Alberta has a very high and strong reputation in international markets for the high quality, the food safety standards that we meet, and all of that kind of thing. I particularly appreciate the emphasis that this bill has on a strong collaboration between industry and government. I have had the opportunity to see both remarkable successes with regard to what can be achieved when that partnership works and also some failures when that partnership doesn't work as effectively as it needs to.

I want to just refer to a number of experiences in international markets because I think there's a key and important role that the Alberta government plays together with the industry in ensuring that Alberta and, frankly, that Canada plays the role that it should in international markets. I've had the privilege to visit Alberta's trade offices in Mexico, China, Hong Kong, Taiwan, Russia, and a number of other countries as well. I've seen first-hand how when industry and government representatives are working together, the end result is better.

I was on a trade mission in 2003 with the federal government as well as beef industry representatives, and at the end of the day we would collaborate with regard to what the situation was on a government-to-government basis. The very key interest at that point was reopening access to important markets for Canadian beef.

On the industry side we were having discussions with our counterparts in Taiwan and China and Hong Kong to discuss what their issues were with regard to marketing and gaining access to Canadian products that at that time were restricted from moving across the border, very effective opportunities to collaborate and ensure that the end result was better because at the end of the day what's required in terms of international trade negotiations is that there's an agreement made that can actually be traded on.

It's possible, when there isn't a proper link between industry and government, that the trade deal you end up with at the end of the day has some quirky detail in it that restricts the opportunity for Canadian and for Alberta exporters to actually get the job done in terms of exporting products. There are various examples that I could cite where because of an effective collaboration, those kinds of

situations have been prevented. But where that collaboration was not or the communication was not effective, we ended up with a trade deal that had to be reworked in order for the industry even to trade on the deal. Then you simply don't have the success that you need.

Today, Mr. Speaker, I had a document presented to me from beef industry representatives that speaks about what it is that's preventing Canada from trading beef products into Russia. It's a very detailed outline of matters that are not within the ability of the Alberta government to influence directly. They're actually federal trade initiatives and matters that need to be addressed by the federal government. But I think there's an opportunity for the Alberta government, through our minister of agriculture, to collaborate with Alberta livestock producers and press our federal counterparts to get the job done. I think that Alberta cattle producers and also our Alberta government have a first-hand understanding of the importance of moving at the right time, of acting when there is opportunity to actually get a deal done.

One of the other things that I appreciate about Bill 1 is its reference to ensuring that we have the regulatory regime in place that works for industry. That's extremely important as well, Mr. Speaker. We all know that costs can be incurred by industry, particularly agriculture producers, if the regulatory regime is not effective. We have to ask ourselves as we review the current regulatory regime that faces agriculture: to what end? Are the regulations that we have in place providing a safer product to market? Are they reducing cost? Are they reducing risk? Those are matters that are extremely important, and we need to ensure as we add regulation, as we encumber agriculture producers with more rules, that we in fact have markets that are willing to pay for the increased costs that are imposed and forced on producers as a result of the regulations.

3:20

One of the things that I think agriculture producers are facing right now that I think this bill can help address is their ability to reduce costs, and that's where an effective regulatory regime very much comes in. If we've got rules in place that add costs that can't be recovered in the market, they really need to be effective in reducing risk, or else they're really impractical. I think those are some of the things that I see as opportunities through Bill 1.

I particularly appreciate that this bill shows Albertans and the world our commitment to make Alberta one of the most economically competitive places in the increasingly interconnected global marketplace. Through travel and communication it's a pretty small world that we live in, and I think it was highlighted in the recent experience at the Olympics, even, where we knew that the world was at our doorstep. That's true for agriculture producers, too, but meeting those markets efficiently and competitively is extremely important.

I believe that Bill 1 shows that the province is committed to creating the conditions that will attract new businesses, innovators, and the next generation of entrepreneurs to be involved in this province. For all of those reason I would like to again express my appreciation to the hon. Premier for bringing this piece of legislation forward. I think it has a great deal of resonance with my constituents, who understand the importance of effective regulation. It really isn't about getting rid of regulation that we need, but it's very much about making sure that the regulations, the rules, and production standards that we have meet the needs of our production community and also meet the needs of international and domestic markets.

With that, Mr. Speaker, I would like to thank you for the opportunity to speak to this piece of legislation. I look forward to the

positive results that Bill 1 will deliver to this province and to the way that it positions our government as setting up the framework, so to speak, that will ensure that we have long-term success in international markets and that Albertans – and I’m speaking particularly with regard to agriculture producers – have the opportunity to produce to their capacity and market to their capacity as well.

Thank you, Mr. Speaker.

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

Seeing none, the hon. Member for Calgary-McCall.

Mr. Kang: Thank you, Mr. Speaker. It’s a great pleasure to speak on Bill 1, Alberta Competitiveness Act. The object of this bill is intended to increase collaboration between the government, business, and industry to improve Alberta’s competitiveness. The bill will also allow for the establishment of a board or committee with a general mandate to identify actionable areas for increased competitiveness, to quicken the implementation of government competitiveness initiatives, and to establish a benchmark to measure Alberta’s competitiveness.

In essence, all this bill does is allow for the establishment of a board or committee with a vague mandate of increasing competitiveness. The underlying principle behind this bill is to increase the collaboration between the government, business, and industry, but there are so few specifics that it is difficult to determine what, if any, impact there may be by this bill.

The government’s news release on this bill states that throughout the next year, benchmarks and goals will be established. There is no reference to when completion or action on these benchmarks and goals will take place, nor is there any reference to specific action that will be taken now. The only reference to anything specific, both in the bill and in the news release, is to the government’s oil and gas competitiveness review and the western economic partnership between B.C., Alberta, and Saskatchewan.

Establishing these benchmarks, reporting explicitly through annual reports, collaborating across the ministries and with key players in industry are all important positive steps towards improving Alberta’s competitiveness. But this bill does not take any real action towards making these things happen. There are no details, no time frames, no end goal other than the elusive phrase “increase competitiveness.”

All this bill does is legislate an idea. The government’s own news release states that benchmarks and goals to increase competitiveness will be increased in a year with no indication how long after that year action will take place.

The government already has a Regulatory Review Secretariat with the following mandate: “The goal of regulatory reform is to identify opportunities to reduce and simplify the regulatory burden of government on the people and businesses of Alberta.” This goes on to say, “Supporting the development of good regulation creates the conditions for business to thrive and enhance productivity towards sustainable prosperity.” So we already have something in place.

The Regulatory Review Secretariat seems to be more concentrated on the red tape burden of compliance requirements and regulations whereas the guiding principle behind Bill 1 is more about collaboration. Yet both have very similar mandates and ultimately have the same end goal of allowing for productivity, competitiveness, and sustainable prosperity.

Eliminating red tape is not the only step necessary to increase competitiveness, but it is a very important first step. Other provinces such as B.C. and Newfoundland have set percentage reduction goals and have produced results. Alberta has been reviewing the regulatory burden for over 10 years now and has yet to produce the

reduction in red tape that other provinces have. The CFIB argues that Alberta has actually increased its regulatory burden in that time frame.

Also, the government already has the Premier’s economic advisory committee, a Regulatory Review Secretariat, an oil and gas competitiveness review that we are still waiting to see, a western economic partnership with B.C. and Saskatchewan, and a Canada-Alberta western partnership. How many more committees and partnerships do we need? We keep on coming with new committees and new reviews. Why can’t the goals of Bill 1 be carried out by one of these many arrangements? Why is the government scared of taking action and setting its own goals rather than passing off the job to another committee? This is the kind of initiative that the premise of this bill is intended to eliminate. The government is actually creating more legislation, more regulations with this bill.

Ultimately, this bill is meaningless. The intention of the bill is something that is laudable and necessary, but the bill itself is hollow. There are absolutely no specifics in the bill, and it seems unusual that this act is being done through legislation. Why are we mandating another committee to do the role of the government? Why isn’t the Premier setting up a specific task force?

There are some general questions arising around the vagueness of this bill. Which industries is this bill targeting? How exactly will this bill improve competitiveness? What kind of competitiveness are we talking about? Are we talking about red tape? Is it limited to the oil and gas industry? Do we want to be competitive through a strong, knowledge-based economy by supporting education, by creating a competitive environment for small business by reducing red tape, by diversifying the economy in general, by allowing our film industry to stay alive and competitive? What is the main goal behind this bill? What does competitive mean? What is the end goal of these actions? What is the time frame?

3:30

When we talk about reducing red tape in Alberta, in 2009 the minister of finance released a report on the Regulatory Review Secretariat entitled Regulatory Excellence, in which it reports launching an online tool called Alberta’s public registry for regulations, that will provide notice of government regulatory proposals relevant to business. This report also highlights the reduced regulatory burden brought about by TILMA and BizPaL, an online service that gives information on business permits and licences.

Reducing red tape for businesses is one of the goals of the Regulatory Review Secretariat and is also a point that is highly advocated for by the Canadian Federation of Independent Business. The reducing red tape argument centres on the amount of time, ultimately lost productivity, taken up on what are considered unnecessary and redundant government regulations. According to CFIB Canadian businesses spend \$30.5 billion a year to comply with obligations from all levels of government.

The election platform of the Alberta Liberals in 2004 called for the creation of a red tape task force to lessen the burden of unnecessary rules and regulations, improve the business climate, reduce government costs, and improve efficiency and competitiveness. In the 2008 election the Alberta Liberals again called for the enactment of a red tape review to aid small businesses.

British Columbia is a much-cited example for its successful efforts to reduce its red tape. B.C.’s original goal in 2001 was to reduce government regulations by one-third in three years. It met the goal, and as of January 2010 B.C. has eliminated 152,000 regulations since it first started in 2001. This is a red tape reduction of 42 per cent.

Newfoundland and Labrador implemented a red tape reduction task force, that submitted initial findings to the minister of the

Department of Business in 2007. In 2005 the goal of reducing 25 per cent of red tape over three years was set. As of now 83,000 unnecessary regulations have been removed, which accounts for a reduction of more than 27 per cent as a result of the government's red tape reductions.

There's an oil and gas competitiveness review. There's a western economic partnership, the Alberta western partnership agreement. When we go to section 2, the section outlines the purpose of a body established under the act:

To increase Alberta's competitiveness by

- (i) accelerating the implementation of current Government of Alberta initiatives . . .
- (ii) developing a shared strategy . . . through strengthened collaboration with industry, business, and Albertans,
- (iii) developing benchmarks for measuring Alberta's competitiveness.

And it goes on.

Why do we need a new board to do the role of the government? Why do we need a new board to communicate to Albertans? The government already has a well-established communications department in each ministry as well as the Public Affairs Bureau in Executive Council. How will the shared strategy with industry and business be developed? How much influence should there be from the interests of business and industry, which are inherently different and even at odds with the role of the government?

When will we see this strategy? When will the benchmark measures be made public, and how will those benchmarks be determined? Is the quality of life the main goal, or is it increased profitability for business and industry? Are we encouraging the latter in the hopes that the former will follow? How far is this taking Alberta into the business of being in business, and how much of this is creating a competitiveness climate? Where is the line drawn between establishing the conditions for strong economic development and propping up the private sector?

Identifying the need for reduced regulation and increased competitiveness is a step in the right direction, but to be effective, there needs to be action, and this bill just legislates an idea. This bill exacerbates the situation the government is trying to improve. The bill itself is adding more regulations and more unnecessary work. This is a hollow bill. Is this bill really the best that the Premier could come up with for his flagship bill?

There are lots of questions being raised by this bill, and for those reasons I'm afraid I cannot support this bill. Thank you, Mr. Speaker.

The Acting Speaker: Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. To the hon. member. You spoke about competitiveness, and I can understand your frustration and your caution regarding this government initiative. Being from northeast Calgary, do you think northeast Calgary, in particular the region around the airport, would be more competitive if there was to be an airport tunnel constructed, as you have suggested earlier?

Mr. Kang: Well, there is a \$3 billion expansion going on at the Calgary International Airport. The International Airport is a hub not only for the province but for the country as well, and to move traffic around the airport, that will go a long way. You know, if we have the tunnel, we don't have any traffic jams, and we won't be putting out any greenhouse gas emissions. Like the Minister of Transportation says: improving the environment. Anything coming out of the tailpipe will be reduced if we have the airport tunnel.

It will help battle the east-west flow of traffic. Right now we only have 16th Avenue, the Trans-Canada highway 1, and we have Stoney Trail way up north. Those are the only major arteries I can say are moving traffic east and west. So having the airport tunnel will be very helpful to move traffic for the businesses coming into the northeast.

CN is just building a big yard, 272 hectares, in Conrich, and other businesses will follow suit. The only access to Conrich is McKnight and Country Hills Boulevard, and Country Hills Boulevard is not going to be a freeway kind of road. For now it's just two lanes each way. So I think having the tunnel will go a long way to help all the businesses to compete. It's going to affect 20 hotels; it's going to cost them \$2 million a year more. And for the guy who's working at the airport for 10 bucks an hour, it's going to cost him \$150 a month more. The airport tunnel, I think, will be the only access for the LRT to the airport.

Then the minister keeps on saying again and again that the airport tunnel is not a provincial responsibility. As I said, the airport land, I think, is the responsibility of the provincial government and the federal government and the city and the Airport Authority as well.

Mr. Snelgrove: Darshan, it's there. The tunnel is already there. You just have to take the dirt out of it.

Mr. Kang: The tunnel is already there. That's what I'm looking for. Let's have the shell in place so we can take the dirt out whenever we need it, and we can connect onto it.

Thank you, Mr. Speaker.

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

Mr. Johnston: Thank you, Mr. Speaker. It's a privilege to stand before the Assembly today and speak on Bill 1, the Alberta Competitiveness Act. This province and the world have been faced with an economic climate that has impacted all facets of our society. As a result, business and government are seeing the need to adapt to changing economies. Bill 1 acknowledges this and resolves to see Alberta adapt to the shifts in our global economy. Bill 1 will ensure that Alberta is prosperous, successful, and competitive.

Mr. Speaker, I believe that Bill 1 will benefit not only my constituents but all Albertans. Essentially, Bill 1 will create a more prosperous province, and all Albertans will be able to prosper as a result. A competitive economy leads to lower prices, higher wages, more jobs, and improves living standards. Not only that, but a more competitive economy grows faster and adapts quicker. My constituents will benefit greatly from the intended outcome of this bill. They will be able to better provide for their families and will benefit from an increase in living standards. Let me be clear: I believe that Bill 1 will benefit all my constituents and all Albertans, including vulnerable Albertans. After all, a more prosperous economy means that they and all Albertans will have the opportunity to prosper.

3:40

Mr. Speaker, I believe that Bill 1 builds on the success and prosperity that this province has already achieved, success like our savings in the sustainability fund. As a result of these savings this province is in the best financial situation in this country. Furthermore, Bill 1 will build on current government initiatives to achieve a competitive economy. With Bill 1 Alberta can and will be one of the most competitive places to do business, invest, and live.

In addition, Bill 1 will allow this government to better co-ordinate the efforts of the government, industry, and business. This will

allow this province to continue to build on our strengths and deliver both the economic results and the quality of life Albertans deserve.

Most of all, Bill 1 will focus on ensuring new partnerships for the future. This bill shows Albertans and the world this government's commitment to make Alberta one of the most economical, competitive places in the increasingly interconnected global marketplace. I believe that with new partners we can bring innovative ideas and people to this province, and those new partners can only help us be better and build on our current successes.

Mr. Speaker, this past year has shown that we must adapt to the ever-changing markets and the direction taken by our business partners not only here in Alberta but across the nation and around the world. In my mind, Bill 1 is the best possible way to do this. Through Bill 1, the leadership of this government, and the work ethics of Albertans, this province will become one of the most competitive jurisdictions in the world, and as a result my constituents and all Albertans will benefit.

For those reasons, Mr. Speaker, I'm pleased to stand in support of this bill. Thank you.

The Acting Speaker: Hon. members, Standing Order 29(2)(a) is available.

Seeing none, the hon. Member for Edmonton-Strathcona.

Ms Notley: Thank you, Mr. Speaker. I'm pleased to be able to rise to join debate on Bill 1, the Alberta Competitiveness Act. Now, I think a couple of previous speakers have already made the point that one might want to think about renaming it. Although they identified some good ideas, I think that what you really ought to do is get right to the heart of the matter in terms of what this bill is about. You could actually call it Bill 1, An Act To Make the Government Sound As Far Right As Possible So They Can Recover Their Lost Support from the Wildrose Alliance.

The neat thing that would happen if you renamed the act is that you then have built-in performance measures, something, of course, which is extremely lacking at this point. You could just simply look at polls and determine whether, in fact, the act has actually brought about the outcome that I think it's clearly designed to achieve. Anyway, that's sort of where I would start with the act.

In terms of what's inside the act, again, a couple of people have mentioned – but I do think it's worth repeating – the very beginning of the act, the whole whereas about what it is that underlies this act and why it is we're bringing it in place: "Whereas Alberta's success is founded on the competitiveness and the entrepreneurial spirit of Albertans." Others have made this point, but I want to say that I think that's a very narrow view of what contributes to Alberta's success. It's one that, unfortunately, then results in a very narrow view of governance and a very narrow view of policy development.

Personally, I think Alberta's success is also founded on the sense and strength of community across our province. I also believe it's founded on a sense of work ethic and a strive for excellence, not an excellence that brings about competitive advantage but simply excellence for excellence's sake. For instance, in our postsecondary institutions we are actually seeking out knowledge for knowledge's sake, not just because some company is looking for a competitive advantage and the university is there as a support for them but, rather, because we think seeking out knowledge is a good thing.

You can see how defining things as narrowly as defined within this piece of legislation will result in losing the point, I think, in many cases of what it is we're trying to achieve in much of the work that we engage in every day in government.

The other thing, of course, about just that first part, the whereas, is that it talks about "Whereas global competition for access to

markets and for investment capital, people and skills is ever increasing." I'm afraid that what this is really about is attracting or thinking you're going to attract investment capital for short periods of time, but it is not at all focused on attracting people and skills to Alberta. Ultimately, when you're looking at trying to present your province as a kind of place for people with great education who have a tremendous amount to offer to the development of our province and who have high skill levels, when you try to bring those people in, they're not so interested in living in, you know, an unregulated, polluted, sprawling suburb right next to Wal-Mart, where their kids can expect to go to work for \$6 or \$8 an hour or whatever it is, unless of course they're younger, and not receive any health and safety protection. This is not the kind of thing that makes people want to come to Alberta and make their life here and invest their skills and themselves in building the province.

Again, the way this bill is defined and described, it's way too narrow, so we miss out on what it is we're actually trying to achieve or what we should be trying to achieve. One of the things that the bill does, of course, is that it sets up this committee or this agency that's going to then, very vaguely, review how to make Alberta more competitive. I suppose the first concern that we have around this is that we have no sense of who's going to be on this committee or this agency and what their mandate will be.

Of course, you know, the act refers to key stakeholders. Well, my question is: who are those key stakeholders? Will we have temporary foreign workers on that committee, the very people who would be protected by the regulation, which is often characterized as being a barrier to competition? Would we have environmentalists? Are those the key stakeholders that will be on that committee, the very people who advocate for the kind of regulation often characterized as being uncompetitive, characterized in error, I would add, but nonetheless often characterized as being uncompetitive?

Would we have children on that committee; you know, the kids that would be cared for in daycares that are safe and government funded and overseen rather than daycares which are structured through government apathy to allow for sort of Wal-Mart international daycare operators to come in with a minimum of regulation and oversight? Would we have consumers, whom we're supposed to be protecting? Of course, people constantly complain that consumer protection legislation is red tape. Are those the stakeholders?

Really, the term "stakeholder" is very, very vague and, of course, intentionally so in this case. Based on sort of the preamble of the bill, we can only assume that the stakeholders that we're really talking about are business. We're going to put together a committee. We're going to fund that committee. We're going to give it lots of authority and lots of support and resources, and then government is going to sit down with business behind closed doors and cut some regulations and cut some red tape.

Now, of course, the other piece of all of this is the whole question of whether it's behind closed doors or whether it's open and how often it reports and whether people can attend. Maybe we could have public competitiveness review committee meetings, and the public could be invited to come. Maybe that would be a good idea. But, of course, that's certainly not provided for here, and what we know from the record of this government is that transparency is pretty much the last thing on its list of priorities. These are the kinds of things that we are concerned about with respect to the legislation as it's currently constructed.

In the throne speech – I believe it was in the throne speech – there was talk about how, you know, when it comes to the environment and oil and gas, we need to move away from all that sort of red tape at the beginning of giving business approvals. Instead, what we'll

do is we'll just sort of let them come on in, and then we'll enforce and monitor once they're in. This, of course, is exactly the kind of thing that we're concerned about because if you don't sit down with business at the outset and say, "Here are the rules that we need you to operate by because our community values safety and the rights of your employees," blah, blah, blah, there's no reason to believe that that's the way they're going to operate other than crossing your fingers and closing your eyes and hoping that it happens. I know this government does use that strategy a fair amount, but we've also found that that often doesn't work.

3:50

Then the idea is that, well, everything will be fine, and then we'll send people in to monitor them periodically. Of course, what we've seen in the budget is that we're cutting the budget specifically designed for those people to go in and monitor. What we've seen just in the last two days is that even when we do monitor and we get reports saying, "Oh, FYI, these things have happened which are in breach of your environmental regulations and standards," not only do we not monitor, but we don't enforce, and we don't lay charges. The only reason we do ultimately lay charges is because private citizens file prosecutions, the federal government does it, and international attention is directed towards the problem in a way that embarrasses business. Then suddenly the government gets involved, but before then, we had absolutely no intention of getting involved.

That's what government's monitoring and enforcement looks like now, and their plan, of course, is to actually reduce the funding for that while at the same time limiting red tape, quote, unquote, for the approval process for various applications. Not good. Not good for Albertans, not good for our environment, not good for workers, not good for consumers. It is, as many people have already stated, clearly something that's designed to become a race to the bottom.

The only thing, of course, that gives me any hope in all of this is that, going back to my original point, this is an entirely political document with absolutely no performance measures built into it and no clarity of any type. I suspect that what will happen is that this bill will be passed, and at some point down the road a few Tory friends will be appointed to the committee, and every now and then they'll have a press conference and roll out some documents that have been carefully prepared by the Public Affairs Bureau. Then we'll move on, and if anyone ever asks them about specifics, we'll just hear about how reports are coming but not quite yet. That's kind of how I would describe most of what happens in this government.

Nonetheless, I think that ultimately this bill is sort of meant to lessen, again, even beyond what we expect to have happen tomorrow, restrictions on oil companies and to give opportunity for more royalty breaks as time goes on. Once again, it will be an indication of government prioritizing big business over the interests of regular Albertans.

I've already identified the concern we have about there being no genuine measures of success within this bill. I suppose, as I said, that's kind of standard for how the government functions in these areas.

As I said, ultimately, the question becomes: what is it that the government intends to use to attract business and businesspeople and a skilled labour market to Alberta? We had talked yesterday in the advanced education estimates about a recent report released I think yesterday by the TD bank predicting that one of the most significant economic challenges facing all provinces in Canada will be the labour shortage and a shortage in particular of skilled, educated workers because so many of them are expected to retire at a certain point. As things look right now, we're not doing a very good job of educating the next generation coming up behind them. The gap

between the rich and the poor is increasing, and the absolute numbers of people who are able to get this kind of training are also decreasing. Then we're going to have a shortage of these skilled labourers, and that's going to be one of the things that is really critical to the economic development of this province.

Instead, what we will have done is we will have embarked upon a strategy to get rid of so much red tape so that we can kind of convince international business that we're more like China than they thought and that, you know, we can compete with China and India. I suspect that the odds are good that those well-educated, high-skilled workers that we're going to be going after aren't going to be that interested in going to China and India either. We will have basically put our money on the wrong horse while at the same time significantly undermining the health and future of our communities here in Alberta.

Ultimately, all that happens when you simply go after investment money is that money comes, money goes, and it turns on a dime. What makes the economic strength of a province more reliable is having a well-educated, committed local workforce that wants to be there. But you're not going to get that if you don't have accessible advanced education, if you don't have a K to 12 system where the class sizes are reasonable, if you don't have child care, if you don't have a place for people's parents to retire and live out their lives in dignity, if you don't have a well-funded and effective health care system. These are the things that bring people to the province and make us competitive in the long run, and these are the things that a bill like this, phrased as it is, is going to completely ignore.

For all of these reasons at this point I have to say that we will be unable, or certainly I will be unable, to support passage of this bill past second reading.

Thank you.

The Acting Speaker: Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. To the hon. Member for Edmonton-Strathcona: I share your concerns regarding this bill, but are you, too, concerned that if this legislation passes, this committee that we're going to set up may turn into nothing more than a patronage plum for government members or members of the PC Party?

The Acting Speaker: The hon. member.

Ms Notley: Thank you. I sort of touched on that earlier, but absolutely. Because the act itself sets out no parameters for why or how someone would get appointed to this committee, we know that, of course, that's exactly what will happen, that it will be a group of primarily patronage appointments identified and selected through cabinet. Then the question becomes: exactly how are they paid? How much are they paid? For what are they paid? How many meetings do they have to attend? Do we get into these ridiculous situations where they're being paid thousands of dollars for each meeting? Maybe they get thousands of dollars of pay for each meeting plus getting flown around the province and staying at a really, really lovely hotel, a really nice place. Maybe they can meet every time at the JPL or someplace like that because it's, you know, no one's place. Who knows what they'll do?

The point is that there is a history of unchecked, gratuitous spending when it comes to the discretionary salaries that are applied by this government, particularly when we're looking at government appointments to high-level positions. They've certainly not demonstrated a record that would convince me that this is not

something we ought to be worried about. When we're in the meantime talking about just even relatively small amounts of \$10 million here coming out of programs for kids at risk or a few million dollars there coming out of enforcement, these are things where you need to balance. This is a government that, you know, gave out hundreds of thousands of dollars in iPods to business friends for no apparent reason. I mean, there's not a strong record of sound fiscal balancing by these folks. That's my concern.

The Acting Speaker: The hon. member.

Mr. MacDonald: Yes. Thank you. I don't know whether any of the Premier's speeches or any of the government press releases were already on those iPods before they were given out, but that's not my question to the hon. member. Getting back to the competitiveness review and the changes, the sort of odd changes that were made to the minimum wage recently by the minister, how do you feel about those changes whenever you compare our minimum wage to other provinces' and what this government has done with the minimum wage?

Ms Notley: That's a really good question, and that's exactly the concern that we have about this competitiveness review because, of course, it will all be behind closed doors. We'll have business friends and government friends getting together to quietly decide what standards need to be lowered. Of course, we have a perfect example with just an off-the-cuff little decision to walk away from a previous promise made to low-income Albertans, rationalized with the ludicrous explanation that they were going to actually protect jobs by not letting them be paid more, which you could only come up with if you were in a room behind closed doors with one or two of your friends without somebody with more good sense to be in there with you to explain what a ludicrous explanation that was.

4:00

These are exactly the kinds of things we're concerned about, whether it's health and safety regulations, workers' standards, temporary foreign worker protection, environmental standards. There are so many areas where this government has barely met a national standard or in many cases hasn't met a national standard. If you put this process in place, there'll be even more opportunities for behind-closed-door efforts to further reduce protections for regular Albertans.

The Acting Speaker: Any other members wish to speak? The hon. Minister of Transportation.

Mr. Ouellette: Well, thank you very much, Mr. Speaker. It's my pleasure to rise today and speak in support of Bill 1, the Alberta Competitiveness Act. Alberta is a great province to live in and do business in. We're blessed with opportunities and natural resources, and Albertans know how to turn that opportunity into success and prosperity. As government we also play an important role in this. It is absolutely critical that the legislation and regulations that we put in place serve a purpose, are not burdensome, and contribute to a healthy economy by encouraging industries, not stifling them.

We need to go further than just not inhibiting growth. It is incumbent on us to work with other industries and help create an environment that encourages industry, an environment where it is the competitive place to do business. The Alberta Competitiveness Act seeks to do just that by making our great province of Alberta the most competitive jurisdiction in North America to do business. By creating this environment, everyone benefits. A more prosperous place to do business means our economy grows faster and adapts

quicker. It helps create more jobs, higher wages, and improved standards of living.

Mr. Speaker, in my own department, Alberta Transportation, we have looked for ways to help make industry more competitive. In an area such as this it can be a bit of a balancing act. We need to ensure that our roads and railways are safe, but we must find ways to ensure this safety without overburdening the industry with rules and regulations. Rules and regulations must serve a purpose other than to be another rule. They must make sense and contribute to safety, be effective and enforceable without hindering growth and innovation.

Since I've been the Minister of Transportation, a number of changes have been made to enhance competitiveness. Simple changes like allowing easier access to forms and publications and streamlining processes for industry allow businesses more time to focus on their business instead of spending time trying to navigate a confusing process. We've increased winter weight allowances on selected roads to help reduce costs to forest product companies. We've minimized user cost for the transportation of goods and services to contribute to a more competitive environment. We work with other provinces and the federal government to achieve harmonization in regulation.

We also work very hard advocating to the federal government so they do not overburden industry here with regulations that absolutely do not work for Albertans. We're not always successful, but we continue to focus on working with the federal government. If we aren't successful and national regulations come into play, we do whatever we can to help industry adhere to those regulations with the most minimal impact on their businesses.

We've also implemented an online weights and dimensions permit system called TRAVIS to help reduce costs and minimize administrative steps for carriers and shippers. Right now we're working with industry on pilot projects to reduce cost per kilometre through selective lift axle allowances and evaluating super-single tires.

Creating a competitive environment is only half of the solution. We must also maintain a competitive environment, and that means we need to always be assessing, looking for new efficiencies and opportunities to become more competitive. It isn't a task you do one time and put on the shelf. The environment is always changing. We must look for new opportunities and new ways to make the environment better for business, not just to survive but to grow and prosper, and we must do this by working with the various industries in Alberta. It will increase collaboration between government, industry, business, and Albertans, enhance Alberta's competitiveness, and provide long-term benefits for Alberta families and the entire province. Through this new partnership Alberta will better coordinate the efforts of government, industry, and business and continue to build on our strengths to deliver both the economic results and the quality of life that Albertans deserve.

Bill 1 shows Albertans and the world our commitment to make Alberta one of the most economically competitive places in the world. It also shows that the province is committed to creating the conditions that will attract new businesses, innovators, and the next generation of entrepreneurs. The purpose of Bill 1 is to create a focus on competitiveness that brings together government, industry, and other Albertans to implement initiatives and develop a strategy that drives action that measurably improves Alberta's competitiveness. Bill 1 will bring together all of these initiatives under one umbrella so we have a co-ordinated effort and greater success at creating a more competitive environment. It is for these reasons, Mr. Speaker, that I support Bill 1, the Alberta Competitiveness Act.

Thank you very much, and I would like now to adjourn the debate.

[Motion to adjourn debate carried]

Bill 4
Dangerous Goods Transportation and Handling
Amendment Act, 2010

[Adjourned debate February 24: Mr. Olson]

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

Mr. Kang: Thank you, Mr. Speaker. It's again a pleasure to speak on Bill 4, the Dangerous Goods Transportation and Handling Amendment Act. The object of the bill is to amend the Dangerous Goods Transportation and Handling Act so that provincial laws align with the new federal legislation. We are just trying to harmonize our laws with the federal legislation, but while doing this largely administrative legislation, this legislation would also give the dangerous goods and rail safety branch of Alberta Transportation a lot of power.

The concern is the sections on time limit for prosecution and the administrative fees, sections 14 and 15, which are unnecessary to align Alberta legislation with the federal counterparts. There are two problems with these sections. It ties the time limit of prosecutions to when the director learns about the offence instead of on the alleged offence itself. It gives the director the power to order a person to pay up to \$10,000 in administration fees if the director is of the opinion that a contravention occurred. While the alleged offender has the option to pay the fee outright or appeal to the board, there are questions concerning the independence of the board and concerning the potential fee there may be in place to file an appeal.

I saw nothing in the May 2009 federal amendment to the federal Transportation of Dangerous Goods Act that would require these provisions. These sections, I believe, are the result of staffing and funding shortages, and it would cost a lot less time and money to sway the opinion of the director instead of a judge. So this bill, in my opinion, should have been an uncontroversial bill that upholds the government's agreement with the federal government to align the province's regulations concerning the transportation of dangerous goods with federal regulations. However, because they added powers to the director of the dangerous goods and rail safety branch of Alberta Transportation, an amendment is needed, or else I'm afraid we shall vote against this bill.

4:10

When we do the sectional analysis of the bill, in section 3 the FOIP legislation supercedes the Dangerous Goods Transportation and Handling Act. On the face of it I don't see any problem with this section.

Section 4 seems okay, and section 6 is okay.

In section 9 in order for the people to be allowed to transport or handle dangerous goods, they have to meet certain conditions. This section adds to the already existing conditions the condition of passing some sort of security clearance. Under the present circumstances, you know, with the threat of terrorism and all that, people should be required to pass some kind of security clearance to be able to transport dangerous goods.

Section 10 standardizes allowing shipping and documentation and safety standards for dangerous goods.

When we come to section 14, the current time limit for prosecution of an offence is two years from the last alleged offence. The time limit will stay at two years, but it will be two years after either the day of the last offence or the day on which evidence of the alleged offence came to the attention of the director – that is, the director of the dangerous goods and rail safety branch of Alberta Transportation – whichever is later. This is controversial. If it is five years after an alleged offence but the offence just came to the

attention of the director, then someone can be prosecuted for the offence.

Do we really want companies or drivers to be liable indefinitely? There could be a problem with proving when the director was alerted to the offence. With the fact that there isn't a maximum of when a person could be charged, the director could learn of an offence 15 years later even. So we need clarification of this clause. Why is it here? What is supposed to be achieved? Is it really fair for a driver or a company to be on the hook for that long a period of time?

The following section of the act deals with penalties for contraventions of the act. This section is adding an entirely new section for administrative penalties. In particular, if the director has the opinion that a person has contravened this act, then the person is to pay the government an administrative penalty in an amount not exceeding \$10,000. A person who pays the administrative penalty or wins their appeal will not get charged for the contravention so will not face those penalties. The time limit for receiving an administrative penalty is either a year after the alleged contravention or a year after the director learns of the offence.

Within 30 days of receiving an administrative penalty, a person can either pay it or appeal it. That appeal will also come, probably, with some kind of fee. The board's decision on the appeal is final. According to the stakeholders the likely motivation of this provision is that the province does not have enough inspectors, and there's a lot of paperwork to file a charge against someone. So by issuing fees based on the opinion of the director instead of penalties decided in a court of law, this will be a lot cheaper and require fewer inspectors.

This section gives the director of the dangerous goods and rail safety branch of Alberta Transportation a lot of power. Shouldn't the standard rule for contravention of the act be greater than merely the opinion of the director? If there are fees to appeal an administration fee, then couldn't this become a tax on people who transport dangerous goods in Alberta? If the director wants to generate more revenues for this department, he will just issue these administration fees so that regardless of whether people appeal or just pay the fee, they will receive the revenue.

This is also a get out of jail almost free card. For people who do contravene the act, they can just pay the much lower administration fee instead of penalties they would have had to pay if they were found guilty in a court. Won't this actually make Alberta's highways more dangerous? Are the people guaranteed to have a fair appeal considering that the appeal will be heard by the Alberta Transportation Safety Board and that decision is final? There is currently a lack of inspectors, and the new rules won't be fair and will offer a get out of jail for close to free card. This is probably a result of the government wanting a cheaper, easier way to enforce these rules.

Also, I doubt that an appeal which is heard by the Alberta Transportation Safety Board would be either independent or fair. What I see is that this bill should have been a straightforward bill to protect the environment and people from possible dangers of transporting dangerous goods. Working with the federal government is important to secure the safety of all Albertans. Instead of a straightforward bill, this government seeks some provisions that give them more power and more money.

This bill would potentially make Alberta's highways more dangerous and the rules less fair, all because they don't want to spend the money to get enough inspectors out there to enforce the rules. How would one like to wake up and receive a notice that you owe the government a \$10,000 administration fee when your only recourse is to pay the fee or appeal? If you appeal, there's also a fee, and now you have to pay for a lawyer as well.

These are the issues with this bill, so I cannot support this bill as is. Thank you, Mr. Speaker.

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

Dr. Taft: Thank you. It's my pleasure to rise to speak to this bill sponsored by the very honourable Member for Wetaskiwin-Camrose. I would like to make a few comments to this. I'm actually quite interested in this bill, as well as my colleague from Calgary-McCall, because I had very a close experience with one of the largest dangerous goods spills I think probably in Alberta's history. That was the railway spill at Lake Wabamun about five years ago, I believe. If memory is correct, it was the summer of 2005. My family had at that time a cottage at the far west end of Lake Wabamun. I had just gotten there for my one week of holiday. Before the day was over, my holidays were totally disrupted because of this terrible spill.

I'm sure everybody recalls it was a train that derailed towards the east end of Lake Wabamun. The train track there runs along the north side of the lake for many miles, is often within very short yards of the lake. In this particular location where the spill occurred, the track was virtually beside the lake. When the train derailed and the several tanker cars went off the tracks, some of them were punctured and drained into the lake and caused a terrific spill. It caused not only a lot of damage to cottages right nearby; it caused serious and long-lasting environmental damage to the water itself.

I have to say, Mr. Speaker, that I was quite dismayed and concerned with how long it took for both government authorities and the Canadian National Railway to respond in a responsible way. Frankly, the first interest of Canadian National seemed to be to clear the tracks so that their trains could continue to roll. They actually pushed some of the cars aside using maintenance equipment and through that process spilled even more bunker C crude into the lake.

4:20

Even worse, Mr. Speaker, a couple of days later it became evident that it wasn't just bunker C that was spilling into the lake. There was something called pole oil, which is a preservative and considerably more toxic than bunker C. Thousands and thousands of litres of that preservative had spilled into the lake, and nobody realized it for the first few days of the spill.

One of the distressing things about that was how long it took officials to respond and how poorly prepared we were. When I say "we," I mean not just the Alberta government but Canadian National Railway. As it turned out, it took several days to bring in equipment and supplies to mop up this spill, and they had to come from places like Montreal and Texas, as I recall. I found that particularly concerning because if you pay attention to the railways in Alberta and, frankly, in many areas of Canada, they follow rivers. It's an obvious place for a railway track to go because rivers follow the lowest elevations, and typically that's where railways want to be going. So we have hundreds and hundreds of miles of railway track in Alberta running beside bodies of water, and we have very, very little preparation.

That was a real eye-opener for me and I think for the people of Alberta and perhaps one of the reasons that this piece of legislation is before us now. If I understand the legislation correctly, it will improve the marking of railway cars that are carrying toxic materials. Hopefully, next time, if there is a next time, people will realize immediately that there is something like pole oil as well as bunker C crude being spilled, and it won't take a number of days for that to be discovered.

One of the questions I have – and perhaps when we're in commit-

tee the sponsoring member could address that. All the evidence around that spill suggested that the spill was actually made worse because CNR seemed to put such a priority on clearing the track so their trains could continue to flow. One of my questions with this spill is: does this bill give anybody the authority to order a halt to railway activities until there's a proper assessment done of the situation? A railway is going to be extremely reluctant to do that if it's a main national line like the one involved at Wabamun. But the simple fact of the matter is that it may be necessary to assess the scale of the damage and the best way to minimize that damage. My question on this point to the government would be: under this legislation would there be an official with the power to order a halt to rail activities until an environmental spill was assessed?

I'd also like to just raise the concern around the proposed section 30.1(1), which is on page 8 of Bill 4, and that's concerning the fines, \$10,000. Now, the Member for Calgary-McCall raised this. I'm going to take a little different approach. Both 30.1(1) and 30.1(2) address the issue. Actually, I'll read the entire section into the debate. Section 30.1(1) says:

Where the Director is of the opinion that a person has contravened this Act, the Director may, subject to the regulations, order that person to pay to the Government an administrative penalty in the amount, not exceeding \$10,000, set out in the order.

Then (2) says:

Notwithstanding subsection (1), where the Director considers that a contravention of a continuing nature continued beyond a single calendar day, the person held to have committed it is additionally liable to the applicable penalty under subsection (1) for each calendar day after the first one on which the contravention is so held to have continued.

Now, Mr. Speaker, my questions are around this and around the scale of this fine and how it would be administered. Depending on the spill, \$10,000 may be a lot of money. On the other hand, in the case of Wabamun I think total damages got into the many, many tens of millions of dollars. In fact, they might have exceeded \$100 million although I'd have to confirm that.

When we're talking about that scale, a fine of a maximum of \$10,000 is trivial, frankly. Even if that fine is applied every single day, I can easily see an argument arising from the defendant, "Well, how many days does it apply?" when the act says, "each calendar day after the first one on which the contravention is so held to have continued." Who is going to argue how long the contravention continued? Who is going to rule that? Is it going to be argued in court? I believe it would end up there. Even if it went on for two months, 60 days – help me with my math – I think that's \$600,000. It sounds like a lot of money, but if you're talking about a \$100 million spill, it doesn't strike me as all that much of a penalty.

I'd ask the government, when we get to committee on this bill, to address that issue and to justify a maximum penalty of \$10,000 or perhaps, if they can't justify it, to amend the legislation. There may be explanations through fines under other legislation, but I'd appreciate if that could be elaborated upon.

I would also just like to reinforce in my final comments how important I think this piece of legislation is. Alberta is the base of operations for extensive chemical production and petroleum production. All kinds of dangerous goods are transported down our highways, through our cities, over our rail lines. I think of the development, for example, in the Industrial Heartland and all the chemicals and the millions of tonnes of dangerous goods that are transported through that area.

I feel strongly as a legislator that we have to have not only a tough piece of legislation, but we need to have the resources in place to back it up. So my final question to the government to raise and address in committee would be on what resources there are going to

be – money, inspectors, people, equipment, and everything else needed – to make sure that this bill isn't just a good piece of paper but that it's actually effectively out there, backed up, and enforced so that the people of Alberta can live in this province without worrying about a disaster from a dangerous goods spill.

Thank you, Mr. Speaker.

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

The hon. Deputy Government House Leader.

Mr. Denis: Thank you very much, Mr. Speaker. I would move that we adjourn debate on Bill 4.

[Motion to adjourn debate carried]

Bill 6

Emergency Management Amendment Act, 2010

[Adjourned debate February 24: Mr. Goudreau]

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

Dr. Taft: Thank you, Mr. Speaker. This piece of legislation is intended to protect search and rescue groups from negligence lawsuits, and it allows for the regionalization of emergency management operations. Now, it's kind of appropriate, I suppose, that this would follow immediately on our debate on Bill 4, which was concerning the transportation of dangerous goods because it could well be that a dangerous goods spill would require a major response from emergency measure organizations. That would require the activities under this piece of legislation.

4:30

As I understand it, the object of this bill is to amend the Emergency Management Act to better protect search and rescue workers and organizations from lawsuits and to allow for the regionalization of emergency management responsibilities. One of the things this bill sets out to achieve is to protect search and rescue organizations from trivial or unreasonable or mischievous legal actions, for example around negligence. I'm guessing that perhaps this anticipates that if an emergency organization responds and there's an allegation of negligence and if the negligence is strictly a result of best effort or people responding without full information or otherwise trying to fulfill their responsibilities, they would not be liable for undue legal risk.

There is a rising number of civil lawsuits seeking damages from search and rescue organizations, and it's actually getting to the point where I think it's a serious burden for some of these organizations to continue. It becomes very difficult for them to obtain insurance. They end up spending more money on insurance than on training or on equipment, and that simply seems unreasonable.

I think there are cases in the last couple of years, for example with mountain rescues in the wintertime, where perhaps search and rescue organizations have scrambled and worked hard and put themselves at risk to undertake a mountain rescue, and if things don't go perfectly according to plan or if somebody is inadvertently injured or perhaps the lost person isn't found in time, then the search and rescue organization can find itself liable. Of course, that's counter-productive. These are people, largely, who volunteer their time, go to considerable personal sacrifice to offer their search and management efforts and expertise, and they should not be penalized for doing so. If there's a move in here to better protect these organizations, then I applaud that, and I think you would see us supporting that sort of an initiative. I want to make sure there's an opportunity,

however, for our critic, the Member for Calgary-Currie, to speak to this.

There is a question around this, and that is whether people who suffer from damages caused by a search and rescue operation will no longer be able to seek damages. There's a balancing act here. Where will those damages be sought? How do we strike the balance between protecting search and rescue workers and organizations and still protecting the rights, frankly, of the people who may be being rescued? That's going to be interesting to see how this plays out, and we'll learn more from debate.

I think with that, Mr. Speaker, I will take my seat and allow our member for Calgary-Currie to respond, unless there's anything under 29(2)(a). Thank you.

The Acting Speaker: Any other members?

The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you very much. Not on 29(2)(a)? This is on the debate itself?

The Acting Speaker: No, it's not 29(2)(a).

Mr. Taylor: Great. Thank you very much, Mr. Speaker. It's my pleasure to rise and get on the record at second reading debate on Bill 6, the Emergency Management Amendment Act, 2010. [interjection] Behave yourself, hon. Member for Edmonton-Gold Bar, who has been known to get a little carried away from time to time.

An Hon. Member: No. We don't want to know.

Mr. Taylor: I promise, hon. member, I won't go into details on that.

Now back to the matter at hand. This bill, Bill 6, is a little bit like fixing something that isn't broken yet. I think I'm very supportive in this case of the notion of doing this because it really seeks to do two things: to allow for the regionalization of emergency management operations – and, at least in theory, there should be some efficiencies and perhaps some expertise to be gained from taking that approach – and to protect search and rescue groups from negligence lawsuits by not providing funding for third-party insurance but by stipulating good-faith legislation.

This really, Mr. Speaker, hearkens back to a case a little over a year ago in British Columbia where three search and rescue teams suspended service after a lawsuit was launched by a man whose wife tragically died when the couple got lost in the backcountry near the Kicking Horse Resort in British Columbia. We haven't had a situation like that in this province yet, and I think that this legislation seeks to ensure that we don't have a situation that gets to the point where search and rescue workers very much operating in good faith are liable for legal action.

Search and rescue workers do go out into some pretty hazardous conditions sometimes and do everything in their power to rescue people, to find people who are lost, to save lives. Bill 6 would extend roughly the same protection to them as we extend to firefighters currently, and I think it's a very, very reasonable thing to do for the protection of those people who, you know, often in volunteer situations put their own safety and security of the person on the line to help others who are very much in need of assistance and who would also, without this legislation, be running the risk of putting their own personal financial situations at risk should something go wrong or be alleged to go wrong.

On the good-faith section of this bill what that really does, as I understand it, is say that when search and rescue operators are acting

in good faith, doing everything that they know how to do or that they're aware that they could do to try and find someone who is lost, to rescue someone who is in trouble, if the outcome is not successful, if the outcome is tragic, they did nothing wrong by trying their best to save a life, to rescue somebody, and they should not be held legally or financially liable for that. That, in principle, Mr. Speaker, is something that we on this side of the House can very much support.

On the other issue, which is the regionalization of search and rescue and emergency service providers, again, in principle, that seems to make sense. Regionalization, when done right, makes sense. Emergency planning and response requires collaborative efforts. Smaller municipalities often lack the resources that would be necessary. You really do have to ask yourself, Mr. Speaker, why it would be necessary for every town and village and summer village and hamlet to have their own person tasked with having responsibility for emergency management when, in fact, it might all be more effectively rationalized and regionalized under the municipal district or under a collaborative approach.

Again, in principle, Mr. Speaker, I think that that is something that we can support. Of course, second reading debate is precisely that: it's debate in principle on a bill.

I do have some questions. I will have some questions that I will want to get into when this bill moves to committee. I don't think that I have any huge concerns about the bill. I don't see anything in here, depending on the answers that I get at committee to my questions, that suggests to me that this bill is going to need to be amended, but just so that we make sure that we're clear on the section-by-section intent of this bill, I will be asking those questions at committee stage but certainly pleased to support this bill in principle at second reading.

Thank you, Mr. Speaker.

4:40

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

Ms Notley: Thank you, Mr. Speaker. I rise to speak very briefly on this bill and, basically, just simply to put out a question. I pretty much agree with everything that's been said up to date, that the intentions, the good faith behind this bill seems to be there, and it seems to make sense to support it.

The only question that I will ask and I'm hoping that maybe in committee or at some point further on in the process I can get an answer to, that I always worry about, is the situation where let's say you have some type of outfitter company that earns money by selling an outdoor package to people. They promise certain safety and all that kind of stuff. People buy that package. They go out – let's just say it's into the mountains, skiing, heliskiing, whatever; it doesn't really matter – into the mountains, and they ultimately get lost, and something bad happens. The search and rescue goes in to try and retrieve them. Then they actually also make a mistake in terms of the retrieval, so some type of very severe personal injury or damage is suffered as a result.

I'm absolutely fine with the idea of the search and rescue people not being held liable for whatever they do in good faith, particularly because so many of them are volunteer based. My concern is that were that person to then try and sue the outfitter, would they run into situations where the outfitter, because of sort of the regulatory infrastructure within which they operate, would be entitled to argue that they had reliance on certain actions being taken by the search and rescue team? Then, of course, you can't sue the search and rescue team.

Effectively, what ends up happening is that you've got a regulatory infrastructure, and the person trying to sue is sort of following the liability trail. Then, ultimately, they get to a point where that trail, for good reason but for a different reason, disappears, and they can't get damages for what may ultimately be very severe personal injury through no fault of their own.

That's more my question. It's not the search and rescue people but rather the other agencies or businesses that may ultimately also have liability and whether they get into a position of being able to shift their liability to the search and rescue groups because then the standard changes dramatically. Then the person who suffers injury, in part because of the negligence of the business owner in the first place, is unable to collect. That's just a question I have. I hope I articulated the question in a sufficiently clear way that at some point the sponsor of the bill can come back and answer that question. Otherwise, for all the reasons that have already been identified, it makes good sense to support the bill, but I would just like that question answered.

Thank you.

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

Seeing none, anybody wish to speak? The hon. Deputy Government House Leader.

Mr. Denis: Thank you very much, Mr. Speaker. I would move that we adjourn debate on Bill 6.

[Motion to adjourn debate carried]

Government Bills and Orders Committee of the Whole

[Mr. Mitzel in the chair]

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

Bill 3

Fatal Accidents Amendment Act, 2010

The Deputy Chair: Any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Lethbridge-West.

Mr. Weadick: Thank you, Mr. Chair. I'm pleased to rise today in Committee of the Whole to speak to Bill 3, the Fatal Accidents Amendment Act, 2010. I would like to begin by thanking everyone for their united support for this bill. This bill proposes two house-keeping amendments. The first amendment relates to section 8 of the Fatal Accidents Act, which allows certain surviving family members – a spouse, adult interdependent partner, a child, and parents – to recover damages for the emotional suffering and grief caused by the wrongful death of a close family member. This law ensures that family members do not have to litigate in order to receive damages for their grief.

Presently the act limits the class of family members eligible to receive bereavement damages. These damages may not be awarded to parents if their deceased child was married or had an adult interdependent partner, and damages may not be awarded to a child for their deceased parent if the child was married or had an adult interdependent partner. The passage of Bill 3 will broaden the eligibility for bereavement damages by opening up eligibility to a child that is married or has an adult interdependent partner. This change will mean that parents may be awarded damages regardless

of the marital status of their deceased child and a child may be awarded damages for the death of a parent regardless of the child's marital status. This amendment is consistent with the rule of law and court decisions on this issue.

The second amendment removes the reference to a child as including an illegitimate child. Distinguishing between legitimate and illegitimate children is no longer appropriate in legislation. It is also out of step with modern-day family structures and dynamics. All children should be considered equal regardless of the marital status of the child's parents. This amendment is consistent with Alberta's Family Law Act.

In conclusion, Mr. Chairman, these amendments reflect the rule of law and current demographics in Alberta. I thank all members for participating in this debate and look forward to their feedback.

Thank you.

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

Dr. Taft: Well, thanks so much, Mr. Chairman. There are times when I think it's worth reflecting on history and the way that the decisions we make in this Legislature may be played out in years and decades and even centuries to come. I think we have an opportunity here to reflect on that. This is a small, modest bill that I'm sure our caucus will support. But it's a bill with a very long history, and I think it's worth just getting some of that on the record. The provisions of Alberta's Fatal Accidents Act are rooted in English common law, and as I'll explain in a minute, some of this law goes back a number of centuries.

Under the common law of England and Wales the death of a person causes emotional and economic loss to their relatives, and in general damages cannot be recovered for either one of those types of damage but only for the physical damage to the claimant or to their property. This was a rule that goes back to a court case in 1808, so 202 years ago. It was Baker versus Bolton in England and Wales. Scotland had a little different take on the law. Trust the Scots. Anyway, the way the English and Welsh law was 200 years ago, if a person was injured, the wrongdoer could be liable for causing injury, but if the person were killed, there would be no liability. So, perversely, the wrongdoer had a financial interest in killing rather than just injuring a victim. That's how things were 200 years ago.

Then during the 1830s there was rapid development of the railways. That led to increasing public hostility to an epidemic of railway deaths and the indifferent attitude of the railway companies. Can you imagine, Mr. Chairman, a railway company being indifferent to things like safety? But, I guess, it does happen or it has historically. Anyway, as a result of public outcries, inquest juries started to revive an ancient remedy of Deodands as a way of penalizing the railways. The railway accident at Sonning Cutting in 1841 was particularly notorious. This was quite a startling accident. As a result of that, in 1841 legislators, in particular Lord Campbell and the Select Committee on Railway Labourers – well, Lord Campbell formed the Select Committee on Railway Labourers in 1846, and in the face of railway opposition a bill was introduced to change the situation.

4:50

What became law was known in 1846 as the Deodands Act, and it somewhat addressed this issue. What it did is it gave personal representatives the right to bring legal action for damages where the deceased person had had such a right at the time of their death. Compensation was restricted to the husband, the parent, or the child of the deceased and was for such damages proportioned to the injury resulting from such death.

In any case, the law continued to evolve. In 1858 it was amended again and gradually evolved into the legislation that we are amending one more time now in 2010. So this piece of legislation goes back over 200 years and has been amended many times. The amendments we're looking at today are really strictly a matter of language, in effect modernizing some of the language and terminology that's in the legislation. As the Member for Lethbridge-West said in his opening comments, it seems like a simple and appropriate thing to do, so we will, I expect, fully support this piece of legislation.

Thank you, Mr. Chairman.

The Deputy Chair: Any other members wish to speak?

Shall I call the question?

Hon. Members: Question.

[The clauses of Bill 3 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.

Mr. Denis: I move that we rise and report the bill.

[Motion carried]

[Mr. Mitzel in the chair]

The Acting Speaker: The hon. Member for Calgary-North Hill.

Mr. Fawcett: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 3.

The Acting Speaker: Does the Assembly concur with the report?

Hon. Members: Concur.

The Acting Speaker: Opposed? So ordered.

Government Bills and Orders Second Reading

Bill 1 Alberta Competitiveness Act (continued)

[Adjourned debate March 10: Mr. Ouellette]

The Acting Speaker: The hon. member – the hon. Minister of Housing and Urban Affairs.

Mr. Denis: Thank you very much, Mr. Speaker. I know it can be a little confusing having a couple of titles in this Chamber.

I'm rising today just to have a few words on Bill 1, the Alberta Competitiveness Act, as we move it through second reading. I'd like to start by thanking the Premier for bringing this piece of legislation in. I do think that it is important that we actually continue this not

just in our oil and gas, as many people have talked about the competitiveness there. Rather, we also need to talk about competitiveness in other areas and the economy as a whole. We have the highest per capita GDP in Canada but at the same time have to continually ask ourselves if this is a competitive economy, and we must continually ask ourselves what we can do to make us more competitive as well.

Mr. Speaker, as Alberta emerges from the worst economic downturn in over a half century, this shows another reason why we need to continually re-evaluate our competitiveness. We've been taught a difficult yet very valuable lesson about the importance of using all of our resources to create a strong and healthy economy, but right now I think we also have been presented with a golden opportunity to demonstrate that we have indeed taken that lesson to heart. With that opportunity, this government has created Bill 1.

Many may ask: "What is Bill 1? Why do we need this?" Well, this bill proposes to establish a partnership between relevant government ministries and key competitive stakeholders. The partnership would work better to co-ordinate the efforts and resources of the government, industry, and business, which would build on our strengths and encourage that Alberta has a solid economic foundation going forward. As I've mentioned before, it's important to continually evaluate this because the private sector does change, the economy does change, Mr. Speaker, but at the same point of time, likewise, the government must change. We can't simply think that we have something down pat just because we are in a situation in this province as we are.

Mr. Speaker, by legislating this partnership we're demonstrating our commitment to providing Albertans with the type of economy that will ensure prosperity over the longer term. That's something all members here are charged with regardless of their party stripe. We're taking it upon ourselves to assume responsibility for this province's economic future and creating opportunities for future generations.

In addition to this, by creating a legal foundation for economic competitiveness, Bill 1 will hold this and future governments to account for the health of Alberta's economy by creating objective standards by which we can measure our own progress. This bill will also help ensure that the industry-government partnership looks at all aspects of competitiveness. That includes, without limitation, Mr. Speaker, existing partnerships and existing policies and existing regulations. In doing this, we can identify and eliminate any unnecessary regulations that could act as a barrier for competitiveness, and that's something that is quite attractive to me.

Indeed, regulatory pressures in many areas can directly affect an industry's ability to compete in the global marketplace. We have to remember that we're not just competing with British Columbia or with Saskatchewan or with Ontario. We're competing globally with different states and different countries with which we have free trade agreements or not. If we can work with stakeholders to reduce the amount of red tape that these industries have to cut through in order to do business, it will work to the advantage of all Albertans.

I must also say, Mr. Speaker, that this act is consistent with things that this government has done over the past couple of years, including the TILMA agreement a couple of years ago reducing trade tariffs with our neighbours. By creating efficiencies and eliminating redundant processes and policies, we are also demonstrating fiscal responsibility by ensuring that public money is not being wasted.

Mr. Speaker, now more than ever Albertans simply need their government to do everything it can to protect their livelihoods today and to ensure continued prosperity for their children and future generations to enjoy tomorrow. I know members of this Assembly consider this every day, but at the same time this act actually puts it into writing, puts it into stone.

This legislation will not only facilitate competition for Alberta businesses, but it also will oblige and commit governments to maintaining a process by which we can regularly review our efforts and evaluate our achievements. Because of the tremendous opportunities that Bill 1 will create for our province now and for years to come, Mr. Speaker, I wholeheartedly support this bill and encourage my hon. colleagues on all sides of the House to do the same.

I thank you for this opportunity to speak to this bill. With that, Mr. Speaker, I would move to adjourn debate.

[Motion to adjourn debate carried]

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

Mr. Denis: Thank you very much, Mr. Speaker. I would move that this House stand adjourned until 1:30 p.m. tomorrow.

[Motion carried; the Assembly adjourned at 4:59 p.m. to Thursday at 1:30 p.m.]

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