



Province of Alberta

The 27th Legislature  
Third Session

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The Honourable Kenneth R. Kowalski, Speaker

**Legislative Assembly of Alberta**  
**The 27th Legislature**  
 Third Session

Kowalski, Hon. Ken, Barrhead-Morinville-Westlock, Speaker  
 Cao, Wayne C.N., Calgary-Fort, Deputy Speaker and Chair of Committees  
 Mitzel, Len, Cypress-Medicine Hat, Deputy Chair of Committees

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Gene, Edmonton-Mill Creek (PC),            Minister of Health and Wellness, Deputy Government House Leader</p>
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## Legislative Assembly of Alberta

1:30 p.m.

Monday, April 19, 2010

[The Speaker in the chair]

### Prayers

**The Speaker:** Good afternoon. Welcome back.

Let us pray. Give to each member of this Legislature a strong and abiding sense of the great responsibility laid upon us. Give us a deep and thorough understanding of the needs of the people we serve. Amen.

Hon. members and ladies and gentlemen, I am now going to invite Mr. Paul Lorieau to lead us in the singing of our national anthem. I would invite all to participate in the language of one's choice.

### Hon. Members:

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

**The Speaker:** Please be seated.

### Introduction of Guests

**The Speaker:** The hon. Minister of Education.

**Mr. Hancock:** Thank you, Mr. Speaker. It's a pleasure for me to introduce to you and through you to members of this Assembly a wonderful group of 30 grade 6 students from Westbrook elementary school, located in my constituency of Edmonton-Whitemud. Accompanying the students is their teacher, Michelle Huot, and parent helper Juliana Shim. This group of students is here for the whole week participating in the School at the Legislature program, which we just celebrated recently in this Chamber. They are seated in the members' gallery, and I'd ask them to please rise and receive the typical warm welcome of this Assembly.

**The Speaker:** The hon. Member for Stony Plain.

**Mr. Lindsay:** Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of the Assembly 13 bright and dedicated students from St. Matthew Lutheran school in Stony Plain. They're joined by teacher Gary Skoye and parents Donna Panchuk, Ellen Hoffman, and Richard Archer-shee. This class is here today to learn more about the workings of the Alberta Legislature. They're seated in the members' gallery, and I would ask that they be given the traditional warm welcome of the Assembly.

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. As we salute our volunteers across the province this week during National Volunteer Week, it gives me great pleasure to rise today on behalf of the Minister of Culture and Community Spirit to introduce to you and through you to members of the Assembly four individuals who exemplify the spirit of volunteerism. These individuals are Stars of

Alberta volunteer awards recipients. This program recognizes extraordinary Albertans whose volunteer achievements have contributed to the well-being of their community and fellow community members. I'd like to introduce Lorne and Phyllis Anderson from Stony Plain, who are the foundation of the volunteer program in continuing care at WestView health centre. If they could rise, please. I'd like to introduce as well Ms Tessie Oliva from Edmonton, who is a well-respected leader in the Filipino community and in the larger multicultural community in Alberta, and, finally, Mr. Bill Diachuk from Sherwood Park, our friend and former MLA and minister, who donates much of his time to a variety of community organizations throughout the Edmonton region as well as internationally. I would ask them to all rise and receive the traditional warm welcome of this Assembly.

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

**Mr. Webber:** Thank you, Mr. Speaker. It gives me great pleasure to rise today to introduce to you and through you an accomplished businessman, a constituent, and a friend, Mr. Ravinder Minhas. Mr. Minhas is the president and CEO of Mountain Crest Brewing and the founder of the Minhas Craft Brewery, so he's got pretty "damn good beer." He has many accolades to his name, some of which include being awarded the Alberta centennial medal, being named one of Canada's Top 40 under 40, and standing as a semifinalist for the Ernst & Young entrepreneur of the year award. I saw Ravinder last Thursday. I had a great visit with him. It's good to see you, Ravinder. I ask that Mr. Minhas please rise and accept the traditional warm welcome of the Assembly.

### Members' Statements

**The Speaker:** The hon. Member for Cypress-Medicine Hat.

#### OQP on Montana Access Channel

**Mr. Mitzel:** Thank you, Mr. Speaker. The Alberta Legislature has truly gone international. I've had occasion in the course of my duties as co-chair of the Montana-Alberta Bilateral Advisory Council to travel to various cities in Montana and was recently surprised to note that, on the Montana Access channel, question period from the Alberta Legislature is televised for everyone to see. A year ago the directors of the Montana Access channel met with me when I was in Helena and asked about our televised proceedings. I explained that question period was televised, and I gave them our communication contacts, and it is happening now every night at around 10:45.

Mr. Speaker, there's a significant difference between our Legislature process and the Legislature process in the United States. For one thing, all Legislature proceedings, whether in their House of Representatives or their Senate or any of their committee hearings, are broadcast live. Residents in Montana can tune into the Access channel and watch and hear everything that is done in the Legislature from gavel to gavel. I guess we have something a bit similar in our video and audio access to the Legislature and certain committee meetings, but they're not broadcast the same way on television other than question period.

Mr. Speaker, Americans find our question period fascinating. The Americans I speak with are intrigued with the unicameral system we have and our British traditions as well. One thing they also ask about are our rules for House sittings. I've explained that we sit every year in the spring for up to 60 days and in the fall for about 20 days. In Montana the Legislature sits for 45 days once every two years. Some Montanans feel and have expressed that their Legislature should sit for only two days once every 45 years.

As I said, Mr. Speaker, there's such a difference, and perhaps that is one reason why our system is so fascinating. Our audience is indeed larger than some expect it to be. It's true that people do watch question period, and we should be proud – well, maybe sometimes – that people actually do.

Thank you.

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

### An Alberta Liberal Government

**Mr. Chase:** Thank you, Mr. Speaker. An Alberta Liberal Government. The cornerstones of an Alberta Liberal government are inclusivity, accountability, transparency, and balance. Our central pillar is sustainability. The most important resource to an Alberta Liberal government is our human resource. While our nonrenewable resources have served us well in the past and with collaborative oversight will continue to serve us well into the future, the value of these commodities is set externally by global demand, over which we have little control. What is within our control is the maximization of our human resource potential.

From conception to our final shuffle off this mortal coil every Albertan should be regarded as an investment opportunity. The investment begins with prenatal health support availability and concludes with being able to face death with dignity. Early diagnosis, whether of disease or disability, improves treatment or, at the very least, management of the challenges presented.

Throughout life, access to education is a key predictor and promoter of success. An Alberta Liberal government will make funding for optional half-day kindergarten a priority, followed by the secured investment in optional full-day kindergarten. An Alberta Liberal government views investment in First Nations and immigration support as a key component in achieving economic stability. Working collaboratively, an Alberta Liberal government will reach out through the development of respectfully relevant curriculum to engage students in affordable learning opportunities from junior kindergarten through postsecondary graduation to the promotion of lifelong learning accessibility. An Alberta Liberal government believes that a sustained investment in our human resource potential will result in predictably high returns both economically and in our overall quality of life.

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

### 1:40 National Volunteer Week

**Mr. Xiao:** Thank you, Mr. Speaker. Throughout the province, in every community, there are thousands of humble Albertans strengthening our communities with their common act, volunteerism. Every year tens of thousands of Albertans from all walks of life give their time and energy in the hope of building a better and more caring community for us all. Their efforts provide valued assistance for those with physical or mental illnesses, new Canadians, children, seniors, and families. These wonderful and generous people do amazing work and help so many others. We see these people every day, volunteering in our schools, on the playground, in our hospitals and shelters, and on our children's sports teams. These individuals are the true meaning of community spirit.

This week is National Volunteer Week, a time when the spotlight deservedly shines on these humble heroes and shows just how much their efforts contribute to the quality of life we enjoy in this province. I would like to ask this Assembly for its unanimous support in recognizing April 18 to 24 as National Volunteer Week

in Alberta. Mr. Speaker, may this time be a reminder of how we as individuals all play a vital role in our communities.

Thank you.

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

### Armenian Genocide

**Mrs. Sarich:** Thank you, Mr. Speaker. On April 24 of every year the first genocide of the 20th century, the brutal annihilation of over 1 and a half million Armenian men, women, and children, is remembered around the world. The genocide of innocent Armenian people and the failure of the world to recognize and condemn the actions of the government responsible for this atrocity inspired Adolf Hitler to commit the horrific massacre of 6 million Jewish men, women, and children. Given that the world did not hold the perpetrators of the Armenian genocide accountable for their crimes, Adolf Hitler reasoned that the world would not hold him accountable, and he proceeded to commit unspeakable crimes against humanity with impunity. "After all," Hitler said, "who remembers the Armenian genocide?"

Every year in April we also remember the Jewish Holocaust and in November we remember the Ukrainian famine and genocide, known as the Holodomor, because it is important to remember.

On April 21, 2004, the Canadian government recognized the Armenian genocide. This recognition by the Canadian government is a monumental step towards eliminating future genocide. As long as nations in the world continue to deny genocides and to accept alterations to the facts of history, we will face future systematic annihilations of entire cultures.

Mr. Speaker, it is not enough just to remember. We must also act. As we honour the memory of those who suffered in the many massacres that have darkened the history of the world, we can reaffirm a commitment to eliminate racism, violence, hatred, and persecution. We also can remember that hope survives amongst these atrocities. The world has been blessed with many accomplishments of the Armenian, Jewish, and Ukrainian people in science, medicine, education, arts, and other professions. Today in the province of Alberta we enjoy the many gifts and contributions of those from the many different cultures and countries who have helped make this province what it is today and the world a better place.

Mr. Speaker, if anyone in the history of the world should ever ask again, "Who remembers the annihilation of the Armenian people?" we can say, "We remember."

Thank you.

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

### Calgary Stampede

**Mr. Rodney:** Thank you, Mr. Speaker. Preparations are in full swing for the 2010 edition of the greatest outdoor show on Earth. From July 9 to 18 Stampede Park will become the third-largest city in Alberta as over 1 million visitors take part in the festivities. The Calgary Stampede will bring economic spinoffs to the entire province in the neighbourhood of \$350 million.

People come from all over the planet to experience this authentic western showcase. Whether it's the afternoon rodeo or one of the Rangeland Derby or grandstand shows or one of the hundreds of other activities, there is truly something for everyone.

One of the new events this year that's bound to be a crowd favourite is Cowboy Up. It's an extreme cowboy competition in which the horse and rider run an obstacle course designed to

replicate the ranch environment at incredible speeds. With must-see events like this, the best bet is to plan your Stampede experience with the new online tools to get the most out of this incredible celebration.

The Calgary Stampede is much more than just a 10-day event. The organization is active 365 days a year as it invests over \$2 million annually into youth and education programs which focus on future leaders while promoting and preserving western heritage and values. At the end of May Stampede Park again will host 4-H on Parade, the largest event of its kind in Canada. Over 600 young competitors will be coming to town.

Thanks to funding from the government of Alberta the expansion of BMO Centre was completed last June, realizing the dream of the 2009 WorldSkills competition, which benefited the entire province. Truly, investing in the Stampede is investing in the community.

Just five years into its 20-year development plan, the Calgary Stampede continues to execute its vision of building a world-class year-round gathering place in the heart of Calgary, and I encourage everyone to come on down and be a part of it.

Thank you, Mr. Speaker.

**The Speaker:** The hon. Member for Strathcona.

#### Seniors' Service Awards

**Mr. Quest:** Thank you, Mr. Speaker. I rise today to recognize the thousands of volunteers in Alberta who make our communities a better place to live. April 19 to 25 is National Volunteer Week in Canada. I think it's important that we take time to recognize the many dedicated volunteers who exemplify the true can-do spirit of Alberta.

As the recently appointed chair of the Seniors Advisory Council for Alberta one of my first tasks was to chair the nomination committee for the minister's seniors' service awards. I was truly inspired as I learned about the many wonderful volunteers who provide invaluable services to our seniors. These Albertans will be honoured at a special ceremony in June at Government House as part of the week-long Seniors' Week celebrations taking place across the province from June 7 to 13.

Volunteers are a diverse group that span the spectrum of age, nationality, and area of giving, but they all have one thing in common, the desire to make a difference in the lives of others. In doing so, they strengthen our country and the many communities across our province. Today I encourage all members of this Assembly as well as all Albertans not only to thank volunteers for their contribution but to consider how we, too, can volunteer.

Thank you, Mr. Speaker.

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

#### PNWER Energy Horizons Institute

**Mr. Fawcett:** Thank you, Mr. Speaker. A couple of weeks ago myself and several other hon. members of this Assembly completed the Pacific NorthWest Economic Region Energy Horizons Institute course.

The purpose of this institute is to educate legislators on the North American energy infrastructure and delivery system. This included delving into complex issues associated with electricity, natural gas, petroleum infrastructure and regulations, and economic and environmental policies and regimes as well as the interdependencies and interconnectedness of the North American energy sector. The requirements of this course were that each participant participate in 60 hours of instructional time as well as four webinars.

Mr. Speaker, the Pacific NorthWest Economic Region and the National Conference of State Legislatures partnered with the University of Idaho and the U.S. Department of Energy to create the institute, which is also supported by Alberta's Energy department and various other industry organizations. I cannot speak for my colleagues, but for me this was a very valuable experience. Even though I have a previous educational background in energy economics, this was certainly very helpful in the emerging trends that we have to deal with here at the Legislature.

Energy policy is very important to our economic competitiveness, Mr. Speaker, and the emergence of environmental policy as a global priority means that legislators and policy-makers must understand these issues to make responsible and informed policy decisions. This is very useful information that I received at the institute, and it will definitely help as we discuss these issues as they come before the Legislature.

I hope that all hon. members will sometime and in some form benefit from such education. I feel very fortunate myself to have been able to participate in such an informative course.

Thank you, Mr. Speaker.

1:50

#### Oral Question Period

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

#### Public Accounts Committee

**Dr. Swann:** Thank you very much, Mr. Speaker. In the last couple of weeks we've seen the Tories lobby for undermining the Auditor General. We've seen them attempt to neuter Public Accounts, one of the most important legislative committees that exists. This committee is by definition to provide a public account of the spending and actions of the government of Alberta. Reporters, columnists, and bloggers across the province wrote over the weekend that Alberta is facing a, quote, doomsday because of this decision to neuter the opposition chair of Public Accounts. To the Acting Premier: does the Premier support the decision to allow the vice-chair the ability to veto all correspondence by the chair of Public Accounts?

**Mr. Horner:** Well, Mr. Speaker, the Premier neither supports nor doesn't support decisions that are made by a committee of this Legislature because it is a committee of this Legislature that reports to this Legislature. I'm sure they will have more discourse over that in the future.

**Dr. Swann:** Well, it's very hard to believe that such a major draconian decision wasn't in the apparent awareness of the Premier. Again to the Acting Premier: does the Premier honestly expect the opposition and the public to believe this?

**Mr. Horner:** Well, again, Mr. Speaker, the committee meets. It has a chair; it has a vice-chair; it has members of all parties. They are open to discuss a number of issues. The Premier isn't briefed nor does he brief the chair before those meetings happen.

**Dr. Swann:** Well, Mr. Speaker, does the Acting Premier agree that it was proper for government members to do this, to, in the words of the Government House Leader, quote, slap the wrists, end quote, of the chair of Public Accounts?

**Mr. Horner:** Mr. Speaker, there was no attempt, in my view, and not being a member of that committee, it's difficult for me to give

my opinion as to whether or not I agree with the decision of that committee. I'm sure that that committee had very strenuous debate about the motion that was put before them. In fact, I'm sure that it was written in *Hansard*, as the hon. member rightly knows, and I'm sure that they will probably have further discussion about a number of issues that that committee is responsible for.

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

### Education Funding

**Dr. Swann:** Thank you very much, Mr. Speaker. This government constantly boasts about how much better off Alberta is in weathering the recession while refusing to honour teacher contracts, repair aging schools, or adequately support special-needs education. To the Minister of Education: if this government isn't willing to carry out its educational obligations such as bargaining in good faith with our teachers, will you at least provide greater autonomy to locally elected schools boards so that they can provide for their needs?

**Mr. Hancock:** Mr. Speaker, I don't know where this hon. member has been, but we have not breached any contracts. We have not breached anything in faith with the school boards or the teachers in the province. In fact, we've totally honoured the contracts. What we haven't done this year is budgeted for a 3 per cent increase to the school boards' budgets, and I've done that in the context of talking with school boards about how we work on a longer term plan to deal with the pressures faced by school boards in meeting their negotiated obligations as well as looking at how we better utilize the resources within the system.

**The Speaker:** The hon. leader.

**Dr. Swann:** Thank you, Mr. Speaker. With the combined Calgary school board infrastructure debt now exceeding a billion dollars, why is the minister not taking advantage of the reduced labour and material costs by investing a portion of the multibillion-dollar sustainability fund to correct a decade of government neglect?

**Mr. Hancock:** Mr. Speaker, as the hon. member will well know, you can only spend the sustainability fund once. You can't spend it over and over again on every single priority he wants to bring forward. I would be the first to argue that school infrastructure is an important priority for us. We've moved forward on the alternative procurement program 1, where schools are going to be available even earlier than was anticipated and available for opening this fall in both Calgary and Edmonton, nine schools in each jurisdiction. That's pretty good. ASAP 2 is progressing towards a very quick announcement, indicating we've made good use of resources, a good use of the public purse in putting schools where we need them.

**The Speaker:** The hon. leader.

**Dr. Swann:** Thanks, Mr. Speaker. Given that our most vulnerable students are those with special needs, why is this government fostering greater uncertainty by freezing their per-pupil funding grants and recklessly abandoning a coding system for special-needs children?

**Mr. Hancock:** Mr. Speaker, the hon. member should go back and read the good report that was done by a task force chaired by the Member for Edmonton-Ellerslie, which clearly sets out a change in

direction that's needed with respect to how we assure that every child in Alberta is included in the education system and that every child in Alberta has the opportunity to maximize their own personal potential. That takes some work to move. Some people would move it ahead of that process, but this is not an easy process. It's going to take time. It's going to take some work to implement. It doesn't behoove anybody to jump ahead of the process, to talk about removing coding or making changes, those sorts of things. Funding is, of course, important, and funding is being provided.

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

### Occupational Health and Safety Compliance

**Mr. MacDonald:** Thank you. Eight years ago a government press release announced major amendments to the Occupational Health and Safety Act that allowed for the publishing of names of employers with the best and worst safety performance in the province. Last week the Auditor General flagged a group of 63 employers who repeatedly broke workplace safety laws. To the minister of labour: why has the government failed to follow through on its commitment from eight years ago to publish the names of employers who repeatedly break workplace safety laws?

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

**Mr. Lukaszuk:** Well, thank you for that. The minister of labour: I wasn't sure exactly whom he was talking to.

Mr. Speaker, let me make this abundantly clear yet one more time to this House and for the benefit of anybody who is listening. I have made a very clear undertaking that I will be releasing not only that list of 63, that were randomly identified by the Auditor General, but I will also release a list that has perhaps between 500 and 600 employers, which we consider to be targeted employers, that we are keeping a close eye on. I will release a list of all employers and their statistics very shortly.

**Mr. MacDonald:** Again, Mr. Speaker, to the same minister. Given that eight years ago Bill 37 was introduced – there were amendments to the legislation – it's clear the government made a commitment to publish the names of bad employers who were breaking the law. Why has this government failed its commitment from eight years ago?

**Mr. Lukaszuk:** Mr. Speaker, unlike that member, I will not be dwelling on the past, but I will tell you what I am doing and what I have been doing since I became minister of this particular department. The moment I met with the Auditor General, which was some two months ago, I made it very clear to my department that we will be releasing the list. However, I want the list to be meaningful so that when you look up the name of your employer, you will be able to know how safe or unsafe your employer is. I simply will not throw a copy of the yellow pages onto your desk. I want the names of employers to have some meaningful information attached. It will be done.

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

**Mr. MacDonald:** Thank you, Mr. Speaker. This government fails to enforce the law to protect workers. Again to the same minister: has the minister ordered any of the 63 employers who failed to comply with occupational health and safety orders to establish joint

worker-management safety committees, and if not, will he do so now?

**Mr. Lukaszuk:** Mr. Speaker, one thing I can assure you of is that under this Premier's and my watch we will be making sure that occupational health and safety is a priority. It is obvious that I have made occupational health and safety a priority since that was one of the first instructions I gave to my department. Any employer in this province who chooses not to follow the Occupational Health and Safety Act will be dealt with accordingly.

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

#### Cataract Surgery

**Mrs. Forsyth:** Thank you very much, Mr. Speaker. Earlier today I learned even more troubling information about the government's cataract surgery plan. We have now learned that some of the successful bidders who were given multimillion-dollar contracts to perform cataract surgeries are now trying to get out of their contracts. They did not understand how much work would be required, and they do not want other surgeons using their facilities. My question is to the minister of health. Mr. Minister, have you got knowledge of this development, and if so, what are you going to do about it?

**Mr. Zwozdesky:** Mr. Speaker, I have not heard of that particular complaint or rumour or whatever it might be. What I can tell you, however, is that last week, having spoken to a number of ophthalmologists, I said that I would convene a meeting so that we could get everybody into the same room and talk some of these issues through just to take away any uncertainty that might exist and also provide some hope where it might be needed.

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

**Mrs. Forsyth:** Thank you, Mr. Speaker. My question again is to the minister. Since some of the doctors are suggesting that Alberta Health Services has not followed a proper bid and contract award system, will the minister ask the Auditor General to evaluate the cataract surgery contracts to get to the bottom of this matter immediately?

2:00

**Mr. Zwozdesky:** Mr. Speaker, that's a pretty serious allegation. I don't know if it can be substantiated or not; we'll find out. The fact is that we had a very open, accountable, and transparent RFP process. That's a request for proposals. It closed on January 15. In addition to looking at the costs on a per procedure basis, it also included other issues such as the speed with which these surgeries could be done, the quality assurances that could be given, the safety of the patients, the recovery times based on previous engagements, and so on. So there's a lot that went into those contracts.

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

**Mrs. Forsyth:** Thank you again, Mr. Speaker. My final question is to the minister of health. Given that Bill 11 requires that Alberta Health Services must disclose information on awarded contracts, will the minister table the complete cataract surgery RFP facility evaluation and terms of the winning bid so members of the Legislature can get to the bottom of this mess?

**Mr. Zwozdesky:** Mr. Speaker, whatever is in the legislation and

doesn't violate the privacy laws I'd be happy to make available at the appropriate time.

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

#### School Facilities in Beaumont

**Mr. Mason:** Thanks very much, Mr. Speaker. The town of Beaumont is rapidly growing, and their school can't keep up. They've lost their music and computer rooms to provide more classroom space, and they have one portable, but their school still is far too small. Now, grade 3 students carry their desks across the street every day to a fully liquor licensed facility, Club Beaumont, which they are using as classroom space. Why has the Education minister failed these children by refusing to include Beaumont in the three-year capital plan when a new school is obviously needed?

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

**Mr. Hancock:** Thank you, Mr. Speaker. The situation in Beaumont is indeed one that I've been paying very careful attention to. I've instructed the department to work with the school boards serving Beaumont to try and find some early solutions with respect to the growth that's happened in that particular area and to work with us to find resolutions for those students not just this fall but in the longer term.

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

**Mr. Mason:** Thanks very much, Mr. Speaker. Well, given that their classroom, a community hall, is used for bingos and weddings at night and, therefore, the eight-year-old children are carrying their desks across a busy street twice a day, how can the Education minister possibly pretend that he is striking any kind of balance when children are left to study in a licensed hall because this government refuses to build a permanent classroom for them?

**Mr. Hancock:** Well, Mr. Speaker, the hon. member dwells on the issue of licensing as if it had any relevance to the issue. What's really relevant to this issue is the students crossing the street on a daily basis and not having an appropriate facility for them to engage in their school. We're working on that issue with the school boards involved and working very hard to try and find both the capital resources necessary to deal with that and working with them in terms of what their space requirements are in the immediate term and how we can maximize the use of the resources we put in so that they're not just stopgap, that they're available for the longer term.

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

**Mr. Mason:** Thanks very much, Mr. Speaker. Well, I think we're finally getting somewhere with this minister.

Given that all these children are left to carry their belongings back and forth to a makeshift classroom and given that the government keeps saying that education is one of their top priorities, why won't the Education minister put his money where his mouth is and ensure that these kids have a properly equipped school for education so they're not doing this, Mr. Minister?

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

**Mr. Hancock:** Thank you, Mr. Speaker. The picture that the hon.

member is holding up in violation of the rules as a prop was actually published sometime last fall, so he's very, very current on the issue.

Mr. Speaker, this is one of those challenges that we face. There's a challenge that we face. There's no question about it; I won't back away from it. We need school facilities in Beaumont, and we need school facilities in Airdrie, and I'm working to get those done.

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

### Water Act Licences

**Ms Blakeman:** Thanks very much, Mr. Speaker. The Auditor General's recent report drew special attention to issues regarding water, including a lack of monitoring, serious recurring instances of noncompliance, and an extreme backlog of applications for water licences. The bottom line: the government's systems are weak, and this increases the risk to drinking water, the ecosystems, and finally, use by agriculture and industry. To the Minister of Environment. The minister has repeatedly responded to concerns I've raised about cutting monitoring staff by saying that it's not a problem. Does the minister still stand by this claim?

**Mr. Renner:** Well, Mr. Speaker, I think we're trying to compare apples and oranges in this particular instance. What the Auditor General's report refers to is the ability of our officials to have follow-up from the point of issuing a licence to then following up. In that regard we have accepted the recommendation of the Auditor General, and we will be putting it into play so that there are closer opportunities for checks and balances from the point of licences issued to the follow-up and compliance side.

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

**Ms Blakeman:** Thank you very much, Mr. Speaker. Well, given that the Department of Environment cannot transfer a water licence until its noncompliance issues are rectified and given that 75 per cent of the backlog of unprocessed water applications are not current, relating directly to compliance issues, how is the minister going to rapidly deal with the backlog of over 3,500 water applications?

**Mr. Renner:** Mr. Speaker, the backlog that's referred to is a valid number. What is not clear in first reading is the fact that a number of these applications are unnecessarily open, I would suggest to you, because they haven't been closed. If that's confusing, I don't blame you for not understanding. But the fact of the matter is that applicants will apply, they'll be requested for further information or clarification, we never hear back from them, and then we have a file that's left open.

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

**Ms Blakeman:** Thanks, Mr. Speaker. And people wonder why we have an issue around water here.

Given that this administration has demonstrated a clear inability to monitor licence holders and, therefore, cannot assess levels of noncompliance, how can the minister even consider compounding these problems by introducing a water market?

**Mr. Renner:** Well, Mr. Speaker, the fact that we are in the process now of reviewing our water allocation policy fits very well into the issues that were raised by the Auditor General. You have to remember that the process, that has been in place for a hundred-plus

years, is one in which there was a presumption of unlimited resources of water. That presumption no longer applies. That's the reason why we are talking about reviewing the water allocation, and part of that review of water allocation will have to be a process whereby we can verify that the licence holders are withdrawing water that is appropriate to their licence.

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

### Asia Pacific Trade

**Mr. Rodney:** Thank you, Mr. Speaker. Alberta is working hard to tap into the huge economic potential in the attractive Asia Pacific region. However, recent reports have hinted that Canada missed an opportunity regarding a major free trade deal, the trans-Pacific partnership, or TPP. My first question is to the Minister of International and Intergovernmental Relations. Why was Canada excluded from these negotiations?

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

**Ms Evans:** Thank you, Mr. Speaker. Japan is also one other country that is endeavouring to become part of these negotiations. In the initial instance there hadn't been the robust interest of a number of countries to participate. Now that there is, the original countries haven't developed a way to re-enter into renegotiations or the addition of new members. So it's vitally important that our federal government engage and say: "All right. Although there hasn't been a process for adding these countries, we wish to be involved." We're joining another list, including Australia and Peru.

**Mr. Rodney:** My first supplemental is to the same minister. There must be a list of potential negative effects for Alberta if Canada is indeed excluded from the final deal. Can she give us some details and her thoughts and actions on exactly that?

**Ms Evans:** Well, Mr. Speaker, of course Canada, and Alberta in particular, wants to eliminate trade barriers, has been very anxious to see that free trade exists, and we believe very strongly that this has to be pursued. I should point out that we have had bilateral agreements with other countries. We'd like to see that engaged in to a larger dimension. We look with some degree of satisfaction to the addition, most recently, of an Australian consul in Alberta, showing the continued acceleration of trade with these other partners. We're hoping that we'll be able to see elimination of these barriers.

**Mr. Rodney:** My final question is to the same minister. Obviously, a sad conclusion would be to see Canada not involved in TPP negotiations at present, but if that indeed was the case, what other trade initiatives is this minister's ministry looking into?

2:10

**Ms Evans:** Mr. Speaker, we're looking at several other opportunities with the European Union, but I should also point out that with our Premier and the Premiers of B.C. and Saskatchewan and a western partnership that we're following up on, we should soon see more expansion in Shanghai. That's targeted for about the middle of May. We're doing our best to develop other markets, looking still further beyond the EU to possible expansion of relations in Brazil and Morocco and in Ukraine as well.

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



### Gravel Extraction Management

**Ms Blakeman:** Thank you very much, Mr. Speaker. There are a number of proposals for new gravel mining projects currently on the table, including yet another proposal for mining in the Red Deer River aquifers and one at Wizard Lake. There are grim long-term environmental concerns, including contamination of groundwater, which affects drinking water, and loss of habitat for fish and wildlife and the negative effects on communities regarding recreation. To the Minister of Environment: when the province can't currently track the effect of the gravel industry on water in Alberta, why is new gravel extraction being allowed?

**Mr. Renner:** Well, Mr. Speaker, to suggest that gravel extraction should be unilaterally stopped throughout the province is irresponsible. We build buildings, homes, offices, pave our streets, and build our roads with gravel. What we have to do is ensure that we mine gravel in a responsible way. That is why we have a strict set of guidelines that all gravel operations must abide by.

**Ms Blakeman:** Back to the same minister: when will this ministry finally step up and provide a strong legislative framework to ensure municipalities have the regulations and resources necessary to fully assess the impacts of a gravel mine on their environment?

**Mr. Renner:** Mr. Speaker, let's not forget: the role and responsibility of a municipality is a very valid one, and that is to deal with land use and land zoning. Until a municipality makes a decision with respect to the zoning and the land use in a particular area, then it's not appropriate for the provincial government and my ministry to interfere. At the end of the day, once a decision has been made to proceed, it's up to us to determine and ensure that that operation operates at minimal impact on the environment.

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

**Ms Blakeman:** Thanks. Back to the same minister: why does this ministry continue to take a this-is-not-our-problem approach to gravel mining approvals when they have such far-reaching and dramatic impacts on Alberta's environment and on water and water quality?

**Mr. Renner:** Mr. Speaker, I think I answered that question the first time around. It is the responsibility of municipalities to deal with land zoning issues. Once that issue has been dealt with, it is the very clear responsibility of Alberta Environment to ensure that the operation proceeds in such a way as to minimize the impact or, if necessary, protect the environment.

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

### Immigration Fraud

**Mr. Amery:** Thank you, Mr. Speaker. Many people from around the globe are interested in immigrating to Canada and to Alberta in particular. They come for a better life, and they often want to share their fortune with their family members still back home. Unfortunately, there is a case in Calgary where an unscrupulous scam artist is taking money to assist with immigration and disappearing. My first question is the hon. Minister of Employment and Immigration. What programs are in place to make sure that families can sponsor their family members without the assistance of scam artists?

**Mr. Lukaszuk:** Well, Mr. Speaker, of the member asking the question and now me answering the question, both are immigrants. I have to tell you that there are programs that are legitimate, and all Albertans and Canadians should know about them. Aside from the federal side, our province has the Alberta immigration nominee program, the family stream, which allows you to bring into Canada brothers, sisters, mothers, fathers, daughters, sons, and even nieces and nephews if they qualify. The ultimate issuance of a visa is by the federal government, but we do have a legitimate provincial program. I would strongly advise any applicant to familiarize themselves via the Internet or any other sources with the proper way of doing it.

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

**Mr. Amery:** Thank you, Mr. Speaker. My next question is to the hon. Solicitor General. What action is your department taking to protect newcomers from this scammer?

**Mr. Oberle:** Well, Mr. Speaker, it's unfortunate that there always seems to be some fraud artist waiting to take advantage of somebody. My heart certainly goes out to these people. It's almost ironic. We just recognized Fraud Awareness Month and laid out a bunch of tools for people to be aware of fraud in our province. Fraud prevention is really probably the most powerful tool we have. That being said, we do fully investigate and prosecute every fraud event that's brought to our attention, and I would urge anybody that feels they're a victim of fraud to report it to the nearest police.

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

**Mr. Amery:** Thank you, Mr. Speaker. My last question is to the hon. Minister of Service Alberta. I understand that you are reviewing the regulations about immigration fees. What steps will you be taking to protect Albertans?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. Yes, currently we are having consultation with the public on ways to improve our employment agency regulations to make them even stronger. We do welcome input and feedback from Albertans, but it's important to note that it is illegal to charge a person a fee to secure work for them in Alberta. It's even more important that anyone with allegations of recruiter or employment agency issues please contact Service Alberta so we can check into them. That's why we are doing the consultation on this important issue.

### Edmonton Remand Centre Admissions

**Mr. Hehr:** Mr. Speaker, last month the Solicitor General wisely reversed the decision to eliminate late-night admissions at the Edmonton Remand Centre and rely on police lock-up facilities to house offenders after an outcry from police and corrections personnel. To the Solicitor General. You indicated mid-March that this issue would be resolved almost immediately. I'd like to know what solution has been reached after a month's time.

**Mr. Oberle:** Well, Mr. Speaker, no solution has been reached right at the moment, which is why we are still operating overnight admissions and discharges, and we will not change until we've reached an agreeable solution with the police forces involved.

**Mr. Hehr:** To the same minister, Mr. Speaker. Although nighttime remand admissions have continued downsizing, they still occur at

these understaffed and overcrowded institutions. Are you still planning to eliminate five or six guards at the Calgary and Edmonton remand centres? Is that option still on the table?

**Mr. Oberle:** We haven't made any changes until we've determined what we're going to do with overnight admissions and discharges, but we're not actually reducing guards on the floor. I'm not sure what the member is talking about.

**Mr. Hehr:** Given that you told me that you were going to have a reasonably quick decision made in regard to these late-night admissions, have you revised the timetable when something will be done on this issue, or are we going to continue to have overcrowding all through the summer months?

**Mr. Oberle:** Well, whether we have overnight admissions or discharges, Mr. Speaker, surely the member would recognize, has absolutely nothing to do with overcrowding in our facilities. We manage the levels of inmates very well in our facilities and move them around. We're doing a very good job there. It has nothing whatsoever to do with overcrowding.

### Hospital Discharge Orders

**Dr. Brown:** Mr. Speaker, the government has often stated that the health care system should always put patient needs first. However, I have heard suggestions that in some instances patients may have been discharged from hospitals on a Friday in order to free up acute-care beds for the weekend. My questions are for the Minister of Health and Wellness. Can the minister assure Albertans that decisions such as when to discharge a patient must always be done in the best interests of the patient and not as a result of financial matters?

**Mr. Zwozdesky:** Well, Mr. Speaker, let's be very clear. The policy about discharges is always in the interest of safety and patient care, and those decisions are not made by administrators. So if there are rumours like that, I would hope that everybody here would help correct them. Those discharge orders are only issued by qualified clinical personnel. That's a staple policy of this government and also of Alberta Health Services.

**Dr. Brown:** Mr. Speaker, my second and final question for the minister is: given the concerns that I've been hearing, will the minister also assure the Assembly that the new code of professional conduct will not inhibit health care providers from raising their concerns about health care to either the minister or to other administrators in the health care system?

**Mr. Zwozdesky:** Mr. Speaker, I can assure everyone here that the new code of conduct is not about a set of rigid rules whatsoever. It's a set of policy statements and guidelines based on trust and respect and dignity and so on. In fact, the new code of conduct does not inhibit people from speaking out and raising concerns such as has been alluded to here.

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

The hon. Member for Calgary-Glenmore, followed by the hon. Member for Lethbridge-East.

2:20

### Cataract Surgery

*(continued)*

**Mr. Hinman:** Thank you, Mr. Speaker. This government has slammed the door on cataract patients. Unfortunately, their sur-

geons' fingers are caught in the door. There is no reason for us to wait any longer to fix the problem. Just open the door, and let the current accredited facilities continue to provide surgeries at the government's prescribed rate if they choose. Will the minister make this happen?

**Mr. Zwozdesky:** Mr. Speaker, what Alberta Health Services did was conduct a very open, transparent, public request for proposals, which closed on January 15. As a result of that, we've got a much better price for the same quality of care, and we've saved taxpayers \$1.4 million, all of which is going right back into yet more cataract surgeries. There are a few issues that need to be talked about going forward, and that's why we're meeting on Saturday to discuss them.

**Mr. Hinman:** Mr. Speaker, it was closed, but it's never been disclosed. That's what we need here.

Given that patients are extremely frustrated and confused about where to go or when to get their surgeries, will the minister do the right thing and provide a 60-day extension to current accredited facilities until this government-created problem can be fixed?

**Mr. Zwozdesky:** Mr. Speaker, government did not create any problem whatsoever. What has been created are some wonderful opportunities for people to get on the list quicker and to have their surgeries dealt with more efficiently, more effectively in some cases. At the same time, I've got a guarantee from Alberta Health Services that all the patients that were scheduled in some of the so-called nonwinning bid facilities have now almost all been contacted and rescheduled for a time very close to the time that had originally been set for them.

**Mr. Hinman:** Mr. Speaker, they're not addressing the problem about being open.

Given that this issue can be resolved before the summer break and given that we should be able to work together to resolve many of the problems here today, will the minister support our motion for an emergency debate on this so that Albertans can receive their cataract surgeries from the surgeons and facilities of their choice?

**Mr. Zwozdesky:** Mr. Speaker, let's be very clear. Patients can have their cataract surgery or their corneal surgery or their droopy eyelid surgery or other surgeries done by a surgeon of their choice. It's just that the facilities that have won the bid are perhaps different than were originally scheduled. Those particular procedures will be done by fully accredited, fully qualified surgeons who are chosen by their own patients.

**The Speaker:** The hon. Member for Lethbridge-East, followed by the hon. Member for Lethbridge-West.

### PDD Funding Appeals

**Ms Pastoor:** Thank you, Mr. Speaker. On March 18 we asked a question to the minister of seniors regarding disabled Albertans' rights to appeal PDD funding decisions. An answer was not provided. Calgary area PDD service providers need clarification about their own liabilities because of the cuts that they've had to deal with. To the Minister of Seniors and Community Supports: will the minister confirm that under regulation 181/2006 it's true that PDD-funded individuals have no right to appeal to the minister if their supports are cut due to their service provider's budget being cut?

**Mrs. Jablonski:** Mr. Speaker, I want to make it very clear that PDD clients do have the ability to appeal any decision of the community board that affects their levels of services, including the hours of service and the level of service itself. The PDD Community Governance Act makes this very clear. To be clear, if any client is notified about a reduction in services arising from a decision of the community board, they can appeal that decision.

**Ms Pastoor:** Thank you to the minister for that. But there is confusion between the PDD Community Governance Act and section 2(c) of the regulations. Will the minister provide clarification as to the legal liabilities of PDD service providers if they cut their individual supports because of the changes to their budgets?

**Mrs. Jablonski:** Mr. Speaker, I'm not exactly clear on the regulations that the hon. member has cited, so I will check into that, and I will provide an answer to her for that question.

However, a service provider, once they've signed a contract with the community board, cannot appeal the contract itself, but they do have a very clear dispute resolution mechanism to turn to.

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

**Ms Pastoor:** Thank you. I hope that this isn't the government's way to quietly cut PDD numbers and leave vulnerable Albertans with no right to appeal, which is, in my mind, a basic principle that anyone should have.

**Mrs. Jablonski:** Mr. Speaker, I would agree with that. But I would make it clear again that our PDD clients have the ability to appeal any changes to their levels of service or the hours of service that they have been granted as long as they're eligible for PDD.

**The Speaker:** The hon. Member for Lethbridge-West, followed by the hon. Member for Edmonton-Riverview.

#### Southern Alberta Power Outage

**Mr. Weadick:** Thank you, Mr. Speaker. As everyone is probably aware, last week southeastern Alberta and central Alberta were hit by a massive blizzard. This had an impact on the power in the region, and tens of thousands of people were left without power. The service providers in the area have done a significantly good job of returning power to most of these people. To the Minister of Energy. It's my understanding that there are still some people that haven't got power back, and I'm wondering if you could tell me when they may be able to expect to see power.

**Mr. Liepert:** Mr. Speaker, the member is absolutely correct. Last week, as many of the members of this House know, their constituencies were under a fair bit of snow, not only in the city of Lethbridge but throughout southeastern and eastern Alberta. In total some seven large and many more smaller lines were out of service, and in the city of Lethbridge a major line supplying the city went down. Some 300 employees and contractors from around the province were dispatched, and they repaired more than 400 poles and 200 lines. As of last evening, there were still some 50 residential and farm customers without power, and I know that service providers are working diligently to get them back on line.

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

**Mr. Weadick:** Well, thank you, Mr. Speaker. On behalf of all the

residents of southern Alberta, I want to thank those service providers for a wonderful job in having their people do such a quick repair. My first supplemental is to the same minister.

**The Speaker:** You provided a brief preamble. That's against the rules, so let's go to the Minister of Energy for the response.

**Mr. Liepert:** Well, the member is absolutely correct, Mr. Speaker, that they did respond in a way that I think was around the clock in getting the lines back on time. It really puts in perspective how we take something so essential as electricity for granted and don't really appreciate it until we don't have it. I think it's also a strong endorsement that we need a strong transportation grid throughout the province and a modern distribution network for electricity.

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

**Mr. Weadick:** Thank you, Mr. Speaker. Without preamble, my final question is to the Minister of Municipal Affairs. Mr. Minister, did the Alberta Emergency Management Agency get involved during this blizzard condition?

**Mr. Goudreau:** Mr. Speaker, first, I'd like to recognize the good job that our communities did in this case with their existing emergency plans. The government emergency operations centre was activated to offer one-window support to anyone who needed help. Field staff from the Alberta Emergency Management Agency went to a number of communities to offer assistance. This agency regularly monitors and prepares for emergency events to help keep Albertans safe.

#### Land-use Framework Aboriginal Consultation

**Dr. Taft:** Mr. Speaker, dedicated aboriginal consultation is essential for developing oil and gas and implementing the land-use framework. Aboriginal groups hold that meaningful consultation is not taking place, and some have taken their fight all the way to the Supreme Court of Canada and won. My question is to the Minister of Aboriginal Relations. Why does this government continue to put the legitimacy of the land-use framework at risk and provoke expensive legal battles by continuing an inadequate approach to consultation?

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

**Mr. Webber:** Well, thank you, Mr. Speaker. I would like to thank the hon. member for the question as well. I would also like to say that it's about time that the opposition asked a question on aboriginal relations. Being a member and sitting here, that's quite frustrating when aboriginal relations issues are important. My department is working with all First Nations, all three treaties with regard to consultation, and we are working forward. We're doing some wonderful things with respect to consultation, anyway.

**Dr. Taft:** Well, given that this consultation has been going on for years and given that the courts have ruled that the way the Alberta government approaches its duty to consult is contrary to treaties, to reconciliation, and to mutual respect, how and when will this be remedied?

2:30

**Mr. Webber:** It is something that is ongoing, Mr. Speaker. It can't be fixed overnight. We've been working diligently with all our ministries with respect to consultation in the aboriginal communities. We are moving forward, and we are progressing.

**Dr. Taft:** Well, it seems whole lifetimes are passing, Mr. Speaker. When will this government finally begin a legitimate process of consultation with the aboriginal groups who are affected by the land-use framework and by oil and gas development?

**Mr. Webber:** Mr. Speaker, I've been consulting with all of the grand chiefs within Alberta, and we are working positively. We are making progress, and I look forward to continuing our relationship with all the grand chiefs and chiefs throughout Alberta. We will get a consultation process in place soon, I hope.

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

### Education System

**Mr. Bhullar:** Thank you very much, Mr. Speaker. Many of the world's leading educational thinkers believe that education systems around North America are systematically draining creativity out of our children by focusing on standardized curriculum, standardized instruction, and standardized testing. To the Minister of Education: what is your department doing to ensure our system is developing and building upon the natural ability and passion of our students?

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

**Mr. Hancock:** Thank you, Mr. Speaker. A very interesting question. Of course, many people have seen the TED broadcast by Sir Ken Robinson talking about systems of education driving creativity out of the process or out of the students. I'd like to think that in Alberta, as one of the leading-edge educational systems in the world and recognized as such around the world, we are not doing that, but that obviously speaks to what's happening in each and every one of our classrooms across the province. That's why we have an Inspiring Education process talking about what education needs to be for our students to be successful not only today but over the next 20, 30 years into the future.

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

**Mr. Bhullar:** Thank you, Mr. Speaker. How does our system ensure that students do not become or feel alienated or disengaged from our schooling systems because of our methods of teaching and testing?

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

**Mr. Hancock:** Well, thank you, Mr. Speaker. Again, the Inspiring Education process is about how we make sure that our education system is relevant to our students not only in terms of the competencies, the attributes, the skills, and the knowledge that they need to have to be effective going forward but how they build creativity and innovation into the education process. It's about making sure that our teachers are well prepared for their teaching profession and that they have the opportunity to stay current through professional development and stay passionate about what they are doing. I believe the Inspiring Education process will provide a great platform going forward for us to do exactly that in our education system.

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

**Mr. Bhullar:** Thank you, Mr. Speaker. My last question to the same minister. The minister brought up the role of teachers.

Obviously, teachers have a very significant role in education. How do we assess the performance of our teachers?

**Mr. Hancock:** Well, first and foremost, Mr. Speaker, we have to respect teachers as professionals. Teachers have an obligation as professionals to keep themselves current and to understand what the challenges are with respect to the students that come before them in their classrooms and in their schools. That's first and foremost. We have to understand and respect the role of principals as curricular leaders and their role to ensure that their teachers are engaging students and are engaged in modern and progressive pedagogy and educational practices. Beyond that, it's a management issue with respect to teaching quality standards. We're reviewing our teaching quality standards act, and we expect that all teachers will fall within the teaching quality standards.

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

### Child and Youth Facilities

**Mr. Chase:** Thank you, Mr. Speaker. The Social Care Facilities Review Committee raised a number of concerns in their recently tabled annual report that I have previously referenced in this House. This government should take their concerns seriously and make the necessary changes to improve the children's services system. To the minister: when will the minister introduce province-wide standards for qualifications and minimum requirements for wage levels to ease some of the challenges service providers face in recruiting and retaining staff?

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

**Mrs. Fritz:** Thank you, Mr. Speaker. I will take this question under advisement and look into that and see where it is at currently. I can tell you that the recommendations that were made by the Social Care Facilities Review Committee have all been followed through with, but I'll look at your question in more detail and get back to you, hon. member.

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

**Mr. Chase:** Thank you. Again to the minister: what specific steps is the minister taking to ensure that children always receive adequate support when moved to a new facility, something that is currently lacking?

**Mrs. Fritz:** Well, Mr. Speaker, I can tell you very clearly that that is in place and that it's followed through. There are a number of ways. It's either through our staff, through the good work that's being done through our child and family services authorities, or, of course, on reserve through our delegated First Nation agencies, people that work with the family, work with that child wherever they take that child in whichever way and with what you're involving here, hon. member. Anyhow, that is taken into consideration very clearly by staff.

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

**Mr. Chase:** Thank you. Again to the Minister of Children and Youth Services: how is the minister working with other ministries to ensure that women and families making the transition from emergency shelters to affordable housing are fully supported?

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

**Mrs. Fritz:** Thank you, Mr. Speaker. I did just recently meet with the Alberta Council of Women's Shelters, and I can let you know once again – we've discussed this in the Assembly before – that through the housing first program women and children that are leaving emergency shelters either go to second-stage housing through this ministry, or they go on to housing programs, which are through the minister of housing.

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

### PDD Transition Funding

**Mr. Benito:** Thank you very much, Mr. Speaker. My questions today are for the Minister of Seniors and Community Supports. What will happen to Albertans with developmental disabilities who turn 18 this year?

**Mrs. Jablonski:** Mr. Speaker, we have a very good government program for people with disabilities. This program helps these Albertans to be included in their communities, to live as independently as possible, and to be involved in the communities. When a young Albertan turns 18, they can access supports to a residential setting of their choice, they can participate in community activities and events, and they can get a job and keep a job if that's what they wish to do. Right now about 3,000 of our young Albertans who are people with developmental disabilities do have jobs.

**Mr. Benito:** Back to the same minister. When you receive government assistance, becoming an adult can also mean transitioning between silos such as from children's services to a department like yours. What are you doing to break down government silos for people with developmental disabilities as they turn 18?

**Mrs. Jablonski:** Mr. Speaker, the member raises a very good question, and I think that we're making progress in this area. For those who are eligible for PDD supports, staff from our children and family services authorities work with our PDD community boards to help families in this transition from child to adult services. Through the review of our social-based assistance programs we're working on finding solutions to streamline the process to make it easier for families.

**Mr. Benito:** My third question is to the same minister. Agencies and PDD individuals are asking: is there enough funding in the program to begin supporting these Albertans when they turn 18?

**Mrs. Jablonski:** Mr. Speaker, we are very aware that there will be some caseload growth in the PDD program from children with disabilities who reach adulthood. That's why we're committed to managing our caseload growth within my ministry's budget. I've instructed my staff to work with PDD community boards to find efficiencies in the program and direct any savings to the front-line supports. These savings can include sharing resources between regions, reducing discretionary spending, and reduced travel to meetings, for example.

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

### Alberta Health Services Decision-making

**Mr. Doerksen:** Thank you, Mr. Speaker. Since the establishment

of a single health governance board in Alberta in April 2008, Alberta Health Services operates under a rather large and sometimes complicated org chart. Health care professionals have expressed frustration with having decisions made efficiently and getting good ideas implemented on a timely basis at the local level. My first question is to the Minister of Health and Wellness. What is being done to expedite the decision-making process to ensure that local rural health initiatives are implemented on a timely basis?

**Mr. Zwozdesky:** Mr. Speaker, I'm happy to report that there are a lot of very positive initiatives that have been undertaken since we went to a single board system across the province. For example, with respect to the exact question on health administration, it's important to note that the administration of health services has been streamlined under this new process. It has not simply been expanded in a few areas; it has been made more efficient. That's partly because we only have one CEO now instead of 12 and because we only have seven executive and senior vice-presidents instead of 66. So you can see that there are fewer layers to work through, fewer hoops to jump through.

2:40

**Mr. Doerksen:** To the same minister. Local health foundations have also expressed frustration with regard to projects funded by local health foundations being implemented on a timely basis as a result of a lot of decision-making to get the decision made. Is that process being expedited as well in order that health foundations can get their projects under way on a timely basis?

**Mr. Zwozdesky:** Mr. Speaker, local health foundations are a critical part of our health service excellence in this province, and I want to begin by saying thank you to them and to the hon. member for flagging their concern. I also want to assure everyone that funds that are raised locally, be it by foundations, as has been referenced, or through other means, will remain there for local activities. Finally, the approval of projects at the local level is in fact an issue, specifically in rural Alberta, as has been mentioned to me on a few occasions. I've asked Alberta Health Services to make some adjustments, and they are.

**Mr. Doerksen:** To the same minister. Stephen Duckett recently invited health care workers to bring forward good ideas to improve the health care system through the Action Your Ideas initiative. Are some of those ideas being implemented? There were over 700 responses to that initiative. I'd like a progress report with regard to the implementation of some of these.

**Mr. Zwozdesky:** Mr. Speaker, in fact, the solicitation that the hon. member refers to ended on March 31. Several hundred responses were received. As a result of that, we did have a joint meeting of upper executive management people from AHS with upper executive members of Alberta Health and Wellness and myself just last Friday. The best ideas will of course go forward, but all of them will be given careful scrutiny. One of the advantages now of having a significant five-year funding plan committed to by this government is that ideas like that can and will be dealt with expeditiously.

**The Speaker:** Hon. members, that concludes the question period for today. Today 19 members were recognized, and 112 questions and responses were given. Of these 19 members, nine came from the Official Opposition, three from the independents, and seven from the government caucus.

We will continue with the Routine in 15 seconds from now.

### Notices of Motions

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

**Mr. Hinman:** Thank you, Mr. Speaker. I'd like to give notice that at the appropriate time I'll be raising the following issue under Standing Order 30, which is:

Be it resolved that the ordinary business of the Legislative Assembly be adjourned to discuss a matter of urgent public importance; namely, that the agreement made by Alberta Health Services with ophthalmology service providers is detrimental to patients awaiting cataract surgery and the ophthalmologists who provide cataract surgery procedures.

I have distributed the appropriate number of copies. We have the appropriate number here.

**The Speaker:** You have another notice? Please proceed.

**Mr. Hancock:** Thank you, Mr. Speaker. I'd like to give oral notice of a motion.

Be it resolved that pursuant to Standing Order 4(1) the Assembly shall meet on Monday, Tuesday, and Wednesday evenings for consideration of government business for the remainder of the 2010 spring sitting unless on motion by the Government House Leader made before 6 p.m., which may be made orally and without notice, the Assembly is adjourned to the following sitting day.

**The Speaker:** This is a notice?

**Mr. Hancock:** Yes.

**The Speaker:** We'll deal with it tomorrow?

**Mr. Hancock:** Yes.

**The Speaker:** So we can't sit tonight?

**Mr. Hancock:** No.

**The Speaker:** Good.

### Tabling Returns and Reports

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

**Ms Notley:** Thank you, Mr. Speaker. I'd like to table the appropriate number of copies of two news photos of students from l'École Bellevue school carrying their desks across the street to a makeshift classroom. These photographs relate to questions asked earlier today by my colleague for Edmonton-Highlands-Norwood.

Thank you.

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

**Mr. Anderson:** Thank you, Mr. Speaker. I'd like to table the appropriate amount of copies of a letter from Mr. Larry Stowards on a situation that has come up where he has been denied Blue Cross coverage because of pre-existing conditions after 30 years of service with the city of Calgary, a very tragic situation. I'm going to table this now.

### Tablings to the Clerk

**The Clerk:** I wish to advise the House that the following documents were deposited with the office of the Clerk. On behalf of the hon.

Mr. Renner, Minister of Environment, responses to questions raised by Ms Blakeman, hon. Member for Edmonton-Centre, and Ms Notley, hon. Member for Edmonton Strathcona, on March 16, 2010, Department of Environment main estimates debate.

On behalf of the hon. Mrs. Ady, Minister of Tourism, Parks and Recreation, Travel Alberta business strategy 2010-2013.

### Request for Emergency Debate

**The Speaker:** The hon. Member for Calgary-Glenmore on the Standing Order 30 application.

### Cataract Surgery

**Mr. Hinman:** Yes. Thank you, Mr. Speaker. I feel that it's a very serious situation that we're in in the government's process of requesting the RFPs. Although the minister has repeatedly said that they closed earlier this year, they were never disclosed to the facilities. The whole process that it has traditionally gone through has been abdicated for some system or process that the ophthalmologists are not aware of. I think that there is enough information that we can provide here that this can be resolved today with just a simple 60-day extension on the old contracts that we had and to work through this. But if we don't have the emergency debate, next Saturday is a long way away for those people that are waiting.

I know the minister says that they've been rescheduled, but there are surgeons that are not comfortable and do not have access to the facilities that the minister is claiming are available and ready to go. We just feel that this is in the best interests of Albertans and something that can and should be resolved on an urgent basis, seeing how they made such a short decision over a four-day period of closing down ophthalmologists and the surgery that they were performing in those accredited facilities. It just seems like the minister has not received all the information. I think that we have enough that we can bring to light to come to a much different conclusion and a speedy change here in our system to help Albertans with this problem.

We feel at this time that it is of great importance to have the emergency debate for the benefit of all Albertans, especially those needing cataract and cornea surgeries to have those in their local communities rather than having to travel a long way for a cornea transplant or those things. We just feel that it's urgent. It doesn't need to be a long debate, but there is enough information that we think it's worth the time.

Thank you.

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

**Mr. Hancock:** Thank you, Mr. Speaker. Clearly, everything to do with the health system and many other things are of public importance and important to many members of the public and often to all members of the public. In order to be eligible for a Standing Order 30 debate, there has to be a broader test than just a question of whether it's of public importance. Is it of public importance that the Legislature should adjourn its ordinary business to debate that issue?

I think that if you go back to the recent history on this, the questions that have been raised in question period and responded to by the Minister of Health and Wellness have clearly indicated that no surgeries are to be cancelled, that all of the surgeries are to be rebooked. Even today he indicated that they are to be rebooked as close to the time frame that they were scheduled as possible. Certainly, he's indicated that the rebookings will be completed within 90 days and that, in fact, rather than fewer surgeries, there will be more surgeries. So the question of urgency needs to be

addressed from the context of: what will this accomplish? With all due respect, Mr. Speaker, it will accomplish nothing except putting more heat and less light on the subject.

The Minister of Health and Wellness has indicated he's meeting with the ophthalmologists on Saturday with Alberta Health Services so that any of the issues that ophthalmologists raise can be dealt with in that meeting. That's the appropriate place for those issues to be dealt with. It serves no public purpose to scare people with rumour and innuendo about what an ophthalmologist might have said to somebody somewhere. It makes much more sense to have ophthalmologists who are concerned, if any are, attend the meeting with the minister, which has already been scheduled, which he's indicated to the House has been scheduled, and he's given notice that that meeting is going to be happening this Saturday, that notice has gone out to all the affected parties.

The public has been very clearly advised that the process that has been engaged in is an RFP process within Alberta Health Services. So, Mr. Speaker, what would make it urgent for this House to deal with it today? What could this House do? The hon. member, in raising the Standing Order 30, has talked about some resolution. Well, of course, there is no resolution in Standing Order 30 debate. It's simply a matter of raising issues.

2:50

One has to be careful in raising issues that one doesn't raise issues by way of rumour and innuendo that cause, actually, more harm than good. I would submit to you that the most appropriate way for the public to deal with this issue with respect to cataract surgery is through the questions that have been appropriately raised in the House over the course of the last number of days so that any of the issues that might be of concern are raised for the minister's attention so that he can deal with them and for the minister to take action, as he has done, by convening a meeting of the appropriate parties, the ophthalmologists and Alberta Health Services, to say: what more needs to be done? So far as the minister is concerned and Alberta Health Services is concerned, they've engaged in a process which will provide more access to more Albertans to get cataract surgery more quickly, and in the process of transition the rescheduling of those surgeries that were being scheduled is being taken care of.

So, Mr. Speaker, this is not an appropriate subject, not because it's not an important issue but because if this is an important issue, then we will be adjourning the debate of the House every day to debate a health issue because health is very important to Albertans. It has to be what we add to that debate that needs to be determined here, and in my humble opinion we would not be adding anything to the debate. We would be adding fear and innuendo and alarming Albertans rather than resolving the issue.

**The Speaker:** Hon. Member for Airdrie-Chestermere, would you like to participate?

**Mr. Anderson:** Thank you, Mr. Speaker. Of course, the order is Standing Order 30, and I'd like to look at (7)(a). It says:

A motion under this Standing Order is subject to the following conditions:

- (a) the matter proposed for discussion must relate to a genuine emergency, calling for immediate and urgent consideration.

The reason, Mr. Speaker, that this is a very urgent matter – and I do agree with the hon. minister that we can't be debating everything in the health care system on an urgent basis. Of course, health care is a very important issue. It's a very emotional issue for a lot of people, and I certainly understand that we shouldn't be on every single issue shutting down all debate on all bills in order to debate health care issues as they arise.

There's a little bit of a difference on this one. It's a big difference, actually. This House is about to recess for the summer, by all indications that we're receiving in talks with the House leader and deputy House leader, et cetera. By the end of this week we'll likely be gone for the summer. The problem is that what could happen here is we have a situation where if we do not get this corrected, we could go an entire six months, or five months anyway, without being able to address what is a very alarming situation for not only some of the patients involved but also many of the cataract doctors, the eye surgeons, that want to do these surgeries but can't because they've essentially been shut out of this process. They're losing business, and they could lose their businesses, essentially, because they've lost such a huge chunk of the government contracts under this new legislation.

It was mentioned earlier: oh, they can still do them, but they just have to use the facilities of the other doctors, the facilities that have been approved. Well, some facilities don't want these doctors coming in and using their facilities, which is what was brought up in question period today. There's a doctor in Edmonton that won the contract and that is actually thinking now that he didn't know what was involved. He didn't know he had to let his facility be used by other eye doctors in performing these surgeries.

It's a very fluid situation right now, and I don't think we want to blame anybody. We just need to get to the bottom of this. We need to discuss it as a House. We need to figure out what the best way is moving forward so that we don't go over the summer and people can't get their surgeries done, so that doctors aren't put out of business in the interim because their whole business model has been thrown off by this government's decision on this issue. That's the urgency. If we wait another few days, we'll be out of session and we won't be able to debate this very important issue. People will lose their businesses; patients could lose their opportunity to get their surgery. That's why we have the urgency.

I would say with regard to the Saturday meeting that a meeting is great. We're glad that the health minister is going to meet with the doctors involved and try to straighten this mess out, but in the interim we can't bank everything on that Saturday meeting. We don't know what's going to go on there.

Again, this is something that is very urgent, and that's why it's so time sensitive, because we're going to be out of session and because these doctors' business models are failing as we speak because they've been essentially shut out of all of these eye surgeries which just previous to the minister's decision on this they relied on. So it is an urgent matter, and we would ask that we have debate on it.

**The Speaker:** The hon. Minister of Health and Wellness and Deputy Government House Leader.

**Mr. Zwodzesky:** Thank you very much, Mr. Speaker. You know, it's a serious matter, obviously, which is why we've listened with some intensity to the debate thus far. But in my view it does not constitute an emergency in the normal sense that previous precedence in this Assembly has allowed certain debates to go forward on the basis of them being an emergency. What has to be kept in mind here is specifically that there is more capacity being added to the system both physically and in terms of the number of surgeries that will be performed.

I do appreciate that there might be some anxieties amongst some of the ophthalmologists and amongst some of the surgeons and the surgical facility owners as well as perhaps expressed by some of the patients. However, those anxieties are only about the temporary transition of having their particular surgery done in a different setting. Those are fully accredited settings, fully accredited by the

College of Physicians and Surgeons. Those winning bid facilities have to accept the surgeries that are being awarded to them – that was part of the deal – and they also have to accept the accredited ophthalmological surgeons who would perform those particular services to be done in their facilities.

There's no blame being asserted anywhere here whatsoever, and I appreciate the hon. member who just spoke saying that because neither will any doctors be put out of business. These are non-hospital surgical facilities, or private clinics by another name. As such, they perform several other services as well that are not medically insured. If there's a public appetite for those non-medically insured services, then they will proceed, and they will presumably stay in business on that basis. However, I also want to indicate that the non-winning bid facilities, if I can refer to them that way, will continue to remain open if they wish. In fact, they will be invited to participate in the second blitz, Mr. Speaker, of several additional surgeries that we'll be adding to the system, which I indicated we would do back in February.

We did the first blitz from February 15 to March 31. We added approximately 2,230 more surgeries and approximately 3,500 more MRIs and CAT scans. Now we're going to do a second blitz, and the non-winning bid facilities on the eye surgical side will be invited to participate in that process. So we'll have additional capacity through those few mechanisms as well.

That being said, I just don't see that there is an urgency. If there are other issues, that will be, I'm sure, the tone and tenor of the meeting on Saturday which I have called. I invited people last week. I've spoken with several of these ophthalmologists personally, and I will continue to address their concerns in that way. But the big issue here will be to deal with any other anxieties on the Saturday.

As such and given that I've answered a number of these questions in the House – I think I did six or nine questions again today in addition to the ones last week – I don't personally subscribe to the fact that there is a need for an emergency or an urgent debate.

The last point, Mr. Speaker, is that subject to Standing Order 30(6) and directly in response to the previous speaker, "an emergency debate does not entail any decision of the Assembly," hon. member.

Thank you, Mr. Speaker.

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

**Mr. Chase:** Yes. Thank you, Mr. Speaker. I want to speak of two types of urgency. One is the urgency of the patients who have been waiting for contractual services with their eye care, in some cases for months on end, and now are not certain as to whether those surgeries will actually take place, who is going to do the service provision, and where the service provision will take place. That's the first urgency, the immediacy of dealing with the eye operations.

Of secondary urgency but of equal importance is the fact that this kerfuffle, this confusion, is taking place in Calgary, is not taking place in Edmonton. The reason it's taking place in Calgary is because the government in terms of its understanding of universal health care provisions has got stuck with publicly funded but not dealt with the publicly delivered or the publicly administered parts of our universal health care system.

Edmonton isn't facing this problem because the majority of the surgeries are done in public facilities in an expedient amount of time by public physicians. This confusion that has arisen in Calgary is the result of years and years of expensive contracting out of the procedure, and now we've got private clinicians fighting over the funding and the government contracts.

3:00

Eye surgery should be a public service that is delivered in an appropriate time within a publicly administered system. That has fallen apart, and for an Albertan wanting to have faith in their health care delivery, that's urgent for Albertans. For those poor people waiting and wondering, the delivery of their operation is key to the quality of their life. Therefore, I would suggest that it is urgent, Mr. Speaker, and worth at least a small time of our discussion here today.

Thank you.

**The Speaker:** The hon. Member for Calgary-Fish Creek on the subject of urgency.

**Mrs. Forsyth:** Well, thank you, Mr. Speaker. I think that through my history of being involved and being elected since 1993, this is the first time that I've stood up in regard to the emergency debate.

**The Speaker:** Did the member hear what I said on the question of urgency?

**Mrs. Forsyth:** I have to speak up on this issue because of all the calls that we're receiving.

**The Speaker:** Hon. member, that's fine, but I asked you to speak on the question of urgency – I've already heard from two of your colleagues – urgency of the reason why we should give up the whole agenda for today.

**Mrs. Forsyth:** Well, Mr. Speaker, I was actually getting to that, so if you could give me a few minutes. The problem that we're facing here is the fact that we're hearing from patients in the system that are calling the minister's office. The minister's office is telling them to call the complaint line at Alberta Health Services. Alberta Health Services is telling them to call the ophthalmologist. So none of these patients that are in the system are getting answers whatsoever.

The minister alluded to that he's been answering questions in the House in regard to the questions that we've been asking him. Well, he hasn't really answered the questions because he doesn't really know the answers, and every time he answers a question, my BlackBerry goes crazy with more questions to ask the minister, which is happening at this particular time.

He indicated to the *Herald* that there are legitimate concerns in regard to what's happening on the contracts, so he's wanting to meet with the ophthalmologists on the 24th.

He talks about the fully accredited facilities. Well, the one, when he talks about the expansion of surgeries that are going to be done in this province, hasn't even been built yet. It's difficult to get the College of Physicians and Surgeons to accredit anything when the facility hasn't even been built yet.

Mr. Speaker, I met with somebody that was waiting for transplant surgery. He was called by his ophthalmologist; his transplant surgery has been delayed. I look at Bill 1, the Alberta Competitiveness Act, and they talk about Alberta wanting to be the most competitive in this country. Yet the same way they're being competitive, they're striking a monopoly with two people getting the contracts. What do you tell patients that are waiting for a transplant? This particular individual has decided he's going to try and get his transplant surgery in B.C. If he can't get it in B.C., then he's going to try and get it at the Mayo Clinic.

You get calls in regard to tissue transplants, all the tissues that are actually going to waste at this particular time.

Mr. Speaker, there are a whole bunch of unanswered questions.



This is an emergency. We've got people waiting for surgery. Yes, they haven't been cancelled, but they've been postponed. How do you tell somebody that's had their surgery postponed, that has been waiting forever for this, that "Yes, we're going to do your surgery, yes, we're going to postpone it, but we need to find out when we can give you the particular surgery"? Just so many unanswered questions.

Mr. Speaker, this is urgent.

**The Speaker:** The hon. Member for Calgary-Glenmore has already spoken on this matter. Are there others?

Hon. members, an application for Standing Order 30 is clearly identified in the standing orders that we have. The chair may identify and recognize a number of members to briefly speak and state arguments in favour of the request for leave. The chair did allow everyone who wanted to speak on this particular Standing Order 30 application to participate. The chair also did not restrict the argument to urgency as per the thing other than to give one caution to the hon. Member for Calgary-Fish Creek as two of her colleagues had already spoken on this matter. There was wide latitude given to the issues involved, many of which had nothing to do with the urgency of the motion. I am prepared, thus, to rule on whether the request for leave for this motion to proceed is in order under Standing Order 30(2).

First of all, the Member for Calgary-Glenmore has met the requirement of providing at least two hours' notice to the Speaker's office. Notice was received this morning at 11:18 a.m. Secondly, before the question as to whether this motion should proceed can be put to the Assembly, the chair must rule whether the motion meets the requirements of Standing Order 30(7), which requires that "the matter proposed for discussion must relate to a genuine emergency, calling for immediate and urgent consideration" of the subject. The relevant parliamentary authorities on this subject are pages 689-696 of *House of Commons Procedure and Practice*, second edition, and *Beauchesne's* paragraphs 387 to 390.

The motion reads as follows:

Be it resolved that the ordinary business of the Legislative Assembly be adjourned to discuss a matter of urgent public importance; namely, that the agreement made by Alberta Health Services with ophthalmology service providers is detrimental to patients awaiting cataract surgery and the ophthalmologists who provide cataract surgery procedures.

Now, the focus words are: "be adjourned to discuss a matter of urgent public importance; namely, that the agreement." The chair has difficulty understanding and is not certain what makes this an urgent matter today as opposed to last week or last month.

If the chair understands this correctly, the statement with respect to cataract surgery was issued by Alberta Health Services on March 26, 2010.

The Assembly reconvened on April 12. On April 12 this matter was raised in the Assembly by the hon. Leader of the Official Opposition on pages 689 and 690. The subject in the question period was cataract surgery.

This matter was not raised in the question period or any other time, to the chair's knowledge, on Tuesday, April 13.

On Wednesday, April 14, cataract surgery was the subject of a member's statement made by the hon. Member for Calgary-Glenmore. In addition to that, cataract surgery was an issue of the question period at page 758. The subject was raised by the hon. Member for Calgary-Fish Creek, and it also was raised by another member, the hon. Member for Strathmore-Brooks.

This matter was also raised in the Assembly in Oral Question Period on Thursday last by the hon. Member for Calgary-Glenmore and raised twice in the question period today.

In terms of an opportunity to raise this, it cannot be said that this is the first opportunity to raise this matter; it certainly was raised last week on a number of occasions. With respect to this whole question of a Standing Order 30 application, that it's a matter of urgent public importance, it had been raised, has been raised, could have been raised to adjourn the agenda of the Assembly on a certain day.

Certainly, the issue is, with no doubt whatsoever in the chair's mind, an important matter, but let's never forget Standing Order 30(6), which clearly states that even if there was to be a debate today, "an emergency debate does not entail any decision of the Assembly." There would be no decision made; it would simply be talking about the issue for the remainder of the afternoon till 6 o'clock.

The chair actually would have a very difficult time finding this request for leave to be in order under the Assembly's rules to put such a question. If he were to put such a question and the question were to be in the affirmative, that would certainly end the remainder of the business today. Third reading of Bill 202 would not come up. That would be very clear and not be dealt with, and neither would any other matters this afternoon.

In recognizing the availability of members to discuss this matter and to deal with the matter in the last five days, recognizing the importance of Standing Order 30(6), that this would not entail any decision of the Assembly, recognizing the number of opportunities that there were to raise this matter, and also recognizing the very wide latitude that the chair gave to those who participated in petitioning for Standing Order 30, that in essence much of it would have been the many discussions that would have been provided later, the chair does not find the request for leave in order under the Assembly's rules, and the question will not be put.

3:10

### Orders of the Day Public Bills and Orders Other than Government Bills and Orders Third Reading

#### Bill 202 Mandatory Reporting of Child Pornography Act

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

**Mrs. Forsyth:** Thank you very much, Mr. Speaker. Once again I appreciate the opportunity to stand in the House to speak in support of Bill 202, the Mandatory Reporting of Child Pornography Act. While I appreciate the support that Bill 202 has received, I will say that I have been surprised by the reaction from the government.

I've also been surprised with the lack of willingness to confirm a date that this legislation would come into effect. I've heard their reasons for not providing dates, and frankly, Mr. Speaker, these reasons ring hollow with Albertans, they ring hollow with the opposition, and they ring hollow with law enforcement, victims' advocates, and those who suffer at the hands of those who abuse and exploit children to satisfy their sick sexual perversions. I will let them explain their position to Albertans; that is not my job. They can explain why they consistently change their position on the refusal to provide a date that this would actually go into effect.

But please know this: I will not let this piece of legislation go into the never-never land of private members' bills. I think that the government is familiar with the never-never land. It's a place that they have created where more than 1,411 private members' bills have gone. It's a quiet place, Mr. Speaker, because nothing really happens there. You see, this never-never land of private members' bills is a place where each bill has powers, and it's a place where

each bill is supposed to be working and in action. But for a reason that only the government knows, only about 50 of these private members' bills have made it out of never-never land. Bill 202 will make it out of never-never land, and I am determined to see that it comes into effect, whether it is because this government puts it into effect as a revised government bill or because it takes Bill 202 and we put it into effect on our own.

[The Deputy Speaker in the chair]

I cannot tell members of this Legislature how horrific images of child pornography are. We can all say the words; we can all imagine it. As the former Solicitor General and minister of children's services I have seen these images that were involved in some of the investigations that unfolded during my time in these positions. I can never get these images out of my mind, Mr. Speaker. I will not describe them for you, but, hon. members, please know this: I can think of nothing more vile, more evil, or more disgusting than the sexual exploitation of a small, innocent child. I hope you never have to see these images for yourself because they are seared into my memory forever.

These images that are sent around the Internet by these organized criminal networks of child pornography and sexual abusers we are trying to disrupt with Bill 202. When someone inadvertently comes across these images, we want them to be able to report this information to the police or organizations like Cybertip without having to fear that they will be investigated. When someone accidentally comes across these vile images, we want it to be clear about the steps that law enforcement agencies or child protection staff must take to investigate and remove children if there is evidence of ongoing abuse.

When someone finds out that a child is being sexually abused by a child pornographer or a predator, we do not want the abuser to be able to hide. Bill 202 is about giving police and those who come across this information the tools they need to be protected and stop the abuse from continuing. Bill 202 provides the framework for these child protection steps to be taken into practice. What we need now, Mr. Speaker, are the actual regulations. With Bill 202's passage it will be up to this government to give police the regulations they need to have clarity, to change their work practices, and to launch effective investigations that will help protect our children.

I extend an offer to work with the government to study the regulations that are needed, to bring law enforcement and reporting agencies together to achieve strong and enforceable regulations which will stop this vile cycle of child abuse and sexual exploitation. I hope this government will accept this offer. I do not care who gets the law passed or the regulations put into practice.

My record as a member of the government and as a member of the opposition speaks for itself. Protecting children must come first. Protecting children must be a shared goal. Protecting children is what I hope we can all achieve through Bill 202.

Thank you, Mr. Speaker. I encourage every member of this Assembly to pass Bill 202.

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

**Mr. Chase:** Thank you. Speaking in support of Bill 202, I think it was Marshall McLuhan who suggested that the message was more important than the medium, and that's what the hon. Member for Calgary-Fish Creek has put forward. The hon. member has been perceived as a valuable contributor as a minister of this government. She was given the responsibility to head the crimes and community task force, and she has raised over her political career a number of

issues with regard to the administration of justice and the protection of children. Last year she brought forward Bill 206 with regard to bullying, and she has brought forward other initiatives worthy of consideration.

While we wait for Bill 202 to be resurrected in some form, whether as a government member's motion or, better still, as a government motion, children are suffering from abuse, and that should be a major consideration of all members of this Legislature. We have seen – and I've brought this up, so I'm not going to belabour the point again – examples of legislation receiving amendment. In other words, if it wasn't absolutely right the first time, we fixed it. Bill 202 correctly addresses a number of key issues, as the hon. Member for Calgary-Fish Creek pointed out, that police agencies, parent groups, groups opposed to the abuse of children have raised. If it's not the complete vehicle, then it's gone a long way in the correct direction and is worthy of support.

If the government wishes to amend the legislation, the hon. Member for Calgary-Fish Creek has been very willing, for example, to have time extensions. She has attempted to deal with the concerns that have been brought to her, the objections of government members. Unfortunately, to date those concerns have not resulted in Bill 202 receiving the support that is required for it to be proclaimed.

The notion of upon proclamation: that's the obvious circumstance at which time a bill is actually put into force. But while we wait for that distant proclamation day, as the hon. member pointed out, suffering continues to occur.

We have seen various enactments of other pieces of legislation. Back in the year 2005, for example, I brought forward a motion on attempting to ban hand-held cellphones, and the hon. Member for Calgary-Hays has pursued it, pursued it, pursued it. Finally, it has hit the floor in terms of Bill 16. But Bill 16 at some point will probably be amended because in this case hands-free cellphones have the same mental distraction that hand-helds have.

The point I'm making is that no piece of legislation necessarily gets it right the first time, but it should be recognized and welcomed as a stage in the legislative process that will achieve some very important results. In the case of private member's Bill 202 there is a requirement for reporting to the appropriate agencies. It does put an extra degree of oversight and the potential of getting these individuals who are abusing children through the transmission of pornographic images to think twice because they see that this government is serious about dealing with this particular crime.

3:20

Mr. Speaker, in closing, I believe Bill 202 has good intentions. It has dates. It has sound reasoning for its need to be proclaimed. If the government feels that it can improve upon it, I would urge the government to at the latest bring it forward as a government bill this fall so that it can finally receive the proclamation that is well-past overdue.

Thank you, Mr. Speaker.

**The Deputy Speaker:** The hon. Member for Edmonton-McClung.

**Mr. Xiao:** Thank you, Mr. Speaker. I'm very pleased to rise and join the third reading debate on Bill 202, the Mandatory Reporting of Child Pornography Act, brought forward by the hon. Member for Calgary-Fish Creek. I would like to congratulate and thank the hon. member for her commendable efforts in developing this legislation that will help to fight child exploitation. There's nothing more important than the safety and security of our children.

Bill 202 would require individuals to report child pornography to

a reporting entity, and it would also establish procedures that a reporting entity must take following the filing of a report, including ensuring that a reporting entity performs an inspection. If it is believed that child pornography is occurring, a report is made to the child and family services agency or law enforcement agency to protect the child and apprehend the offender.

Currently Canada's Criminal Code states that the possession of child pornography is illegal although it does not require individuals to report any content they may encounter. Thus, Bill 202 would serve as a useful new tool for law enforcement in the ongoing fight against child pornography and exploitation. While this legislation alone will not eliminate the cases of child exploitation, it should help to reduce the cases of child abuse, and as with any crime it is important to bring those who perpetrate these horrific crimes to justice as soon as possible in order to ensure that they are apprehended. Bill 202 will help us to do exactly that: help bring these criminals to justice.

Mr. Speaker, I believe that those who witness a crime should not only have a moral obligation but also a legal obligation to report to law enforcement in order to protect the victims and apprehend those responsible. For example, a witness to theft, act of violence, or other forms of criminal activities should have the legal obligation to bring them to the attention of law enforcement immediately. By doing so, evidence can be collected quickly, and there's a greater opportunity to apprehend the criminals. Mandatory reporting will provide law enforcement with valuable and timely information to pursue predators wherever they may be.

This legislation builds on current initiatives and efforts on behalf of our government and organizations to report cases of child pornography. One such initiative is the Alberta integrated child exploitation, or ICE, team. It is a provincial integrated unit involving the RCMP, Calgary Police Service, Edmonton Police Service, Lethbridge Regional Police Service, and Medicine Hat Police Service. It is divided into two teams covering territory both north and south of Wetaskiwin. Each team has a team leader, investigators, and forensic technicians that address and investigate child exploitation concerns. These concerns may include accessing, processing, distributing, importing, and manufacturing child pornography and any computer-related sexual abuse. They may also investigate child luring over the Internet, voyeurism involving victims under the age of 18 years, and the child sex trade and tourism. Another reporting entity is Cybertip.ca, Canada's national tip line for the reporting of online sexual exploitation of children.

Bill 202 will through regulation make it mandatory to report to an entity such as the ICE team or Cybertip.ca which, in turn, would be responsible for investigating the tip. Furthermore, other provinces have made it mandatory to report such cases to reporting entities. In 2009 Manitoba became the first province to enact mandatory reporting of child pornography. Since that time Ontario and Nova Scotia have followed with similar legislation. Mr. Speaker, Bill 202 would mirror the intent of these pieces of legislation; therefore, I believe the time has come for Alberta to join these jurisdictions in passing similar legislation.

This legislation alone will not eradicate child exploitation, which is indeed a growing and world-wide epidemic that knows no border or no jurisdiction. However, Bill 202 recognizes the moral responsibility we all have as citizens to join in the fight against child pornography and catch predators as soon as possible before they are permitted to reoffend. With the reporting agencies such as Cybertip.ca and the Alberta ICE team and with the protection of informants, there is no good excuse or reason not to report cases of these horrific crimes to the proper authorities.

Mr. Speaker, Bill 202 reaffirms our belief as Albertans that we

share responsibility for the safety of our children. I would like to thank the hon. Member for Calgary-Fish Creek for bringing forward this timely and well-thought-out piece of legislation. Her dedication to and passion for the children of this province is valued by all those who serve in this Assembly and, indeed, all Albertans. I would like to offer my full support for Bill 202 and strongly encourage all of my colleagues from both sides of this House to do so as well.

Thank you, Mr. Speaker. I look forward to the remainder of the debate.

**The Deputy Speaker:** I have on my list here the hon. Member for Lethbridge-East, the hon. Member for Edmonton-Strathcona, then the hon. Member for Calgary-East, and the hon. Member for Airdrie-Chestermere.

The hon. Member for Lethbridge-East.

**Ms Pastoor:** Thank you, Mr. Speaker. I am pleased to be able to stand up again and speak to this bill in third. I'm wondering what kind of statement is being made in this House that we are even discussing these crimes that are so despicable by people who, in my mind, have to be sick. It's reprehensible, and it's disgusting what they are doing to young children and the fact that they are actually making money off it, which is the whole point of it, to make money off this behaviour. I don't think there are enough adjectives that could describe who I think are really evil people who would use young children for sexual exploitation and make money off it.

The fact that it needs to be debated in the Legislature means to the good people out there the question: have we become so tolerant that we turn our heads, that we don't go after these people, that we don't say, "This is not acceptable in our society"? I think perhaps we have become too tolerant and perhaps do turn our heads away.

3:30

The other thing that I think can happen is that people who view these really horrible videos, slide shows, computer pictures, et cetera after a while can become immune to what they're looking at. Certainly, there is research to prove this in terms of the use of pornography, that they then need more and more and more, and it gets worse and worse and worse. Even people who are trying to prosecute and have to sit and look at all of this garbage after a while have almost not an acceptance, but they can't see it for what it is because they get immune to it. They get desensitized. I just think that's very sad.

I guess my point is that I cannot believe this debate didn't go one, two, Committee of the Whole, three, passed and that tomorrow morning at 9 o'clock, right after this is passed, something concrete isn't being done, that proclamation isn't instant. How can we possibly wait? How can we possibly have any kind of an excuse that we would wait, that we wouldn't give the money, the funding to the police forces, which, of course, include global police forces, the Interpol, the Mounties, the FBI, et cetera, et cetera? All of these organizations, all of these policing organizations that we want to protect us should have the extra funding. There should be, as there are, but more of them, specific people who are trained to be able to track down this reprehensible behaviour.

The fact that we would even discuss putting off a bill like this to be proclaimed is very surprising to me. As has been mentioned, I'm sincerely hoping that in the fall there would be a government bill that would come forward and make this thing start moving. Let's put money towards it, and let's try to educate the public so that they will be able to say that this is intolerable and not turn their heads the other way when they actually suspect something might be going on. It's a way of protecting our children, but even more so, I think, it is

is protecting our society and allowing people in society to not be so tolerant and have the backbone or whatever it takes to be able to stand up and say: "Count me in. This is very, very wrong."

Thank you, Mr. Speaker.

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

**Ms Notley:** Thank you, Mr. Speaker. It's a pleasure to be able to rise to speak to speak to Bill 202, Mandatory Reporting of Child Pornography Act. It's interesting because this is a bill that has a tremendously positive objective, and we will of course be supporting this bill. You know, I don't for a second question the good intentions that lie behind the Member for Calgary-Fish Creek's decision to bring this bill forward, but I want to do two things. First, I want to point out a couple of the concerns that arise just sort of from a more technical point of view. These are not the kinds of concerns that will result in us not voting for the bill, but I think it's worthy simply of note.

It's simply a couple of things. I suppose the bill itself doesn't speak to this, but there's this whole issue of who the reporting body would be that complaints would go to. I think we just sort of need to be aware that it's probably a better idea to have the reporting body be Cybertip or some group like that because right now as much as the police have a specialized unit, we also have a problem with the police being incredibly understaffed, and though – and I will get to this other issue – there's certainly the possibility of properly funding our police force, should that not happen, then Cybertip might be the other place to serve as that body. Certainly, that is the model that we see adopted in, I believe, both Manitoba and Ontario.

The other thing that is a bit of a concern is that as much as we all, I suspect, can completely agree in this House and outside of this House that the people who make and/or use child pornography deserve no sympathy, hesitation, qualification in terms of the way their actions are treated, those who don't report it necessarily right away – that situation is very close to black and white, I will say. It's very close to black and white, and it should be. But there is the scenario, say, for instance, that you could very likely in some cases have the spouse who is the person that is aware of it and the spouse themselves being the victim of an abusive relationship and that kind of thing. We want the focus of this bill to be on the makers and the users of child pornography. We don't want the criminals to become those who don't report it right away. There's no limitation in this bill, so you could genuinely have a spouse charged five, 10 years later, after they've left, say, an abusive relationship, for not reporting in that original period of time.

That's why the federal bill, that was introduced nationally, is in some ways a better bill and a more effective bill. It focuses on the Internet providers and the social networking sites and those places that ultimately make money off the capacity to traffic images of child pornography, and it puts the obligation on them. That's a very effective way of dealing with it.

At this point we've got three other jurisdictions that have a piece of legislation like this. I think everybody absolutely adopted it right away because they were so collectively concerned about this issue. We don't yet have a clear sense of what the outcome has been. We do know that even in places that don't have this legislation, those bodies that currently have the responsibility for reviewing these complaints are overwhelmed with the number of complaints they receive and do not currently have the ability to properly investigate the number of complaints that are currently received.

I guess the point I'm trying to make is that we can all pile on and agree that this piece of legislation helps deal with the problem, that we all agree is an abhorrent problem that should be eliminated

immediately, but we need to understand that this legislation is not a panacea and that it comes attached to the very real obligation to substantially fund the system's capacity to actually respond to the complaints that would come forward. In the absence of that funding what we simply end up with is a piece of paper that allows everybody to pat themselves on the back about how we've done something to deal with this horrific problem.

I am particularly concerned by some of the comments that I have heard made by members on the government side of this House, that are starting to sound to me a little bit like that trend where we pass the legislation, we feel really good that we put legislation in place, but we don't ever fund it adequately. What happens is that we don't actually deal with the problem that the legislation is geared to address. I quote, in particular, from the federal Ombudsman for victims of crime, who commented on the federal legislation. "Mandatory reporting on its own is not likely to make a significant difference in the fight against online child sexual exploitation." As he says, "Law enforcement agencies . . . are struggling to keep up with the number of cases they [currently] have." Then he goes on to say that the problem isn't a lack of reports; it's "accessing information about suspects, identifying children and preventing future abuse." Then he cautions against "acting on mandatory reporting just to be seen to be doing something."

That's what I want to make sure that this government doesn't get away with. I don't want this government to pass this piece of legislation, quote, just so it can be seen to be doing something. Let's be clear: children are abused in this province every day. Children are sexually abused in this province every day. The social workers, who work desperately hard for this government to try and make this stop, are overworked and underfunded and underpaid and don't get the support from this government that they need to make this stop happening.

3:40

Our own children's advocate, who is restrained and stopped from performing his job in a way that every other children's advocate in every other province in the country can, still reported, almost inadvertently as a result of legislative requirements that hadn't been thought through, but nonetheless reported, that in the first six months of last year over 150 incidents of physical and sexual abuse occurred solely to children in the care of this government who had reported to the children's advocate. So let's be clear: that is not the full amount of children that are being abused sexually or physically in this province; that's just those who are in this government's care, who happen to know enough about the system to be able to report to the children's advocate. We know that that is the tip of the iceberg.

That's what's happening in this province right now. What is the answer of this government? To take \$25 million out of this ministry, specifically out of the area of child protection. The last thing that I want to see is this government get away with speaking in favour of this bill and trying to make Albertans think that they are working really hard on this at a time that they are making a choice to take \$25 million out of child protection at the same time that they're giving \$750 million back to the oil industry. These are choices. These are choices that this government has made. You can pass legislation like this and frame it and appoint a day and do a little bit of a press release every now and then, or you can genuinely fund and support the system that's actually designed to stop this kind of abuse. I would suggest that right now the latter is not happening with this government. That is my concern about this piece of legislation. It's good legislation, but it is not legislation that will have any impact if we don't fund the resources necessary to give the people who

actually become aware of these problems the capacity to respond to them.

We currently can't keep up with reports of child pornography. Increasing the number of reports in and of themselves is not going to fix the problem. We have a government that has not moved forward on hiring new police officers as promised in the last election. We have a government that's, you know, cutting services in our courts and not dealing with a number of emerging and pressing issues in our prison system. We can frame this and put out a press release when it passes, but we need to remember that that's not the solution to the problem. Until we make a real commitment to address those issues and to make the kinds of choices that put these at-risk children above our friends who need royalty rebates, we're not going to get the job done.

**The Deputy Speaker:** The hon. Member for Calgary-East, followed by the hon. Member for Airdrie-Chestermere.

**Mr. Amery:** Thank you, Mr. Speaker. I am pleased to rise today and join third-reading debate on Bill 202, the Mandatory Reporting of Child Pornography Act. This act is being put forward by the hon. Member for Calgary-Fish Creek, and I would like to thank her for the intent behind this bill. If passed, this piece of legislation will make it a legal requirement to report findings of child pornography. To be more specific, if a person stumbles upon or inadvertently finds child pornography, they would be required to report this finding to either a police service or to a designated reporting entity. In addition to a mandatory reporting requirement, Bill 202 would also designate actions for reporting agencies to follow once a report has been made to them. Finally, Bill 202 would protect the informant from potential repercussions of reporting child pornography while at the same time making it clear that it is not the duty of an individual to actively search out child pornography.

Mr. Speaker, the proposals made by this bill are designed to reduce the creation and distribution of child pornography in our communities. It is a laudable goal. While I believe the intentions of this bill are clear, I am concerned that this legislation may not be as effective as it could be. This is not to say that it would be ineffective but, rather, that more could and should be done.

Mr. Speaker, the greatest concern I have with Bill 202 is that it does not actively target the creation of child pornography, only the distribution. I say this because the vast majority of child pornography in circulation in Alberta is created outside of our province. It is created in other nations, jurisdictions where Alberta laws have no effect. Therefore, in order to target these cases, we may need to take an alternative approach.

What we need are two things, Mr. Speaker. First, we need to work with our federal counterparts to develop a more comprehensive piece of legislation that can encompass all jurisdictions within Canada. After all, if our goal is to stop this heinous act from taking place, we need to target the creation regardless of jurisdictional boundaries. Secondly, we need to expand and enhance the programs and initiatives that we already have in place. This is where I think Bill 202 fits in.

In Alberta we have many programs and policies in place to catch and prosecute creators and distributors of child pornography. The programs are run and operated by dedicated individuals who make an invaluable contribution to the safety and protection of our society, and they are to be commended for their hard work. It is difficult to imagine, Mr. Speaker, the material that they deal with on a daily basis. An example of one of these programs is the integrated child exploitation units, or ICE units. ICE units are made up of police services from all over the province, including the RCMP, Calgary

and Edmonton police, as well as police personnel from Lethbridge and Medicine Hat. ICE teams are dedicated units whose primary task is to investigate and pursue all cases of child exploitation, be they child pornography, child luring, or the child sex trade. These are the people who are on the front lines.

Mr. Speaker, I believe that if passed, the strength of Bill 202 would lie in its ability to assist these groups. If we legislate the mandatory reporting of child pornography, we would be providing these officers with an additional tool to help them combat child pornography. After all, if we provide these officers with more material to look over, they in turn may be able to analyze these pictures to locate and save these children.

As with everything, however, we need to be cautious that we are not putting too much strain on these teams. We do not want a situation where we are overloading our police forces by providing them with an overabundance of outdated and incorrect material. Mr. Speaker, to the credit of the member there is a section of the bill that should help address this concern. As part of this legislation there is a section that addresses the duties and responsibilities of reporting agencies once they have received notification of child pornography from an informant. One of these responsibilities could be to first identify the material to confirm that it is indeed child pornography and, the second, to ensure that it is material that has not already been sent to police teams, like ICE. In this way we would be able to guarantee that our police services are not being overloaded while also ensuring that they have access to all the material they need to effectively fight this horrible crime.

Mr. Speaker, as I said before, this bill in itself will not stop child pornography in our communities; it is hampered by jurisdiction. However, Bill 202 is a step in the right direction. Ultimately, the effectiveness of this legislation will rest on its ability to complement the programs and initiatives already under way, programs like Alberta ICE teams. I believe that if implemented properly, in a manner that does not overburden police services, this legislation has the potential to provide additional tools to our front-line investigators.

Mr. Speaker, in closing, I would again like to thank the hon. Member for Calgary-Fish Creek for bringing forward this bill. While I believe that this legislation may not be the best approach to combating child pornography, I recognize the valuable role that it could play in improving the safety of our communities. I will be standing in support of Bill 202 and urge all members to support this bill as well.

Thank you.

3:50

**The Deputy Speaker:** The hon. Member for Airdrie-Chestermere, followed by the hon. Member for Olds-Didsbury-Three Hills.

**Mr. Anderson:** Thank you, Mr. Speaker. I would like to rise and again convey my full support for Bill 202, the Mandatory Reporting of Child Pornography Act. I have mixed feelings today because, I mean, this is such an urgent bill. It's one that needs to be passed and proclaimed, and I wish we could have done so in a way that would have seen a proclamation date for the fall. But the good news is, I think, that several members on that side of the House have alluded to the fact that we might be able to see this proclaimed and the regulations put in place some time this upcoming fall.

I sure hope that they find it in their best interests as well as the children's best interests across Alberta to get that done by this fall. I can promise them that if they don't get it done and proclaimed by this fall, I will make it my mission for the fall to remind them of it and to remind them of it in their constituencies.

This is not a bill that should be delayed at all. There is no excuse for it. You know, the groans and everything else: there's no reason for it. It's a bill that is long overdue. The hon. Member for Calgary-Fish Creek has done countless hours of work on it consulting, getting it right, and although I'm sure we'll need to add even more legislation on this issue, as the last hon. member spoke about, we need to move forward with this.

We have, I believe, four ICE teams. Is it four ICE teams? There might be just two ICE teams in place right now. That's not enough at all. I'd like to see some of that wasted carbon capture and storage corporate welfare handout that they're giving out right now used, maybe a tenth of that or a fifteenth of that, and put it into new ICE teams to tackle this issue.

You know, it's just a matter of priorities. It's like anything else. We spend a heck of a lot of money in this province, Mr. Speaker, and there is no reason why we can't prioritize and put first things first and put needs before wants. If ever there was a need before a want, it would be more ICE teams to enforce the child pornography laws that we have in this province and to put a huge amount of our resources as a government on that side of the House into making sure that the regulations get made for this bill, which is likely going to pass third reading today, making sure that it gets passed and that those regulations get proclaimed and the bill gets proclaimed and receives royal assent as soon as possible. That absolutely should be job one for the Solicitor General, for the Justice minister, and for this Premier. I sure hope that by the fall they will get that done.

I had a constituent come up to me in Airdrie over the weekend at a function. Her little girl had been sexually abused, and they had just been able to get a decision against the criminal who did this. She was very emotional, as you would expect a mother to be in that situation. In that situation there were people that knew about what was going on and didn't say anything. That does happen in our society. There are people today that know what's going on, and they say, "Oh, it's not my business" or "That so-and-so is addicted to it, and I have to help him through it." You know, there's just no excuse for that sort of behaviour. There is no grey area; there's none.

If you know about a child that is being abused, if you know about a child that is involved in child pornography, if you know of someone who is purchasing child pornography on a website or you come across it by some accident or someone brings it to your attention, there is absolutely no reason for any resident, any citizen in this province to turn a blind eye to this. It is totally unacceptable. There's no grey area on this issue. You just do it because there are little boys and girls right now, one as young as two years of age, who are being grossly violated every day. We talk about a lot of things in this Legislature, in this House, but I just cannot think of anything that is more important than what we're dealing with in this bill, which is trying to eradicate one of the most disgusting and serious scourges of our society today.

I again commend the hon. Member for Calgary-Fish Creek for the bill. I hope and would ask again that the government and Solicitor General and Justice minister make sure that they make it their number one task going into the summer to get their departments working on the regulations, get things together so that by the fall we can take a big step forward, proclaim this bill, and move forward as a province.

I know that today it looks like we'll probably receive unanimous approval of this bill, which is good. I don't question and never once have I questioned any of the other members of this Assembly as to their views on child pornography. Obviously, we're all very much opposed to it for what it is. But there is a question of urgency. Perhaps the question is really just that we get our minds tied up with other things, and these crimes are so horrific that perhaps at times we

think, "Well, it can't be that big of a problem," because it's just beyond our comprehension to believe that stuff like this occurs. But it does occur, and it occurs lots, more often than I think any of us in this Assembly are aware of. That's why we have to kind of refocus and be reminded sometimes that some things can't wait. This is one of those things that can't wait.

Mr. Speaker, those are my remarks. Again, I support this bill wholeheartedly.

Thank you.

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

**Mr. Marz:** Well, thank you Mr. Speaker. I'm pleased to rise today to speak to Bill 202, the Mandatory Reporting of Child Pornography Act. I'd like to thank the hon. Member for Calgary-Fish Creek for bringing forward what I think is a very significant piece of legislation that aims to protect our children. Child pornography has become one of the scourges of our age, and I welcome the opportunity to enter the debate on this subject matter today.

As some of you may be aware, the federal government is also working to address the issue of child exploitation. In 2002 the federal government enacted Bill C-15A, which strengthened the Criminal Code by increasing the offence of possessing and distributing child pornography and accessing it. The amendments also made it an offence to communicate with children by a computer system for the purpose of facilitating or committing certain sexual offences such as child luring or abduction.

Parliament then enacted Bill C-2, which included a broader definition of child pornography and increased penalties. On November 24, 2009, the federal government introduced Bill C-58, the Child Protection Act (Online Sexual Exploitation). This bill would have required Internet service providers to report cases where child pornography may be available to the public or if they have reasonable grounds to believe that their Internet service is being or has been used to commit a child pornography offence. While Bill C-58 was dropped from the Order Paper, I understand that the federal government has promised to reintroduce this legislation. Mr. Speaker, Bill C-58 is certainly a step in the right direction. A national initiative would be welcomed on this issue.

However, Bill 202 is in some ways even broader in scope than what the federal government proposed. One way that this bill is broader is that unlike Bill C-58, which states that a person must notify the police after they view what they believe to be child pornography, Bill 202 directs people to reporting entities. These reporting entities may be individuals or organizations that are qualified in determining what the next step of the reporting process should be. This could be by notifying the appropriate authorities or referring the material to another jurisdiction or organization.

4:00

Reporting entities could be integral to police services, especially in regard to authorities' valuable time. In other words, by allowing reports to be issued to reporting entities, who then could sort through the claims and evidence of child pornography and refer it to the appropriate police services, Bill 202 ensures that we don't burden law enforcement officers. Additionally, Bill 202 includes special provisions that would protect the identity of an informant by ensuring that no undue detriment or suffering is caused by reporting suspected child pornography to the proper authorities. Bill 202 clearly delineates expectations for individuals when it comes to the accidental discovery of child pornography and moves a step further to protect the informant, which Bill C-58 does not fully address.

Further, Mr. Speaker, Bill 202 is broader in that it proposes to make the reporting of all materials suspected to be child pornography mandatory in Alberta. It indicates that any material which may be child pornography be reported. Bill C-58 is specific to child pornography and the Internet. This may leave a hole in legislation in light of the fact that not all of this terrible material is viewed and disseminated on the Internet. Obviously, the Internet is the source of a lot of this material, but child pornography is evident in many different media, including drawings, video, and still images traded from one offender to another in person.

While C-58 aims at protecting children, Bill 202 may have a broader effect here in Alberta because it mandates the reporting of all materials. Mr. Speaker, Bill 202 reiterates to Albertans that we all have an important role to play in the prevention of child exploitation. In addition, by passing this bill, we could send a strong message to potential offenders that Alberta does not tolerate and never will tolerate this kind of child abuse. With this bill and the help of the entire community we could continue to ensure that the perpetrators are exposed and punished for the criminals they are.

Mr. Speaker, child pornography is not a new occurrence, but the electronic media has provided new opportunities for criminals to commit these type of crimes, and we must be vigilant in eradicating this blight on humanity. For these reasons, it is important to involve the public in our attempts to discover offenders. I continue to urge the federal government to bring forward a successor to Bill C-58 as I believe the nation-wide legislation will have a tremendous impact on this issue. I would in fact encourage our federal counterparts to consider also broadening the scope of their legislation. However, in the meantime I applaud Bill 202's broad approach.

With Bill 202 Alberta would have another tool to assist law enforcement, which can use it to not only ensure the safety of our children in this province but also to contribute to the global fight against child pornography. Mr. Speaker, this legislation also effectively coincides with this government's stated goals of ensuring safe communities across our province and protecting our most vulnerable citizens.

In closing, I support this legislation, and I urge my colleagues to do the same. Thank you very much.

**The Deputy Speaker:** Is there any other hon. member wishing to speak on the bill? The hon. Member for Lethbridge-West.

**Mr. Weadick:** Thank you, Mr. Speaker. I'm honoured to rise today and speak to third reading debate on Bill 202, the Mandatory Reporting of Child Pornography Act, brought forward by the Member for Calgary-Fish Creek. I thank the hon. Member for Calgary-Fish Creek for drafting this bill as it highlights the importance of child protection laws.

It's unfortunate that we as legislators even have to stand and debate child protection, and I believe it is the right of every child to live in freedom and enjoy their childhood to the fullest. However, Mr. Speaker, the fact is that there are predators out there that obstruct this freedom and submit our children to conditions that will permanently damage and scar them. Child pornography is one of these evils and can cause a devastating emotional toll on children. Not only do these children have to endure the abuse, but they carry this abuse with them throughout the rest of their lives.

That is why it is crucial that we have child protection laws that will act as a deterrent and prevent these horrendous acts from ever occurring. Mr. Speaker, Bill 202 will make it a legal requirement to report findings of child pornography. This will ensure that if a person comes across any images of child pornography, they will be required to report these images to a designated reporting entity. This

is an important measure because it engages the participation of each and every Albertan in combatting child pornography. Adding this responsibility could increase awareness of how these deplorable images are not tolerated in Alberta and that if they are found, they will be reported.

In addition to a mandatory reporting requirement, Bill 202 would also designate actions for reporting agencies to follow once a report has been made to them. This would ensure that the general public knows where to go if they have knowledge of pornographic images of children.

I thank you very much and ask everyone to support this legislation. Thank you.

**The Deputy Speaker:** I hesitate to interrupt the hon. member.

Standing Order 8(7)(a)(iii) provides up to five minutes for the sponsor of the bill to close the debate. I would now invite the hon. Member for Calgary-Fish Creek to close the debate.

**Mrs. Forsyth:** Thank you, Mr. Speaker. I honestly value the time that the private members in this Legislature have to debate private members' bills. I know that there is another private member eagerly waiting to debate his private member's bill, so with that I'll call the question on Bill 202, the Mandatory Reporting of Child Pornography Act, and I ask everyone in the House to support it.

[Motion carried; Bill 202 read a third time]

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

### Bill 203

#### Municipal Government (Local Access and Franchise Fees) Amendment Act, 2010

[Debate adjourned April 12: Mr. Chase speaking]

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

**Mr. Denis:** Thank you very much, Mr. Speaker. It's a pleasure for me to be able to rise today in this Assembly to talk about Bill 203, the title of which, of course, is the Municipal Government (Local Access and Franchise Fees) Amendment Act, 2010. Just before I begin my remarks, I think the Member for Calgary-North Hill – I did get that right this time – deserves commendation for taking this bill much further than where I actually could take it when I had to hand it off to him.

Just a bit of background, Mr. Speaker. Bill 203 is quite simply about transparency and accountability to the taxpayers of this province but also to the ratepayers, people who pay their electricity bills, which is most of us in this Chamber and throughout this province. In fact, it's about making sure that when taxpayers see their electricity bill, they know what they're being charged for and how much they're being charged.

I just took a bit of an opportunity to do a bit of research on the weekend on this, Mr. Speaker, and I actually looked at my own electricity bill. Of course, I won't get into too many details about this, but if you look at local access fees, it's defined on Enmax's electricity bill as a surcharge imposed by the city of Calgary and is not approved by the Alberta Energy and Utilities Board. Isn't that interesting? That's right on its own bill. Now, I'm a single individual, and I live half my time in Edmonton, so of course the local access fee on my own bill is only about \$2. But I actually was able to obtain another bill from another constituent of mine, and

when I looked at the local access fee on this – this is for a condominium complex – in one month it was \$685.73. Wow. That's almost \$700 in one month that that one particular condominium complex is paying.

So this is an issue that Albertans want to debate. Some have suggested that we shouldn't even be debating this, we should just put this bill aside. I think, simply, that that is wrong. Albertans deserve more accountability and more transparency in these fees than to simply push it under the rug just because it might serve the convenient political agenda of some individuals or parties throughout this province. And when I say "parties," I don't mean political parties, Mr. Speaker.

4:10

Bill 203 addresses concerns around access fees that municipalities apply to their tax base. What we want to do through this bill is to create a common methodology on how these local access fees are in fact calculated. Specifically, this bill will allow for the calculation of the prescribed franchise fees for each unit of energy a household consumes. This would be uniform, then, throughout this entire province.

Mr. Speaker, I have to say that the way it is done right now is a little bit disingenuous to me. In fact, I was talking to a friend of mine in Ottawa about this this weekend, and that's exactly the comment that I received back. Municipalities currently have the authority to charge fees rather than property taxes for the use and maintenance of their electricity and distribution systems. Now, some people have said to me that these fees in fact are not a tax. On the other hand, those same individuals also say to me that if we get rid of this, we're going to have to raise the property tax. If this is in lieu of a tax, a tax is a tax is a tax.

The Premier of this province has been very clear that he doesn't want any further taxes as we go through the recession. This is why this is of particular concern to me. This is a tax. In fact, this local access and franchise fees attract a further tax, attract GST, on top of that at a rate of 5 per cent. Existing legislation allows municipalities to charge whatever they think is fair in forming these fees. In addition, Alberta municipalities use three different formulas to create these fees. These can be very, very confusing and convoluted, Mr. Speaker. There is always a taxation practice that, I believe, is unfair. It's unaccountable.

One municipality that has taken issue with this Bill 203, of course, is my home city of Calgary. Now, the city of Calgary has suggested that a system based on distribution only, like many municipalities currently use across this province, could lead the average homeowner to see an increase of about 20 per cent in their local access fees and that industrial consumers could see a rise of 12 to 18 per cent. Now, there is some basis, with fairness to this, Mr. Speaker, but this shows, again, why a distribution-based formula is not what Bill 203 looks at.

The method that the city of Calgary currently uses to calculate access fees is based on a percentage of the total power bill. For example, if the cost of energy doubles, so does the local access fee, and the municipality gets a windfall from ratepayers. I don't think that's right, Mr. Speaker. Under this model delivery charges can vary widely from community to community, and they may also be calculated with different percentages. That's why Bill 203 proposes an alternative to the distribution fee system and to the system used by the city of Calgary. That's what is needed. That's what this bill calls for.

Bill 203 proposes a formula which is to be calculated off the rate of energy consumed based on the kilowatt hour of energy usage. Now, people ask me: what exactly is that in plain English? Basi-

cally, the more you use, the more you pay. So if you have a large industrial user, a large commercial user, of course that particular body is going to pay more than a ratepayer like myself, that uses maybe \$20 or \$30 dollars of electricity per month. Now, this approach doesn't choose winners and losers, Mr. Speaker. It's a fair system in which high energy consumers pay more in fees, and those who conserve energy would pay less. You might argue that this approach would encourage energy conservation. I would argue that it would, but at the same time this isn't the pith and substance of this bill.

Overall, for anybody to suggest that access fees would surely increase with this method of calculation, I say right to their face that I think it's false. After all, the city of Calgary would still be free to set the rate of fees per unit of consumption. They could set it higher. But this is about transparency and about accountability. Research shows that consumers in consumption-based municipalities pay less in access fees, not more. Again, that's less, not more, contrary to what may have been said. Ultimately, it's the consumer that benefits from a formula like this one that Bill 203 proposes. A formula based on this consumption is simple, and it could easily be applied uniformly across municipalities across this province.

Mr. Speaker, the city of Calgary also suggests that an alternative formula could result in less municipal tax revenues, which would in turn be passed on to the taxpayer in the form of rate hikes or service cuts. Well, again, it proves that this is in fact a tax. But even if we do accept that, that's not the case. Municipalities would remain free to set their own unit rate as to make it revenue neutral. The difference would be that municipalities would be setting access fee rates based on a per-unit rate of electricity used, which, I submit, is both equitable and fair. This means that pursuant to Bill 203 the new formula used could be made revenue neutral if that's the prerogative of the city of Calgary or of any other municipality across the province.

This method also allows consumers to accurately compare their local access fee rate with every jurisdiction in Alberta. Let's face it, not everybody goes and scrutinizes their bills. If we have one uniform formula across the entire province, that is most fair, and that is transparent. This will provide a further layer of accountability, Mr. Speaker, for municipalities who might face complaints from residents who discover that their access fees are higher than their friends' or family members' in other parts of Alberta. Indeed, I have received many calls about this issue since the Member for Calgary-North Hill brought it up.

Further, Bill 203 would mandate that access fees be declared within the text of local utility bills. This legislation would also require local governments to include a clear explanation of fee revenue in their yearly financial statements, something which I don't think is adequately done at this juncture, Mr. Speaker. Municipal annual reports would be required to include the amount of money generated by these fees as well as the formula used to calculate the fees. This is a long-overdue reform.

The Canadian Federation of Independent Business calls this system hidden taxation. They call it exactly what it is. They further call it convoluted. Couldn't agree more, Mr. Speaker. Bill 203 also would bring these fees out of the darkness and would set a fair standard across Alberta. Albertans deserve full information on all fees that they're required to pay, and access fees should be no different. This bill enshrines transparency, it talks about openness, and it talks about accountability, all of which are important for this government.

Mr. Speaker, I have to say that I also have received some comments, some calls in my office saying that this is one order of government talking to another order of government. At the end of



the day I don't think the average consumer actually has one pocket for what they pay to their local government and one pocket for what they pay to this government and one pocket for what they may pay to the federal government.

We have to go and look and examine these issues. This is a matter that should be debated, and I understand that there is some intention here to refer this to a policy field committee later today. I think that that's an excellent idea. It does require some more study, but at the same point in time we also want to consult with local groups like the Canadian Taxpayers Federation, and we want to consult with any other individual citizens as well as the municipalities themselves. Let's bring them in here. Let's have a dialogue as to what's going on. Let's make it open, let's make it transparent just like this whole process that we are actually seeking to do.

With that, Mr. Speaker, I'll conclude my comments, and I look forward to the remainder of the debate on Bill 203 today. Thank you.

**The Deputy Speaker:** Hon. Member for Calgary-Varsity, you have spoken, according to my record. You adjourned it last time.

**Mr. Chase:** Oh, well, if I adjourned it, then I didn't finish. I have to start where I left off.

**The Deputy Speaker:** Oh, you still had some time? All right. But you should have been the first one up, right? After adjournment, you should have stood up.

**Mr. Chase:** Can I continue where I left off?

**The Deputy Speaker:** Does the Assembly concur for the hon. member to continue? If not, then the chair will say no. [interjections] Sorry; you have passed your time to speak.

The hon. Member for Airdrie-Chestermere.

**Mr. Anderson:** Thank you, Mr. Speaker. Bill 203, the Municipal Government (Local Access and Franchise Fees) Amendment Act, 2010, no doubt has noble goals. Bringing clarity and transparency to small business and residential consumers is a very important goal and something that I support. However, there is a problem. Yet again this government is going about this the wrong way initially. This government has a terrible track record of shooting first and then asking questions later. They did this with the royalty review, they did this with health care centralization, they did this with the ambulance dispatch system, and they did it with Bill 50.

Now, Mr. Speaker, it's obvious to many Albertans that with the way this government has handled health care and energy issues, they mean well, but they keep getting it wrong over and over and over again, so it's time they get it right. That's why I'm pleased to hear some of the members in this Assembly get up and say that they would like to refer this bill to the appropriate committee, to bring stakeholders in and to talk to those stakeholders, and to understand through consultation what the needs and the concerns are of the municipalities and other stakeholders that will be affected by this bill.

4:20

Municipalities, of course, have been given the authority to charge utility companies a fee for entry to municipal land so that they can build, operate, and maintain their electrical and natural gas distribution systems. Sadly, the authority delegated to municipalities has been, as has been alluded to in here, abused in some cases. Rather than charging a reasonable fee for a necessary service, some appear

to be taking advantage of the situation. At the very least, the fees are confusing as they have different names in different cities, called fees in some, called charges in others.

Many municipalities have been proactive on this issue. In Medicine Hat, for example, their council doesn't charge a fee for access. They realize that, ultimately, the cost is shouldered by the taxpayer and have chosen not to burden their citizens in that way. In Calgary their fee, which is a charge for something used, is calculated based on the entire power bill. If the price of natural gas goes up, so does this so-called fee. This, of course, is inconsistent with what the fee is intended for: a fixed access charge by the municipality. The costs to access city property do not go up because the cost of power increases. That's not the point of the fee, and it's not appropriate.

Ensuring transparency and fairness is the job of government, so this is an important issue that we need to address. Again, this gives us the opportunity, by referring it to a committee, to include vital stakeholders that have not been consulted, to consult with stakeholders like municipalities, power users and generators as well as just average, everyday Albertans and consumers. Mr. Speaker, I endorse the principles and sentiments behind this bill, but I fear that if we do not send it to a committee, this will be another bungled attempt by this government to do something that is well meaning but has unintended consequences affixed to it.

In my view, the Standing Committee on Community Services is the appropriate venue for further discussion and consultation on this important issue. As such I would therefore propose the following amendment, and I have appropriate copies of the amendment that I would bring forward.

**The Deputy Speaker:** The pages will distribute the amendment.

Hon. member, please continue with this amendment.

**Mr. Anderson:** Mr. Speaker, I'd move that the motion for second reading of Bill 203, Municipal Government (Local Access and Franchise Fees) Amendment Act, 2010, be amended by deleting all the words after "that" and substituting the following:

Bill 203, Municipal Government (Local Access and Franchise Fees) Amendment Act, 2010, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Community Services in accordance with Standing Order 74.2.

I've already spoken to why I feel that, again, we need the opportunity to consult with various stakeholders, power users, power generators, municipalities, consumers, et cetera. That is the reason for referring it rather than just barrelling on ahead and passing a bill that could have some very severe unintended consequences.

**The Deputy Speaker:** The hon. Member for Battle River-Wainwright on the amendment.

**Mr. Griffiths:** Thank you, Mr. Speaker. I appreciate the member bringing forward an amendment that is referring this bill to the Standing Committee on Community Services. I would like the member and the House to know that I, too, had intended on bringing forward an amendment, which I still intend to do, that refers this bill to the Standing Committee on the Economy. Because of that and because I do believe that there are a lot of members here that would like to have further debate and this is an issue that needs to be debated in this Assembly before it gets referred because there are a lot of comments that people would like to make, I encourage all members to defeat this amendment and carry on with the debate.

Thank you, Mr. Speaker.

**The Deputy Speaker:** On the amendment, are there any other hon. members who wish to speak? The hon. Member for Calgary-Glenmore on the amendment.

**Mr. Hinman:** Yes. Thank you, Mr. Speaker. It's interesting, and I appreciate the comments from the hon. Member for Battle River-Wainwright. My question is that there are a lot of bills to come forward, and if it's going to go to the committee, wouldn't that be a more efficient place? It's not like this bill is being voted on and gone. It's actually going to a committee, where we're going to have a more informed discussion. We're going to be able to listen to stakeholders and, like I say, raise the level of discussion and the depth to make sure that this bill is correct, again, having openness and honesty to the taxpayers, realizing what they're paying for, not just having a tax loophole where the municipalities can just raise a tax and generate income. It's a need. Almost everybody in the province is on the grid. There are a few people that have gone off the grid.

I just think that we should vote on this amendment as is. I think that going to Community Services is a good area, but I'll wait to hear the discussion from further members on this amendment.

**The Deputy Speaker:** On the amendment, are there any other hon. members who wish to speak?

Seeing none, the chair shall now put the question on the amendment.

[Motion on amendment lost]

**The Deputy Speaker:** Hon. members, we go back to the bill.

The hon. Member for Strathmore-Brooks.

**Mr. Doerksen:** Thank you, Mr. Speaker. I'm honoured today to rise in this Assembly to speak to Bill 203, the Municipal Government (Local Access and Franchise Fees) Amendment Act, 2010, put forward by the hon. Member for Calgary-North Hill. Bill 203 would essentially create a common methodology for calculating local access fees and franchise fees. This is an important issue.

Every month all of us get utility bills which include local access fees. My first question is: what is this fee for? And the second: how is this fee calculated? Bill 203 would address these questions through greater transparency and a common sense approach to calculating local access fees and franchise fees. Mr. Speaker, Bill 203 would clarify the method of calculating local access fees and franchise fees by creating a common methodology of calculation at a prescribed rate per unit of energy consumed and prohibiting calculation by other methods.

Bill 203 would also require local governments to include a clear explanation of fee revenue for their yearly financial statements. The purpose of this is to improve transparency. Albertans expect transparent billings for all items that they purchase, including utilities. This would also clarify that it is the municipalities that are charging these fees, not the utility company, as it may currently appear. I believe that there is some misunderstanding and lack of adequate clarity in that regard. This is important as many consumers assume that it is the utility companies that are charging these fees when, in fact, it is the municipality.

4:30

Mr. Speaker, Bill 203 would also require that municipal annual reports include the amount of money generated by these fees and the formula used to generate them. Furthermore, Bill 203 would require municipalities to advise consumers of any changes to the rate of

local access fees and franchise fees publicly in the local paper three calendar months in advance of the rate change.

Mr. Speaker, what I want to specifically focus on are the benefits of a common rate per unit methodology as opposed to the current method of calculation that some municipalities use based on distribution charges. This is a crucial element of the bill because currently there isn't a common methodology for calculating local access fees and franchise fees on utility bills. Many jurisdictions calculate local access fees based on distribution costs. Distribution costs are charged to the consumer for the costs incurred by the electricity company when they transmit power from their generation sites to the city. However, under this system the distribution costs can vary widely from community to community.

In addition to this, they may calculate these fees with different formulas. For example, one community may charge 22 per cent on a distribution charge of a hundred dollars, resulting in a monthly payment of \$22, whereas another community may charge 10 per cent on a distribution charge of \$300, resulting in a monthly payment of \$30. This discrepancy makes it impossible to accurately compare percentages across municipalities.

Mr. Speaker, Bill 203 proposes a formula which would be calculated off the rate of energy consumed. Specifically, access fees would be based on the kilowatt hour of electricity used. This would result in a system where consumers would pay more in access fees if they used more energy and less in access fees if they consumed less energy. In addition, these fees would not be tied to a shifting commodity or to a distribution charge that may change over time. This method of calculation provides numerous benefits to consumers over the method used on distribution charges.

First of all, formula-based consumption would be simple, based on a common formula that would be applied uniformly across all jurisdictions. This method allows consumers to accurately compare a local access fee rate with every jurisdiction in Alberta. This could have the benefit of reduced access fees across the province as all jurisdictions would want to have competitive access fees to attract both business and residents. Under the current system, where rates are based on a distribution charge, it is impossible to compare between jurisdictions because different regions are served by different utility firms that charge different distribution charges.

A second benefit would be to the individual's ability to reduce their access fees by reducing energy consumption. With a rate that is based on the amount of energy consumed, it would be in the interests of consumers to be energy efficient. This could involve purchasing energy efficient appliances or just making common-sense changes to conserve energy, both of which benefit the environment and the consumer. Under the current system the access fees are based on a distribution charge which does not correlate with the amount of energy consumed.

Overall, Mr. Speaker, a method based on the energy consumed is much more equitable than a rate calculated as a percentage of the total delivery costs. The current system is not transparent and not uniformly applied. Furthermore, consumers would benefit by implementing a unified format across jurisdictions.

As a private member I embrace open, transparent, and accountable government, and this bill exemplifies that objective. I would again like to thank the Member for Calgary-North Hill for introducing this important bill, and I eagerly look forward to the remainder of the debate.

Thank you, Mr. Speaker.

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

**Ms Notley:** Thank you, Mr. Speaker. It's a pleasure to be able to

rise to speak with respect to Bill 203. I'll keep my comments brief because I don't really want to get into a long discussion about the merits of the bill and the various and sundry disagreements about funding formulas that the government has problems with, I gather, particularly the city of Calgary engaging in, but I will say a couple of points.

First of all, one of the members across the way got very concerned at one of the other opposition members here suggesting that this was a government bill. Of course, we all know that it is not a government bill; it's a private member's bill. Having listened to the comments made by a number of government members that were clearly prepared by a similar researcher with similar talking points that were written in similar styles, I think we can all conclude that there's a certain amount of consensus on the part of the government MLAs or at least those who access the same research budget.

However, let's just talk a little bit about probably the biggest concern around Bill 203, which is, of course, that the Alberta union of municipal associations is quite opposed to it for the simple reason that they have not been consulted at all on the crafting of this bill and believe, obviously, that it interferes with some of their own authority and the practice and the level of respect that has theoretically developed between the provincial government and municipal governments and the level of deference in negotiation that usually goes on between those two levels of government notwithstanding the provincial government's relationship to municipal governments through the Municipal Government Act. There is, obviously, represented here a clear break with some of that sort of traditional deference and respect.

I have to say that it is a little bit sort of inconsistent and, I would suggest, perhaps even a little bit hypocritical because, of course, where necessary, say, for instance, with school boards, this government is very quick to go on at much length about the importance of those school boards' independence and how all decisions that might potentially offend Albertans, say, for instance, the closing of community school after community school after community school, are clearly within the purview of the school boards, and, oh, how dare we suggest that the provincial government might possibly exercise some level of leadership to stop that particular disaster from unfolding?

Then when it comes to the actions of municipal governments, which have a great deal more independence than school boards because, of course, they still have some control over the amount of funds that are given to them as opposed to the school boards, suddenly the government is stepping in, writing legislation, and wants to get into the minutiae of how these organizations raise their funds, so clearly a certain amount of double standard, depending on what the political objective is to be reached in that case. I have to say, too, that this whole issue of: "Oh, well, we want transparency. We want municipal citizens to understand how much they're actually being taxed, and we want them to understand who it is that's actually taxing them. That's really important, and that's why we're going to go ahead with this legislation" is, well, again, a little bit of a double standard on the part of this province.

We have a government that's constantly going on about how they theoretically have this very, very competitive income tax system in Alberta. Now, in fact, it's only really competitive for those who are the most wealthy. Nonetheless, if you listen to their message box, they'll have you believe that we have very low tax rates in Alberta. Much like the city of Calgary, who's doing the same thing, these guys run around saying: "Look at us. We have such low tax rates." Yet, of course, we have loads of hidden fees all over the place that Albertans need to pay, which are far in excess of what many other jurisdictions have to pay. We have amongst the highest cost for

child care and the lowest quality. We have amongst the highest tuitions and additional fees associated with tuition. You know, we've delisted more things, so people have to pay more out of pocket for services here.

There has been study after study showing that when you add up the basic social services that, essentially, come for free in other provinces and add them to Alberta's, then in fact this is the most expensive place in the country for low- and middle-income people to live. Why is that the case? Well, because they're hidden costs, just like the hidden costs that this particular member is claiming he wants to get rid of through this bill when talking about municipal governance.

4:40

I guess my point is simply: what's good for the goose is good for the gander. If this government truly believes that it's all about, you know, making municipal politicians accountable for how much they're asking citizens to pay, I would suggest that this government ought to maybe adopt the same policy with respect to their own taxation efforts. Until such time as they do, I really have some difficulty feeling particularly sympathetic for the arguments being made here.

Ultimately, whether there does need to be a change to the way in which franchise fees are addressed, that's something that requires more discussion. I would say that at the starting point there certainly needs to be consistency adopted on the part of this government, and there needs to be a greater level of consultation and negotiation with municipalities before Big Brother steps in and starts telling them what to do. For that reason I can't support this bill, and if at some point a motion comes forward to have it referred to committee, I will probably support that.

Thank you.

**The Deputy Speaker:** The hon. Member for Edmonton-Calder.

**Mr. Elniski:** Thank you, Mr. Speaker. I'm pleased to rise today in this Assembly to speak to Bill 203, the Municipal Government (Local Access and Franchise Fees) Amendment Act, 2010, being put forward by my friend the hon. Member for Calgary-North Hill.

Mr. Speaker, Bill 203 would essentially create a common methodology for calculating local access fees and franchise fees. This methodology would be based upon the prescribed rate per unit of energy that would be determined by each municipality. This means that municipalities in Alberta would continue to set the rate for local access and franchise fees. However, they would have to use a common methodology for calculating their rates.

In addition, Bill 203 would require municipal governments to include a clear and straightforward explanation of their fee revenues in their financial statements. This would include listing the amount of money generated by the local access and franchise fees as well as the formula used to generate the fees in their financial statements. In this way the information would be readily available to the public.

Mr. Speaker, municipalities have the authority to charge fees in lieu of charging property taxes for use of and access to their land in order to conduct and maintain and operate distribution systems exclusively within the municipality's boundaries. The Municipal Government Act allows the municipality to charge what it believes is fair considering the local market. Thus, a local access fee is something most Albertans are required to pay. Therefore, the revenue generated from the local access fee is important information, and it should be made available to the public.

Mr. Speaker, when Albertans are required to pay a fee, it is only reasonable to ask that they are provided with some basic information

on that fee. After all, a clear explanation of local access fee revenues, describing what they are as well as the formula used to generate them, is standard information which Albertans have a right to know, especially since it was their money to begin with, and they should know what they're paying for.

By ensuring this information is made public in annual financial statements, Albertans will be more informed and aware of exactly how much is generated by each municipality. This is essential because some consumers would like to compare their local access fees to other municipalities' or at least have that option available to them if they choose. For instance, as of January 1, 2005, the franchise fee in Edmonton was \$21 compared to Calgary, which had a franchise fee of \$40. Under this bill Albertans could compare and then determine for themselves if they are comfortable paying their current rates, and if not, they would be able to contact their municipality to address their concerns.

Not only do people want to compare current local access and franchise fees across Alberta, but they may also want to reference fees from previous years. They would be able to do this under Bill 203 since all financial statements are easily accessible no matter what year. Bill 203 ensures this valuable information is available to the public as this is the only way to ensure that it benefits consumers.

Mr. Speaker, this information is not only important for individual Albertans, but it can also be useful for businesses that would like to know about the local access fees they are paying. For instance, they may want to compare and review different local access fees across Alberta, and as you know, businesses have utility bills as well and, therefore, pay local access fees. Bill 203 will help Alberta businesses plan their budgets since they will be able to review the exact formula that was used in determining the fees. This type of comparison is only possible if consumers and businesses can review the local access and franchise fees for all municipalities across Alberta.

Albertans would benefit from greater transparency if local governments would publish this information in their financial statements. This consistency would make it easier for Albertans to locate the information in a format that is comparable to other municipalities. Mr. Speaker, the information is valuable. More individuals and businesses need to know about the local access fees they are paying and how the fees are being determined. In this way the better they can plan for their budgets and address their own concerns.

Mr. Speaker, this bill will also help municipalities clearly communicate their messaging since they want to ensure that consumers are informed and aware of their local access fees. In this way Bill 203 would create a consistent way to display local access fee information that would be accessible to residential consumers, businesses, and all Albertans. Making certain that Albertans are fully informed is all a part of this government's commitment to greater accountability and transparency, and that is exactly what Bill 203 intends to do.

Thank you for allowing me to speak on this subject, Mr. Speaker. I eagerly look forward to the remainder of the debate.

Thank you.

**The Deputy Speaker:** The hon. Member for Calgary-Glenmore on the bill.

**Mr. Hinman:** Thank you, Mr. Speaker. I'd like to speak on the bill. There are certain aspects that I, of course, agree with, but there are others where I have concerns. Seeing as how we're debating in the House and not going to committee, I feel it's important to put those

on the record at this point. First of all, I find it interesting that these government members are saying that there's the importance of having openness and a formula, which I very much agree with. Whenever we talk about good government is when we have formulas. If, in fact, we know the flat tax in Alberta is 10 per cent over and above \$16,000, it's very simple. We see it, and there's no manipulation that can take place.

Again, what I want to address on Bill 203 and where I agree is that this formula is there to address competitiveness, and that's what we want. Right now too often in many areas, when it comes to energy and other areas, Albertans are actually punished for reducing their consumption because they're paying a higher percentage per bill. This is true for kilowatts here. It's true for water usage. There's not a great advantage in many areas because you reduce your consumption, and they have a flat fee and then a consumption after that. So the aspect where we're tying this, actually, to consumption is very good and something that I'm a strong advocate of and agree with. I hope that the members of this government will continue to take hold of that, the importance of a formula that's based on consumption.

I also find interesting, though, the dilemma that we're stepping on here. This is where I need to do more research, and we don't have the research money that the government members and some of the other opposition parties have, so it's a little tougher to address. But the fact is that many municipalities are strapped because of the government's dealing with those municipalities. I want to refer to my own at this point, Calgary. From the latest numbers I have, from 2006, the personal income tax that was paid by Calgarians was \$7 billion. I've been unable to get the corporate tax, but the personal income tax was \$7 billion; \$5 billion of that went to the federal government; \$2 billion went to the provincial government.

What we need to address here is a formula where a percentage of tax goes back to the community where it comes from. If we were actually to go back and have a formula like that, many of these municipalities wouldn't have to look at the few areas where they can raise their money to try and balance their books. The municipalities are given the responsibility to provide many of the things that we as citizens need: our schools, the libraries, the garbage, the water. All of those things are at the municipal level, but very often we get provincial and federal interference in those areas saying: "Oh, we'll give you some grants to do this. We'll give you some grants to do that." But if we go back and look at the actual tax structure and the amount of money that leaves our communities, most individuals would find this quite eye opening, I believe.

Again, the Solicitor General last week made a point and said that I was going to destroy communities because of the change in the tax system. I would say quite the opposite when I don't want the interference of the provincial government in deciding how much money is going to go to which communities for schools, for hospitals, in those areas. It would be just the opposite. If the money actually stayed there, those communities could make the decision rather than cabinet or some level of government like Alberta Health Services to decide what services could be there. Formulas are critical, and we need to come up with a formula. We should be strong advocates with the federal government for having a formula base returned to our municipalities because that would make a huge change.

4:50

The most important principle that's good in this bill is the biggest detriment going forward here in Alberta for business to be competitive outside our jurisdiction, and that is that this government has brought forward Bill 50 and has given the minister the opportunity

to declare this as essential needs and to decide the size and the scope of these power lines around the \$15 billion mark.

What's really lacking in all of this, though – and it goes back to 2001, where this government defeated a transition in how electricity was going to be paid and distributed in this province – is that someone can set up anywhere in the province, and then the minister can decide that, well, we're going to build a power line from that facility to serve Albertans. If we were to use this formula and say that, yes, you can produce power wherever you want, but the actual cost of the grid and to run it – again, if we look at the total cost and then divide it by the kilowatts per kilometre that it travels, that would change the whole dynamics of the competitiveness and what we'd actually generate electricity with.

We've actually got a system here with Bill 50 that just is going to counter any good that Bill 203 does. I'd urge the members of this government who are supporting Bill 203 to look at Bill 50 and realize: "You know what? We have a major flaw here. It's not going to be open, it's not going to be competitive, and it's going to drive industry out." This government is going to spend \$15 billion on power lines because they want somebody to be able to set up anywhere in the province to produce electricity when, in fact, if those power companies had to pay a percentage – and the old motion coming forward on that was, I think, 50 per cent paid by the producer per kilowatt per kilometre – all of a sudden it's not necessarily economically viable to put a power plant or a nuclear facility way up north and then have to build those power lines.

If, in fact, we have a municipal structure that says, "Oh, it doesn't matter where on the grid; you're going to have to pay for this" and it's redistributed through industry and consumers and citizens, then all of a sudden it's economically viable. I think this principle of a formula is critical, it's important, but it's more important that we apply it to the provincial-wide grid than that we apply it to a municipal grid.

Again, the problem of why municipalities are forced to do this in many jurisdictions is because we don't return the tax dollars that are already being generated in those areas. Government pulls it out and then says, "Well, we don't think you need it for this or that," and they make all the decisions with the strings attached, whether it's schools, whether it's overpasses, whatever. We need to go back and have a proper reallocation of the tax dollars with a formula so that each level of government can make their own efficient and wise decisions on how they're going to ensure the basic services are provided for those people in those different communities.

I'd have to overall be in favour of this bill, looking forward to it going to the committee. What disappoints me is that the principles that make this bill sound are not in there. I'm very concerned, though, of overstepping, again, municipal jurisdictions, saying that, you know, "You have a tax problem, but we're not going to allow you to tax in this area" while we're robbing them on the other side, where they should have those tax dollars being returned to them.

Thank you, Mr. Speaker.

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

**Mr. Griffiths:** Thank you, Mr. Speaker. It's a pleasure today to rise and speak to Bill 203, the Municipal Government (Local Access and Franchise Fees) Amendment Act, 2010, as was brought forward by the very hon. Member for Calgary-North Hill. The purpose of Bill 203 is to establish a common methodology for the calculation of local access and franchise fees. These fees are included on Albertans' utility bills. However, they're not actually a part of the utility companies' revenue, nor are these fees determined by the utility

companies. Rather, all the money collected by these fees is returned to the municipality. The reasoning is that the electric distribution system is located on municipal lands, lands that would normally be charged property taxes. As such, the Municipal Government Act authorizes municipalities to collect these fees via the electricity and natural gas distribution companies for the use of the land on which the distribution system lies as well as the exclusive right to provide distribution access services within a municipality.

This is an important source of revenue for municipalities; there's absolutely no doubt about that. They rely on these fees to fund part of their annual budgets, to provide services to their constituents. However, Mr. Speaker, while these fees are collected by almost all cities across the province, they're not collected uniformly across the province. Each municipality is empowered to make an agreement with the utility companies regarding the charge and the collection of the fee. As such, there are a variety of methodologies, or quite a mishmash, employed across the province's municipalities that direct how the fees are actually calculated.

The variance in the fee calculation methodology can pose several difficulties to local consumers. First, it precludes the comparison of franchise and access fee charges across the province. Second, depending on the method used, the fees paid by the consumer and, therefore, collected by the municipality lack an important degree of predictability. For example, one methodology used to calculate fees is based on the distribution costs of the utility. Using that method, a municipality charges a percentage of the cost of distribution as a fee. For example, if the distribution cost is a hundred dollars, Mr. Speaker, the municipality could have a rate of 10 per cent and, thus, charge \$10 in fees. The difficulty with this method is that the cost of distribution varies from community to community, depending on the distribution system itself as well as the distance the customer is from the generator. Further, generation costs can actually vary, which impedes the consumer's ability to predict cost and the municipality's ability to predict revenue.

Another methodology bases the amount owed for franchise and access fees on the overall cost of the utility consumed. While the formula is transparent, it's important to acknowledge that the values of natural gas and electricity are very variable. At times commodity prices are high, which results in a greater than expected return to municipal governments. In contrast, if commodity prices drop, the expected, not to mention budgeted, revenue will not be realized.

Yet another methodology involves levying access and franchise fees based on the amount of utility that's actually consumed. This is a more predictable and transparent method of collecting fees. This means that regardless of the market commodity prices individuals and businesses will be able to understand and predict the amount they will owe in terms of franchise and access fees. Mr. Speaker, Bill 203 aims to establish the mechanism as the provincial methodology for calculating. However, it does not legislate the rate of charge. That is still left up to municipalities.

Mr. Speaker, regardless, we've heard from many people who have spoken about the complexity of this situation, so it's critical that this bill be sent to committee for further consultation with municipalities. I apologize. I was incorrect in the reference I made to the standing committee that it needed to be referred to. But as such – and my apologies to the member – the amendment still requires a referral date back to this House. At this point I would like to move an amendment to the motion for second reading of Bill 203 by deleting all the words after "that" and substituting the following:

Bill 203, the Municipal Government (Local Access and Franchise Fees) Amendment Act, 2010, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Community Services in accordance with Standing Order 74.2 and

that the committee report the bill back to the Assembly on or before October 28, 2010.

**Mr. Anderson:** Point of order.

**The Deputy Speaker:** The hon. Member for Airdrie-Chestermere on a point of order.

**Point of Order  
Amendment to Bill 203**

**Mr. Anderson:** I understand, Mr. Speaker, that mistakes happen, and that's fine. But the fact is that we had a motion, a proposed amendment on the table that essentially did what this member – it's essentially the same amendment. I'm trying to figure it out. I mean, one of the reasons in his comments, when he spoke about the reason to defeat the bill, was because he had another amendment that would refer it to the SPC on the Economy. So that argument, of course, I would say, changed the entire debate. You know, I don't understand. Should we not go back, then, and redebate that . . .

**Some Hon. Members:** Citation.

**Mr. Anderson:** Misleading the House probably. It's in *Beauchesne's*. I could look it up if you can give me two seconds to come up with an argument, but that's the argument that I have. This is the exact same amendment that was just shut down.

**The Deputy Speaker:** The chair recognizes 5 o'clock. The next order of business.

**5:00 Motions Other than Government Motions**

**Underground Utilities**

508. Mr. Allred moved:

Be it resolved that the Legislative Assembly urge the government to require that all future underground utilities be buried at least one metre underground and an accurate as-built location be added to a comprehensive underground facilities registry.

**The Deputy Speaker:** The hon. Member for St. Albert on the motion.

**Mr. Allred:** Thank you, Mr. Speaker. It's a privilege to introduce Motion 508 and what I believe to be a very important issue that affects all Albertans. This proposal attempts to create a database so that accurate records of buried facilities are available to landowners, other pipeline and cable companies, contractors, et cetera, to prevent the danger and expense of hitting an underground facility. The wording is intentionally broad to include pipelines, electrical and communication cables, underground storage tanks, and anything that is buried. It is ironic that we have better records of gravesites than we do of potentially dangerous gas lines and electrical conduits.

Mr. Speaker, an ounce of prevention is worth a pound of cure. The onus should be on the party that owns and buries a facility to record the location and to bury it at a safe depth so it will not be struck by an innocent party rather than shifting the onus onto an innocent party who may be developing his own property. The development could include digging the foundation for a new building, plowing a field, excavating for a dugout, landscaping, laying a new pipeline or conduit, or perhaps a major construction project.

Mr. Speaker, it is not reasonable to place the full responsibility on anyone conducting a ground disturbance to locate underground

facilities when the owner of the facility has not taken care to bury that facility at a sufficient depth or place it out of danger of normal operations and has not taken proper precaution to ensure that they are able to relocate that facility. Preparing an accurate as-built record is a normal cost of doing business. Utility companies need to protect their investment by maintaining proper records.

In addition, a proper record of buried facilities will enhance the operation of Alberta One-Call. This proposal is fully supported by Alberta One-Call. This will not eliminate but enhance the operation of Alberta One-Call. In fact, I have received a letter of support from Alberta One-Call, which I will table tomorrow, but I'd like to read it now. The letter is addressed to myself.

Re: Proposed Motion with Respect to Buried Facility As-Built Records

Dear Mr. Allred:

In the interest of preventing further damage to buried facilities, Alberta One-Call supports in principle your proposed motion to the Alberta Legislature with respect to mandating spatially accurate as-built records of buried facilities installed after some date yet to be established. The collection of such records into a secure central repository with limited, pre-approved, web-based access would be both efficient and cost-effective. The platform to contain such data is in place.

Over time, during the normal course of facility maintenance and ground disturbance activities, the records of existing buried facilities could be brought to this higher standard.

Given the extent and complexity of the underground infrastructure in Alberta, the rate with which it increases every year and how essential it is in the provision of goods and services to all Albertans, a requirement for spatially accurate records ought to be considered reasonable and in the interests of keeping our province safe and connected.

Yours sincerely,

Robert R. Chisholm, P.Eng.

President

Alberta One-Call only has a record of the presence of a buried pipeline or conduit on a property. They do not have an accurate location of that line. In many cases they don't even have a record of the presence of many buried facilities. When called, Alberta One-Call advises the operator of any lines that are indicated in their database as being in the vicinity of a proposed construction or excavation and have that operator take steps to mark the location of the line on the ground.

Alberta One-Call will not do locates for proposed construction planning, only prior to an actual ground disturbance. Current legislation is not as thoroughly co-ordinated as it could be in regard to requirements for burying and recording of the creation of buried facilities. For instance, the Gas Distribution Act, the Pipeline Act, the National Energy Board Act, and others all contain loose provisions regarding depth and need for as-built records. Pipelines under the National Energy Board's jurisdiction or communications facilities are not subject to Alberta legislation. Very often, however, if a province has reasonable standards, other jurisdictions will accept them voluntarily.

The broad wording within the motion is intentional. It is a privilege, not a right to bury something, and for that privilege an owner of a facility has the responsibility to ensure that it does not pose a hazard and that an accurate record of its location is available to the landowner and the public. Electrical and gas utility lines are very often buried less than a metre deep, and that is a problem. It is not uncommon for landowners to drive fence posts or iron bars into the ground, Mr. Speaker. Landowners have struck utility lines in the past. Agricultural operations have disturbed shallow lines that were not buried to a sufficient depth.

In 2002 there was an incident in Stony Plain where a man doing

landscaping pounded an iron bar through a gas line, blowing up his house and killing himself and his wife. Last summer just down by the Royal Glenora a pile was driven through a waterline. The waterline location was revised during construction to avoid an obstacle, but the revision was not recorded, and hence the operator of the piledriver was unaware of its presence. The incident resulted in a major flood inside the Royal Glenora.

Mr. Speaker, adoption of this motion will make Alberta a leader in underground planning that will be looked up to by other provinces and jurisdictions around the world. Alberta has over a million kilometres of buried pipelines and conduit, likely more than any other jurisdiction in the world. We have a responsibility to our citizens to set standards for their protection. We need to show leadership in managing our buried infrastructure.

The cost of the \$250 million overpass at Gateway Boulevard and 23rd Avenue is largely a result of the myriad of pipelines that come in from the southwest across that intersection to the former Dome Petroleum facility on the northeast corner of that intersection. These pipes all had to be relocated and moved in order to accommodate the overpass construction.

Very often extensive pipeline facilities are constructed adjacent to urban municipalities only to find that 10 or 20 years later they are right in the heart of commercial or residential development, exposing residents and contractors to unnecessary risk. For example, the Mill Woods pipeline explosion back in the 1980s caused major panic and tied up emergency vehicles for most of a day.

Mr. Speaker, we need one simple system to record the location of all buried facilities. We currently have an accurate cadastral database that could easily accommodate another layer to show the locations of all buried facilities.

Poor records cause problems for those who do not comply, resulting in damage and/or injury which they may be liable for. Compliance is for their own protection. This motion is intended to apply to all utilities as there are many utilities that are buried by private agencies. The importance of the motion is not to address who owns the facility but for the protection of the public.

In most cases private utilities pose more danger than government-owned or -supported utilities. The problem is that very often so-called as-constructed or as-built plans are not as-built but merely a carbon copy of the proposed plans stamped "as constructed." This is usually the problem in that diversions and revisions do not get recorded and the public is led to believe that the buried facility is where it was supposed to be, not where it was actually constructed. The unrecorded location of dangerous buried infrastructure is definitely a safety hazard. Steps can be and are taken after the fact to locate buried facilities, but sometimes this precaution is overlooked or the lines are not found.

Mr. Speaker, one metre is a minimum in the opinion of many groups ranging from farmers to surveyors to Alberta One-Call. Several agencies have good, accurate records of underground facilities, but many do not record an accurate location of those facilities, and very few records are readily available to the public. The intent is not necessarily to capture historical information but to require information to be provided from this day forward. We need to start today to avoid compounding the problem in the future. Historical information can be provided as existing pipelines, et cetera, are uncovered and recorded to enhance the record.

In closing, Mr. Speaker, I believe this is a common-sense approach to this issue which potentially affects all Albertans. Thank you.

5:10

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

**Mr. Chase:** Thank you very much, Mr. Speaker. I appreciate the opportunity to debate Motion 508, future underground utilities regulation, and I appreciate the hon. Member for St. Albert bringing it up. I can't help but flash back to six years ago, when we were talking about a different type of shoveling. At that point it was shoot, shovel, and shut up that was a solution our former Premier suggested for BSE. Well, obviously, cover-up doesn't apply to what the hon. Member for St. Albert is putting forward.

I've had the privilege, the opportunity to work two summers for Alberta Gas Trunk Line. In the summer of 1967 I worked out of Rocky Mountain House, and in the summer of 1968 I worked out of Fort Macleod. I got to see a lot of backcountry, and in the process I covered several kilometres with the old-fashioned witching rods, trying to find buried pipelines. Obviously, the larger pipelines were easier to find, but those that serviced local farms were often quite difficult to find, especially when they weren't well marked in the midst of the field. So from first-hand experience I know how important being able to find that pipeline is and not coming up with a surprise or a tragedy, as indicated, by not knowing where these pipelines are located.

As the hon. Member for St. Albert pointed out, it seems unbelievable that the depth is only a metre, considering how easy it is in some areas to go down a metre very rapidly, an example being when I worked for Keith Construction in terms of developing the area around Lake Bonavista and the subsequent lake developments that occurred. Around the Lake Bonavista area in south Calgary the earth is primarily a sandy soil, and I can remember being down in different areas where we had to go through clay and gravel. We were using a variety of instruments to penetrate into the earth to bury the weeping tiles and so on as part of the process of constructing homes. Then we came beside the lake, and all of a sudden with little effort at all we found ourselves three and four feet down in the basement because of the sandy soil. I'm very grateful that during my experiences with both Alberta Gas Trunk Line and working for Keith Construction and Kelwood Corporation, that did a lot of the maintenance for Keith, that I didn't have any surprises occur.

It's absolutely essential that this information be recorded. Questions that I would have to the hon. mover of the motion. Who would be responsible for the upkeep of the registry? Who would pay for the registration of this information? What about proprietary information? Is that a concern of the central registry? It's important from a safety point of view that this be dealt with. As to the record keeping, who keeps that information that's essential? Also, who pays for it? My experience in working with individuals out of Turner Valley over water concerns in the Sheep River at the site of a former gas and oil refinery just on the edge of Turner Valley and then some crossover concerns not only for the river but concerns about where old well sites, both gas and oil, were located, where the town was building its new reservoir: the town of Turner Valley ended up paying thousands and thousands of dollars because the old well sites weren't recorded.

The first time they did their excavation, they found that right within the area that they were building their reservoir, there were old sites. There was buried equipment and the potential for leaching of contaminants into the water reservoir that they were building. This was a great concern for local residents. Alberta Environment, to its credit, became involved in the discussions, and a resolution was achieved, but in the process of that resolution an awful lot of money was paid out by the town of Turner Valley in order to do things right. Obviously, things should be done correctly, but had this information on well sites been available, these concerns would have been considerably less and less expensive to deal with.

We have to be aware that burying facilities deeper will likely

cause an increase to the costs of installing underground utilities in the future. How those extra costs are borne will have to be determined as well. However, given the importance of safety and the pervasiveness of underground utilities throughout Alberta, the millions of kilometres, as the hon. Member for St. Albert acknowledged, best practices in burying the facility and in record keeping have to outweigh capital concerns.

It's for this reason that I am supportive of the hon. Member for St. Albert's Motion 508, future underground utilities regulation. I appreciate that through the government of Alberta and working with industry the Alberta first call exists. This will only enhance what Alberta first call is attempting to create by, at least from here on in, recording very vital information both for safety and for economy.

Again, I want to thank the hon. Member for St. Albert for bringing forth Motion 508, future underground utilities regulation. It makes sense; therefore, we support it.

Thank you.

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

**Mr. Dallas:** Thank you, Mr. Speaker. I'm pleased to rise today and join in the debate on Motion 508, being brought forward by the hon. Member for St. Albert. Motion 508 urges the government to require that all future underground facilities are accurately recorded as built and added to a comprehensive underground facilities registry. For the sake of clarity the term "underground facility" refers to any piece of infrastructure that's buried underground. This could range from pipelines to mine shafts to electrical cables and irrigation systems. In simple terms if something is buried underground, it constitutes an underground facility.

Mr. Speaker, I agree with this motion for several reasons. First and most importantly, this motion has the potential to greatly improve safety in and around our construction sites. There have been several cases in recent years of situations where people were injured or killed when they accidentally struck a power or natural gas line. In many cases either the positions of these lines were not known to the victim or the lines were buried in a different location than originally indicated. Sometimes an individual had called ahead to get a map of the underground infrastructure only to hit a line anyway because the map was as proposed versus as built.

5:20

Second, having an up-to-date as-built map registry could dramatically reduce maintenance and repair costs in the long run. Repairing a major pipeline, for example, has the potential to cost millions of dollars and cause untold environmental harm.

Mr. Speaker, Motion 508 is not proposing that we go back and mark the location of our entire underground infrastructure. This would be impossible. After all, Alberta has over 1 million kilometres of underground pipelines, cables, and gas lines. The cost to locate and record an as-built map for all of these lines would unduly burden many industries throughout the province. Instead, Motion 508 is specifically requiring all future projects to be accurately recorded as built. With the advent of GPS surveying technology it is quick, it's easy, and it's affordable to mark down an underground facility as it is being constructed. This requirement does not place an unworkable or unaffordable burden on our businesses. Rather, this requirement is exactly what a regulation should be. It is a policy in place to ensure public safety and welfare without unduly hampering the effectiveness of our businesses.

In closing, I would like again to thank the hon. Member for St. Albert for bringing forward this motion. I believe this is a common-sense solution to a potentially dangerous problem. I applaud the

preparation and effort that went into drafting Motion 508 and strongly urge all members to stand with me in support of it.

Thank you.

**The Deputy Speaker:** The hon. Member for Edmonton-Calder.

**Mr. Elniski:** Thank you, Mr. Speaker. It's my pleasure to rise today and speak in favour of Motion 508, presented by the hon. Member for St. Albert. I have some experience with the installation and identification of underground utilities, and I must say that any tasks that would suggest that we could readily and effectively identify all of the underground utilities that are out there certainly would be impossible, I think, to say the least.

Two very specific issues come to mind for me personally. One occurred in 1978, at the very start of my construction career. That involved the gas line strike in Mill Woods, where a propane line was hit with a trackhoe. In the resulting fire and explosion two guys were burned up, and we lost the natural gas service for the entire community of Mill Woods in the middle of the wintertime. Part of my role in that particular event was to go back in and start relighting furnaces the next day.

The second incident that comes to mind where identification would have been very useful was on one of the neighbouring farms to our place, where the fellow was subsoiling and had struck the main gas line some seven or eight times before he actually started to note that pieces of yellow plastic were surfacing up around the back end of his machine. That, too, occurred late in the year and resulted, I think, in the municipality or in the gas co-op having to replace about a mile or a mile and a half of two-inch gas line. I don't know how much gas he lost. He was, however, I would say, Mr. Speaker, very lucky that he wasn't smoking in the cab of his machine at the time.

On my own particular facility sites, where, I'm very proud to say, we've never had an inappropriate line strike, the first rule is that if you don't know, you explore. The best way to explore, Mr. Speaker, I would strongly suggest, is not with a fence post or an iron rod, but it is in fact with a device called a hydrovac, which is a wonderful tool for exposing relatively small areas of high-risk and high-exposure utility line. Now, the technology of hydrovacs, I think, was actually created in response to the fact that we don't have a good handle on and we certainly don't have a good spatial view of the locations of all of the utility services that are installed in the province.

Indeed, for many of the people in this room I would suggest that if you were to call Alberta One-Call to come and look at your own backyard at your house, you may in fact be surprised to find that while they can identify, certainly, the municipally and franchise operator installed utility lines, if you have, for example, run a barbeque line or have a power line running out to one of your sheds or, in my case, have a heated garage, you'd be quite surprised to find that, in fact, those lines do not appear anywhere. Those are, I think, probably the more common ones and the more unfortunate ones in this case. I don't know that the hon. member's motion would necessarily capture all of that information because a certain amount of work does occur under, shall we say, cover of darkness, and work occurs that we don't necessarily talk about or don't necessarily know where some of these things are.

Nonetheless, Mr. Speaker, I'd be very pleased to say that passing Motion 508 certainly demonstrates our commitment to the safety of workers, and ultimately at the end of the day that's really what we're here to talk about. The mapping of utility sites from this moment forward I think would be a very positive move. It would, again, be very difficult for us to go back in time, but I think that a good time



to start would certainly be now. I think that the hon. member is on the right path here, and I would certainly thank him for having the foresight to bring this motion forward.

Thank you.

**The Deputy Speaker:** Hon. Member for Livingstone-Macleod, do you wish to speak on the motion?

**Mr. Berger:** Thank you, Mr. Speaker. I'm pleased to rise today and join in debate on Motion 508, being brought forward by the hon. Member for St. Albert, and I would like to applaud him on his dedication to this matter. Motion 508 proposes to urge the government to require that all future underground facilities are precisely recorded as built and added to an inclusive underground facilities registry. The purpose of Motion 508 is to recommend that the government introduce legislation and policies to create a comprehensive and detailed registry of all underground facilities. This could range from pipelines to electrical cables and irrigation systems amongst a host of other vital buried facilities. In addition, all future underground projects would be required to plot out their exact locations and give them to a centralized mapping agency.

Mr. Speaker, mapping underground facilities could reduce the potential for costly repairs to underground infrastructure. The repair costs associated with the accidental disturbance of underground pipelines and cables can reach into the millions of dollars. Compound this with the lost productivity felt by the owners of such lines, either cable or pipe, and this cost skyrockets. Last year contractors on the outskirts of Jasper national park ruptured the main gas line to the town, disrupting services for many hours. A total of 1,300 residents were affected. With Motion 508 these types of accidents can be made more avoidable. Alberta relies on these vital lines for our gas, our phone, cable, and fibre optic connectivity. Any reductions of these services can severely hamper industry in this province as well as commerce.

With initiatives proposed within 508, we could see a reduction in construction accidents related to underground excavation and building. In November of 2009 a gas line was struck in Airdrie while a construction company was digging a basement for a new home. This led to the evacuation of a whole neighbourhood. If it had not been for the quick action of emergency personnel, the situation could have been fatal. Mr. Speaker, with the advent of new technology like GPS the as-built mapping of future underground utilities can be done efficiently and can be very cost-effective. In addition, passing Motion 508 would confirm the government of Alberta's commitment to the safety of our workers.

Mr. Speaker, I wholeheartedly support this motion and would like all members to do the same. Thank you.

**The Deputy Speaker:** The hon. Minister of Energy.

**Mr. Liepert:** Thank you, Mr. Speaker. It's my pleasure to rise and speak briefly to this motion, a motion that I believe is well intended. I've listened with interest to all the members who've spoken here this evening and, I'm sure, equally well-intended comments relative to the motion that is before us.

I guess I'd want to start off by saying that this is a government that believes that less government, not more, and fewer regulations, not more, is what we should all be striving for. I know that the Member for St. Albert has made those views known on many occasions. I guess I've just got some real concerns with the motion as it's presented before the House today because it will result in more government, and it will result in more regulations and more constraints on doing business in this province.

5:30

Now, I come back to the way the motion is worded. It would be an undertaking that I think would be worth while to have this Assembly encourage the government to do some cost analysis as to what an undertaking like this might entail because there are significant costs associated with what is being proposed here today. Ultimately, Mr. Speaker, every cost is passed on to the consumer at the end of the day. In fact, I think we just finished discussion on a particular bill that's before the House where we were talking about increased costs that have been put onto municipal bills, onto utility bills. I can assure you, Mr. Speaker, that this particular initiative, if adopted the way it is worded, will add, I would believe, I don't know how much of a cost, but there would be a cost associated with it. I would feel much more comfortable in supporting this if we were encouraged to do a cost-benefit analysis before we pass the motion that requires that all of these initiatives take place.

Now, it's been mentioned on a couple of occasions by a couple of speakers, including the mover of this particular motion, that there have been experiences that have led to this, and there's no doubt. I know that just about any one of us can pick up the phone on a given day or sign on to our computer and it may not be working. The likelihood is that somebody has cut a line. You know, Alberta is criss-crossed with lines and cables throughout the province, and when you consider how much digging and how much construction and all of the activities go on, really the numbers of instances that are severe, those that have been highlighted in this Assembly today, on a percentage basis are actually pretty small.

Our first-call system actually does work very well, and I would suggest that in most cases when you've got a serious incident that occurs, it is very much because somebody has not used the first-call initiative. I agree that there are times when you would have a situation where something may be missed, and that clearly could happen, but generally the onus is on the person that is planning to go into the ground. If you're planning to go into the ground, you have some obligations and some responsibilities. I think our system works very well today considering, as I say, the extensive network of pipelines and cables that exist in this province.

Again, Mr. Speaker, I know that the mover of this particular motion is very clear about the fact that we're not looking retroactively, that we're looking at the future. It's going to result, I think, in a bit of confusion. If you can put yourself now in a 10-year-out plan, if you're 10 years from now and you're deciding you need to dig: "Do I need to do the first-call, which would cover anything that happened before 2010, or do I rely on the registry, which is post 2010?"

I think that there are a lot of what I would call unanswered questions relative to this particular motion, Mr. Speaker. As I said earlier, I would feel much more comfortable if the motion encouraged government to do a cost-benefit analysis of this particular undertaking. I cannot support in this Assembly this afternoon the motion as it is written here today.

Thank you.

**The Deputy Speaker:** Are there any other hon. members wishing to speak on the motion?

Seeing none, the chair shall now call the question on the motion.

**Mr. Allred:** May I close?

**The Deputy Speaker:** Oh, hon. member, of course you have time to close.

**Mr. Allred:** Thank you, Mr. Speaker. I'd just like to make a few

comments. There are a number of points that have been made. Certainly, there are means to locate underground facilities. The hon. Member for Calgary-Varsity mentioned witching. That's a very crude method, but it works sometimes. There are M-Scopes, there's ground-penetrating radar, and there's also the hydrovac. None of those are a hundred per cent accurate. The only way you can accurately locate it is to actually dig it up. Hydrovacking comes very close to that, but some utilities are very difficult to find. In fact, some utility companies refuse to join Alberta One-Call. Alberta One-Call doesn't even have a record of them. So the poor developer or anybody searching for a line doesn't even know it's there.

I would like to commend all of the major oil and gas companies and the municipalities, most of whom have fairly deep utilities, for very accurate records. Those are not the ones that are causing the problem. The ones that are causing the problems are the shallow utilities and very often, as I said earlier, the dangerous utilities: the gas lines and the electrical conduits. If somebody strikes a sewer line, all that you have is a bad smell for a day. If somebody hits a gas line, somebody may die, or there may be major property damage. If somebody strikes a communication cable, a whole business district could be out of communication for a whole day, and you know how we rely on communications these days.

The hon. Minister of Energy raised a number of points that I'd like to address. Yes, I certainly am a proponent of less government and less regulation. I readily admit that, and I strongly agree with that. This, however, is the type of regulation that we need, the type of regulation that will protect the public. Yes, it's going to impose more costs on the utility companies, but it's a cost of doing business. In comparison to the capital cost of that line and the insulation of that line, it's a minuscule cost. It's a minuscule cost compared to the cost of going out and relocating that line or replacing it if it gets damaged.

Yes, it would be great to do a cost analysis, but I think it's very preliminary in doing a cost analysis. As I understand it, a motion before the House is really just sort of a proposal in principle. If it's approved and the government wishes to go ahead with it, then we do the cost analysis and determine what the costs are.

A lot of the infrastructure for the filing is in place. We have a cadastral mapping system. All it needs is another layer. There may be a small fee required to record it. Yes, that's admitted. But this is such an important issue. We're talking about standardizing our GIS information system through the land-use framework and through the capital region plan and things like that. This is very vital information that needs to be in those GIS systems.

One major problem we have, again, concerning the registry is that there is no registry of incidents. It's very difficult to determine how many incidents have occurred. I was quite surprised by all of the speakers today that referred to incidents, many of which I've never heard of. I've heard of quite a large number myself through personal stories that have been related to me, et cetera. There is no standard registry of incidents, but there have been an awful lot of them over the years. Some of them have been very, very serious and have caused, as I indicated, major property damage or death.

Mr. Speaker, I think the bottom line in this is that we have more buried infrastructure in the province of Alberta, and we're going to have a lot more in the coming years. That is assured. We need to take a step now; we should have taken a step 70 years ago, but we didn't. Now we need to take a step and put in place a registry to record all of those utilities from now on.

Thank you, Mr. Speaker.

5:40

**The Deputy Speaker:** Thank you.

The chair shall now call the question on the motion as moved by the hon. Member for St. Albert.

[Motion Other than Government Motion 508 lost]

**Mr. Chase:** Mr. Speaker, may I ask for some clarification?

**The Deputy Speaker:** Hon. member, you wish to ask for clarification?

**Mr. Chase:** I don't know whether someone else's auditory skills are better than mine, but that sounded rather close. I don't honestly know where we stand. I do not want to take 10 minutes out of this Assembly's time to have the vote recorded.

**The Deputy Speaker:** Hon. member, the Speaker has the ears, and the Speaker already ruled by the voice vote. If you are wanting to do otherwise, that's your discretion, but the voice vote said defeated.

The hon. Member for Calgary-North Hill.

**Mr. Fawcett:** Yes. Mr. Speaker, I would like to request unanimous consent of the Legislature to go back to the motion that was put on the floor by the Member for Battle River-Wainwright to deal with Bill 203 and the amendment that was put forward to send it to policy field committee.

**The Deputy Speaker:** Hon. member, you are indicating that you want to go back to private members' bills?

**Mr. Fawcett:** Yes.

**The Deputy Speaker:** Okay. We need unanimous consent on that.

[Unanimous consent granted]

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

#### Bill 203

#### Municipal Government (Local Access and Franchise Fees) Amendment Act, 2010

(continued)

[Debate adjourned April 19]

**The Deputy Speaker:** There was a point of order, so we'll continue with the point of order. The hon. Member for Battle River-Wainwright.

#### Point of Order Amendment to Bill 203

**Mr. Griffiths:** Thank you, Mr. Speaker. Since the point of order was against me, I'm pleased to rise to make some comments. The hon. member across the way rose on a point of order without reference and still has not made any reference. Still, in the suggestion that I made, I had incorrectly cited the committee that we were hoping to refer this to, but I immediately apologized at my first available opportunity for misciting the inappropriate committee and also cited that there were other reasons: members still wanted to debate this motion.

The private member across the way, who had another amendment

himself, did not put a referral date in his amendment, which was unacceptable, I believe, by the standing orders of this House.

So there were many reasons for defeating the amendment, and there was absolutely no intention of deliberately misleading this House; I simply read the wrong sheet of paper. Without a citation I'd suggest that there is absolutely no point of order and that we should move on to immediate business.

**The Deputy Speaker:** The hon. Member for Calgary-Varsity on the point of order.

**Mr. Chase:** Yes. Thank you, Mr. Speaker. To try and facilitate some progress, I believe that the hon. Member for Battle River-Wainwright has the best of intentions. I believe also that the hon. Member for Airdrie-Chestermere has the best of intentions. Rather than, you know, two wrongs not making a right, what is important is that we, I believe, are all in agreement – I have spoken with the representative from Airdrie-Chestermere – on moving this forward to the Standing Committee on Community Services. However we can best achieve that process I would suggest we move forward on. Let's not assign blame; let's move forward, please.

Thank you.

**The Deputy Speaker:** Any other hon. member on the point of order?

Seeing none, the chair shall put his thoughts together here. As the chair understands the point of order, it is on the amendment proposed by the hon. Member for Battle River-Wainwright and saying that it's out of order. In the chair's view, the amendment proposes a different question. In fact, when I read the two amendments, the hon. Member for Battle River-Wainwright introduced an

amendment that included the date. So it's different. It is correct that there could have been a subamendment proposed, but there was not.

Looking at *House of Commons Procedure and Practice*, pages 532-534, especially at 532, if the point of order is that the member was misleading the House, then the chair would caution the member that the charge of deliberately misleading the House – it's the chair's view that this is a dispute between the members and not a point of order. I would say that the amendments are different and things are in order. So there's no point of order.

The hon. Member for Calgary-Varsity on the amendment.

#### Debate Continued

**Mr. Chase:** On the amendment, which is where we're at. If I correctly understand the amendment – and I want to make sure I have it right – it's that this Bill 203 would be sent to the Standing Committee on Community Services. Is that correct? In that case, I would like to call the question, Mr. Speaker, on the amendment, and then we'll deal with the bill as amended.

**The Deputy Speaker:** Seeing no other hon. member wishing to speak on the amendment, the chair shall now call the question.

[Motion on amendment to second reading of Bill 203 carried]

**Mr. Renner:** Mr. Speaker, it's a referral motion. There is no further debate. That being the case, I would move that we call it 6 o'clock and adjourn until 1:30 tomorrow afternoon.

[Motion carried; the Assembly adjourned at 5:48 p.m. to Tuesday at 1:30 p.m.]





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