



Province of Alberta

The 27th Legislature  
Third Session

# Alberta Hansard

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Issue 34

The Honourable Kenneth R. Kowalski, Speaker

## Legislative Assembly of Alberta

### The 27th Legislature

#### Third Session

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## Legislative Assembly of Alberta

1:30 p.m.

Wednesday, October 27, 2010

[The Speaker in the chair]

### Prayers

**The Speaker:** Good afternoon.

Let us pray. Guide us all in our deliberations and debate that we may determine courses of action which will be to the enduring benefit of our province of Alberta. Amen.

Please be seated.

### Introduction of Visitors

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

**Ms Evans:** Well, Mr. Speaker, thank you very much. I'm truly delighted today to introduce a very special friend. He's back to reacquaint himself with Alberta in a brand new position. His Excellency Andrew Needs is with us today representing New Zealand, a proud Commonwealth partner. New Zealand and Alberta share many things in common, trade opportunities and much more. We had a chance to chat – he will be meeting with our Premier this afternoon – not only on the trade opportunities that we're familiar with like the imports of lamb, New Zealand lamb being, we believe, the best in the world, but the exchange of technology, the work that our postsecondary institutions do together, his special interest in carbon sequestration, and the other kinds of technology that Alberta is hoping to become even more famous for in the years ahead. Ladies and gentlemen, here representing New Zealand, currently living in Canada, back again to hopefully enjoy Canadian hospitality, is His Excellency – and he likes to be known as Andrew – Andrew Needs. Would you please rise.

### Introduction of Guests

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

**Mr. Olson:** Thank you, Mr. Speaker. As you'd agree, I'm sure, it's always a good day for an MLA when you have schoolchildren from your constituency visit, and that's the case for me today. I'm pleased to introduce to you and through you to all members of the Assembly a group of grade 6 students from C.B. McMurdo elementary school in Wetaskiwin along with their teacher, Dawn Werner, and teacher helper Marnie Boyles. I'm very proud to have these great young Albertans and future leaders come and see how the Assembly works. They also had an opportunity to meet with the hon. Minister of Education. They're seated in the members' gallery, and if they'd stand, I would ask that my colleagues give them the traditional warm welcome of the Assembly.

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

**Dr. Taft:** Well, thank you, Mr. Speaker. It's always a great pleasure to introduce students from around Alberta to the Assembly through you. Today I'm introducing a class from one of the many fine schools in Edmonton-Riverview. It's a class from a francophone school, l'école Notre-Dame. There are 30 of them here today. They're seated in the public gallery, and they are accompanied by their teacher, Mr. Larochelle. I'd ask them to please rise and receive the warm welcome of all members.

Thank you.

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

**Mr. Horne:** Thank you, Mr. Speaker. I'm very pleased to introduce to you and through you to all members 20 exceptional students from Sweet Grass elementary school in my constituency of Edmonton-Rutherford. They are accompanied by teacher Nicki Gardner and group leaders Gwen Koch and Emmy Oben. They're here to observe the legislative process in action, and I'd ask all members to please join me in extending the traditional warm welcome of this House.

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

**Mr. Bhardwaj:** Thank you very much, Mr. Speaker. On behalf of my colleague the hon. Member for Edmonton-Meadowlark it is with pleasure that I introduce to you and through you a group of grade 6 students from the Meadowlark Christian school. I hope the students are enjoying their afternoon at the Legislature. At this time I'd ask the students, the parents, and the teachers to please rise and receive the traditional warm welcome of the Assembly.

**The Speaker:** The hon. Solicitor General and Minister of Public Security.

**Mr. Oberle:** Well, thank you, Mr. Speaker. It's my honour to rise and inform you that I had a wonderful meeting with the public service orientation team from my department just this afternoon, and they're here in the gallery today. I have Lesley Kelly, Krystal Therien, Cheryl Friske, Genieve Simpson, Angela Wilson, Leanne Mathewson, Vivian Yeung, Karen Hayny, Ruth Gero, Jennifer Andressen, Isobel Lawson, Linda Gatzka, Jodie Buksa, Lenda Fisher, Ronald Mulick, Susanne George, Judy Chou, Claude Coupal, Jessica Smith, and John Lashley here. I'd ask them to rise and receive the warm welcome of the Assembly and my thanks for the great work that they do in the department.

**The Speaker:** The hon. Minister of Municipal Affairs.

**Mr. Goudreau:** Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to the members of this Assembly my constituency assistant. Emily Plihal has been working with me for a number of months now, and prior to this, she was editor of our local paper, and in her spare time she helps her family in their guiding business. I would like to ask Emily to stand – Emily is in the members' gallery – and receive the warm traditional welcome.

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

**Mrs. Sarich:** Thank you, Mr. Speaker. It is truly an honour for me to rise today to introduce to you and through you to all members of the House guests from my constituency of Edmonton-Decore. There are six members of the Killarney Community League present in the members' gallery today, not only to watch the exciting happenings of the House, but more importantly they proudly represent a large community of people who celebrated the 50th anniversary of the Killarney Community League. I would ask each of them to stand as I mention their names. We have Ernest Pawluski, president of the Killarney Community League, Terry Baumgartner, Bill Maxim, Lorne Niehaus, and Mary Ellen Pawluski. I would ask all members of the House to give them the traditional warm welcome.

Thank you.

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

**Mr. Sandhu:** Thank you very much, Mr. Speaker. I have two introductions to do. My first introduction. It's my pleasure to rise today to introduce to you and through you to the members of this Assembly Giani Pargat Singh. It is a great pleasure to see Giani Pargat Singh here in the Assembly. The last seven to eight years he has been teaching and preaching to Sikhs across Canada, the U.S.A., the U.K., and spreading the message of love, peace, and brotherhood in the Sikh community. He belongs to the village where I was born in India and has always called me Uncle Peter. I would ask him to rise and receive the traditional warm welcome.

The second introduction. I have known Mohinder Singh Cumo and Zora Singh Jhaggi for the last eight years. Both are very dedicated members of the Sikh community. Every month along with other Sikh members from the community they prepare hot meals and serve them to the people in the Bissell Centre. They also devote a lot of time to the newcomers. I would ask them to rise and receive the traditional warm welcome.

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

**Mr. Rogers:** Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to all members of this Assembly two very special friends who are joining us in the members' gallery today. Michael Groves has been a friend of mine for some 20-plus years, and we're such good friends that we often introduce each other as brothers. This is a very special year for Mr. Groves as he celebrated the birth of his first grandson, Daxton, and also met for the first time his son Terry. Michael is joined today by Terry Groves, and I would ask them both to stand and receive the traditional warm welcome of this Assembly.

1:40

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

**Mr. Mason:** Thanks very much, Mr. Speaker. I'm pleased to rise today to introduce to you and through you to all Members of the Legislative Assembly a constituent of mine in Edmonton-Highlands-Norwood, Mrs. Dagmar Lofts. Dagmar is a 17-year constituent of Edmonton-Highlands-Norwood and a 20-year resident of Alberta living with multiple sclerosis. Dagmar received liberation therapy for chronic cerebrospinal venous insufficiency, or CCSVI, in Frankfurt, Germany, on August 20 and would like every Albertan with MS to be given a second chance at life. Dagmar is a member of CCSVI Edmonton, which is an advocacy group whose mission is to achieve timely approval of CCSVI research and treatment through an objective consideration of all available evidence. I want to welcome Dagmar, who is seated in the public gallery, to the Legislature, and I would now ask her to rise and receive the traditional warm welcome of this Assembly.

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

**Ms Notley:** Thank you, Mr. Speaker. I'm pleased to rise today to introduce to you and through you to all Members of the Legislative Assembly Mr. Kevin Barlow. Kevin is a Mi'kmaq from Indian Island First Nation in New Brunswick. Kevin has dedicated more than 20 years of his career to improving the health and wellness of aboriginal peoples, and he is currently the inaugural chair of aboriginal programming with the Kaiser Foundation. He is the former executive director of the Canadian aboriginal AIDS network, and in 2006 Mr. Barlow received an award of excellence in aboriginal programming for his work in harm reduction by the Kaiser

Foundation. I want to welcome Kevin, who is seated in the public gallery, to the Alberta Legislature, and I would now ask him to rise and receive the traditional warm welcome of this Assembly.

**The Speaker:** The hon. Member for Edmonton-Mill Woods.

**Mr. Benito:** Thank you very much, Mr. Speaker. It is my honour to introduce to you and through you to all members of this Assembly Maurice Fitzgerald and his wife, Anne Fitzgerald. Maurice and Anne are here from CCSVI Edmonton. Anne has been afflicted with MS for 35 years, and they are looking to achieve timely approval for CCSVI research and treatment from our government. They are seated in the public gallery, and I would ask them to rise and receive the traditional warm welcome of this Assembly.

### Members' Statements

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

#### Killarney Community League Anniversary

**Mrs. Sarich:** Thank you, Mr. Speaker. It is with great pride that I rise today to honour and commemorate the Killarney Community League's 50-year anniversary of operation, which was celebrated on September 18, 2010, in the constituency of Edmonton-Decore.

Fifty years ago a number of Killarney residents met in the basement of the Church of the New Jerusalem to develop plans for the establishment of the community league for the area residents. With great determination community neighbours mobilized an ambitious plan to purchase land, and on January 20, 1960, the community league was established. Killarney Community League was named after Killarney, Ireland, and it was the first subdivision in Edmonton to be given an Irish name.

Over the past 50 years, Mr. Speaker, this community league has developed into a multipurpose centre for an abundance of activities and programs which foster strong community support. Activities include hockey, bowling, baseball, broomball, soccer, and basketball.

The Killarney Community League has also taken great pride in keeping the streets safe for their residents. In 1995 the Killarney residents started Edmonton's first community-wide foot patrol with the help of Constable Steven Chwok from the Edmonton Police Service. Today this foot patrol continues to serve the community very well.

Each year Killarney Community League residents continue to come forward and join the volunteer movement to keep the community league growing and vibrant for all to enjoy. Heartfelt thanks, Mr. Speaker, and an abundance of deep gratitude to all those volunteers from the past, present, and into the future who contribute to the bountiful success of the 50 years of the Killarney Community League.

Once again, congratulations on this historical 50-year milestone achievement, and best wishes in the days and years to come.

Thank you.

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

#### Calgary International Airport Development

**Mr. Kang:** Thank you, Mr. Speaker. Immediately upon being elected, Calgary's new mayor said that the construction of the Calgary airport tunnel was his top priority. Mr. Nenshi's words instilled great hope in the hearts of Calgarians, who understand the vital importance of the tunnel. As the MLA representing the

northeast communities who are most affected by the expansion of Calgary's airport, I consider it a solemn duty to continue pushing this government to do their part to make the tunnel a reality. Our new mayor clearly understands that the tunnel must be built to avoid unbearable congestion in the northeast and on Deerfoot Trail, with all of the economic harm, environmental damage, and safety concerns that come with inadequate transportation links.

It is all too easy for this government to claim that Calgary alone should bear the cost of the tunnel. But that is fundamentally unfair, for the new runway at the airport that is causing this whole controversy will serve all Albertans. The airport expansion will boost Alberta's economy and quality of life as a whole; therefore, the province has a stake in the tunnel just as Calgarians do. I urge the Premier and his administration once again to step up to the plate for Alberta to help build this vital transportation link.

Thank you very much.

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

### Conflict Resolution Day

**Mr. Allred:** Thank you, Mr. Speaker. October 21 last week was Conflict Resolution Day, an international day of awareness held to promote peaceful means of resolving conflict. The Association for Conflict Resolution designated the third Thursday of October as Conflict Resolution Day in 2005. This day highlights the importance of public awareness and practice of alternative dispute resolution. By working in collaboration with other organizations and international groups, the Association for Conflict Resolution has successfully organized day- and week-long celebrations in communities to celebrate this international day of awareness.

Mr. Speaker, the logo of this significant day is a tree. Similar to a tree Conflict Resolution Day will continue to grow, much like a tree does, supporting and improving alternative dispute resolution. In fact, the use of conflict resolution has grown in Alberta over the past 30 years and now is a routine and accepted part of the conflict resolution process in most fields of endeavour.

I encourage all Albertans to recognize those who work in conflict resolution, who have contributed to our society in peaceful means of mediation, arbitration, and conciliation. I also encourage Albertans to continue to practise these peaceful means in their schools, businesses, communities, and even within their families.

Mr. Speaker, I encourage my colleagues sitting here today to promote the use of diplomatic conflict resolution and to continue to raise awareness of the different resolution methods available to Albertans. In addition to helping create safer and stronger communities, conflict resolution allows disputes to be settled more amicably and reduces the strain on our overworked court system.

Thank you, Mr. Speaker.

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

### Trade Winds to Success Program

**Mr. Bhardwaj:** Thank you very much, Mr. Speaker. I'm pleased to rise today in recognition of the Trade Winds to Success Training Society apprenticeship award banquet, which I attended on September 25, 2010. The banquet was a celebration of the achievements of the graduates, who have been successful in their apprenticeship towards their journeyman status. The event was particularly memorable for me as I remember the excitement and pride I felt when I became a journeyman auto mechanic in 1983.

Mr. Speaker, the government of Alberta is pleased to have been a supporter of the Trade Winds to Success project from the very

beginning. In 1999 the Union Trading Trust Funds began talks with the federal government, the provincial government, and aboriginal communities to find ways of increasing the number of aboriginal people working in the trades. Trade Winds to Success is the outcome of this unique partnership, a partnership which has to date supported more than 350 apprentices towards their goal of achieving journeyman status. The Alberta government shares their vision, supporting aboriginal participation in the economy.

Mr. Speaker, one more time I would like to congratulate all of the apprentices who have completed their training and the Trade Winds society for helping them reach their goal.

Thank you very much, Mr. Speaker.

### Oral Question Period

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

### Alberta Health Services Financial Operations

**Dr. Swann:** Thank you very much, Mr. Speaker. Ministers change, deputy ministers change, chief executive officers change. That leaves only one person completely responsible for the chaos that Alberta Health Services has experienced for the last two years. To the Premier. The Auditor General found that Alberta Health Services lost track of some \$900 million. Is that the definition, Mr. Premier, of sound management?

1:50

**Mr. Stelmach:** Mr. Speaker, the Auditor General has done what is his role, to look at the financial records of not only the province but all of the authorities that receive money from the province. The Alberta Health Services Board has met or will meet all of the recommendations in the Auditor's report.

I know there's a lot of detail to it, and the minister of health can respond to the other questions.

**Dr. Swann:** Well, again, Mr. Speaker, Albertans want to hear from the Premier since you're the primary author of our health care reform.

Yesterday the Premier was boasting about all the money the government is throwing at health care, but isn't the Premier a little nervous when Alberta Health Services can't accurately say where the money is going?

**Mr. Zwozdesky:** Mr. Speaker, the Premier has indicated that I will deal with some of these details, which the hon. member should already know, but in case he's not in the loop, I'll bring him up to speed. The fact is that we had 12 different health entities for the period in question, and the Auditor General indicated that each one of them had their own accounting systems, their own payroll systems, their own budgeting processes. Because they were independent silos, if you will, when it came to amalgamating them, people had to take the time to look at how to do that, and unfortunately some expenses were categorized in different areas. That's all it is.

**Dr. Swann:** Mr. Speaker, it's been two years since Alberta Health Services took over, and the Auditor General highlighted that Alberta Health Services had no plan to track where funds were going when it was created and still isn't fully implemented. Will the Premier take full responsibility for rushing the centralization without a plan and call it what it is, a failure?

**Mr. Zwozdesky:** Mr. Speaker, it's actually the very opposite. It is a tremendous success, but as I've indicated, looking at the past is always 100 per cent in 20/20 vision. Looking forward to the future, let's look at what some of the benefits will be. We no longer have as large an administration. That money now is going into health care services, which Albertans need. At the same time you have only one CEO, with a centralized reporting system, and having good controls in that regard is very important because it gives us better efficiency and better outcomes. This is what we're striving for. It's too bad the opposition doesn't like it.

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

#### Villa Caritas Long-term Care Facility

**Dr. Swann:** Thank you again, Mr. Speaker. Yesterday the Premier said in the House, "I would ask the hon. member to speak to the family members of those individuals that were for a large portion of their time in Alberta Hospital and now are in new facilities in Villa Caritas." Well, I tried, but Villa Caritas will not open until November 30, so there was actually no one to talk to. To the Premier: how can the Premier claim to be on top of an issue when he doesn't know whether the facility is open or not?

**Mr. Stelmach:** Mr. Speaker, I have to refer to the annual meeting of Covenant Health, where we had members of all of the hospitals that Covenant Health operates in the province meet in Edmonton, and there was a presentation made by one of the families. It was quite, you know, heartwarming to see the improvements in the amount of services offered but also the compassion and love shown to the people in Villa Caritas. I can only speak for the people that work in that facility and their compassion for their seniors.

**Dr. Swann:** Well, Mr. Speaker, I'm glad the Premier was feeling the love.

What is the Premier's excuse for this health minister handing over 40 million extra dollars for completing Villa Caritas when there wasn't even a contract signed?

**Mr. Zwozdesky:** Mr. Speaker, I spoke with the Premier about this over the last few weeks, and I'm happy to tell you that the Villa Caritas site has now been upgraded. There are more final touches still being done so that this particular category of resident can be better accommodated and so that the people working in the facility can feel safe. Going from a long-term care or a continuing care type facility to what will now be a state-of-the-art facility for geriatric mental health patients required upgrades to nursing stations, to doors, to walls and windows, and that's been done.

**Dr. Swann:** Smoke and mirrors, Mr. Speaker.

We're talking about financial mismanagement to the tune of \$40 million. Still no contract signed, Mr. Health Minister. What's that about?

**Mr. Zwozdesky:** Mr. Speaker, the important thing is that a lease agreement is now in place, contrary to what the member is saying. It's true what the Auditor General said. He could not find a contracted piece of paper per se, but there were understandings, and he pointed that out. In fact, Alberta Health Services had already pointed it out as well. They've worked together on that to resolve that. It goes back to a previous administration, perhaps as far back as the Capital health authority, but it was an unintentional oversight.

It's been admitted to, it's been corrected, and today we have a signed lease agreement in place.

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

#### Oil Sands Tailings Ponds

**Ms Blakeman:** Thank you very much, Mr. Speaker. More ducks are dead because of the tailings ponds. As long as there are tailings ponds, there will be dead ducks, but it's clear that this government does not have high enough standards for deterrent mechanisms, nor is reclamation of the tailings ponds a priority. The animals, birds, waterways, and environment are always going to lose up against tailings ponds and fast-paced oil production. My questions are to the Premier. Why has government given approval to any company when their cleanup plans do not meet the requirements of the ERCB's directive 074?

**Mr. Stelmach:** Mr. Speaker, with respect to this current situation, which is sad and certainly disturbing, our job here is not to speculate. Our job is to regulate, to investigate, and, if necessary, to enforce the rules of the province.

**Ms Blakeman:** And you failed at doing that.

Back to the Premier: given that allowing oil sands and other development along wildlife and flight corridors will inevitably lead to the results we saw yesterday, why does this government continue to allow development and even expansion of existing ponds in those areas?

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

**Mr. Renner:** Thank you, Mr. Speaker. The fact of the matter is that we are moving very aggressively to new technology that will fundamentally change the way mining operates in the oil sands. Directive 074 that the member refers to has to do with the existing operators. As new operators come on, they will be implementing technology that minimizes the use of tailings ponds and maximizes recycling of water.

**Ms Blakeman:** Well, we'll wait a long time for that.

Back to the Premier again: why does the government separate environment and wildlife protection? In separate silos, separate ministries, we will continue to get the results we see today. Why?

**Mr. Stelmach:** Mr. Speaker, we don't separate any of these issues. They're all important to the province of Alberta. As I said, this matter is under investigation. Let's hear the full investigation report. We'll bring, as I said yesterday, all of the evidence, what we heard through the investigation, to the House and communicate that with the rest of Albertans as well.

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

#### Emergency Medical Services

**Mr. Anderson:** From ducks to human beings. Yesterday, when asked why he and his caucus voted against a debate on the emergency room crisis, the Premier answered, "It's not an emergency." This after tabled documents show 322 horror stories over a six-month period in 2008 from just one of Alberta's emergency rooms. New statistics show the situation has only gotten worse. To the Premier. It has come to my attention that a large portion of these



documents in question were sent to the Premier's office roughly four days after the last election. Can he please confirm this? And why did he not do anything about it?

**Mr. Stelmach:** Mr. Speaker, I'm not aware of what documents or what information has been sent, but I can tell you that in this province – and this is last year's experience – 5,300 people every day admitted to hospital, 165,000 lab tests, an average of 140 babies born every day, the number of ambulances dispatched across the province of Alberta: that's a system that is working. Yes, there are improvements to be made to the system, but I can say that of the 5,300 people that are admitted every day, not every one is the horror story as that opposition always claims it to be.

**The Speaker:** The hon. member. [interjections] The hon. member has the floor.

**Mr. Anderson:** Again to the Premier: given that I've also been informed that the then minister of health, the Member for Calgary-West, also received this document four days after the election, did nothing about it, and given how this government mishandled the H1N1 immunization debacle, is ignoring warnings from doctors of imminent health care emergencies the standard operating procedure of you folks over there?

2:00

**Mr. Stelmach:** Mr. Speaker, four days after the election the member that he referred to wasn't the minister.

**Mr. Anderson:** Given that what is transpiring in our emergency rooms is clearly dangerous to the health and well-being of Albertans, will this Premier immediately call in the Health Quality Council to independently investigate the situation? Why on earth wasn't this done two and a half years ago, when the Premier and his future health minister first became aware of it?

**Mr. Zwozdesky:** Mr. Speaker, I have permission to take this question because I have spoken with the Health Quality Council. We had a couple of informal chats earlier this month and a couple before that about a variety of issues. The bottom line is that today I issued a number of directives for Alberta Health Services to follow that will help ameliorate this situation, that is being somewhat exaggerated on the other side. Nonetheless, it will be addressed. As part of that, I also said that if and when a more formal review process by the Health Quality Council is necessary, then I will certainly consider it.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. The minister of health has just held a joint news conference with the ER doctors who have raised concerns that we've been dealing with in this House. Instead of real commitments to solve the tragic overcrowding in our emergency rooms, we heard vague words about accountability measures. How these will be achieved was not explained. My question is to the Premier. If these targets are not met, will you be accountable? Will you put your minister's job on the line? Will you put your job on the line?

**Mr. Stelmach:** Mr. Speaker, given that the minister of health was part of the news conference, he'll be able to inform this House of what was said earlier this afternoon.

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

**Mr. Zwozdesky:** Thank you very much. There was a lot said. I'll try and be as brief as I can, Mr. Speaker. Today in response to the meeting that we had last night with the emergency docs, which went very well, by the way, I directed Alberta Health Services to adopt some very specific performance measures.

**The Speaker:** And I'm sure the minister will get to that following the next question.

**Mr. Mason:** Thanks very much, Mr. Speaker. Well, of course, the question was about accountability. I don't know why the Premier refuses to make himself accountable. Perhaps because he has made these promises before and never lifted a finger to keep them. My question is to the Premier. Why are you refusing to hold your minister and yourself accountable? Is it because you have no intention of keeping your promises again?

**Mr. Zwozdesky:** Mr. Speaker, I don't know about that side of the House, the opposition, but this side is accountable every single day. We're accountable to Albertans. We listen carefully and attentively to what they say, and we act on the suggestions that we can to improve things.

For example, today I issued some directives, six of them in total, for Alberta Health Services to follow. Here are a couple of them: the maximum time in an emergency room for a nonadmitted person – in other words, someone who does not need an overnight stay – should not exceed four hours; the maximum time in an emergency room for an admitted person, one who does require an overnight stay, right from triage through to bed placement should not exceed eight hours. Those were accepted by the emergency docs because they are national standards, and we will have the protocol in place by Christmas.

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

**Mr. Mason:** Thanks very much, Mr. Speaker. We've heard promises before, two and a half years ago. Given that the Premier has promised more long-term care beds and then reduced them, promised more nurses and then laid them off, can he tell the people of Alberta one thing: why should we trust you now?

**Mr. Zwozdesky:** Mr. Speaker, a number of exciting initiatives have occurred and will continue to occur. You know why? Because we now have for the first time in Canada a five-year funding commitment from this government. Never before in the history of Canada has that been done. What will that do? That will allow us to have longer range planning, improved planning, predictable and stable funding to open up 1,300 additional care beds this year; 800 are already open.

**The Speaker:** The hon. Member for Edmonton-Riverview, followed by the hon. Member for Red Deer-South.

**Dr. Taft:** Well, thanks, Mr. Speaker. You know, King Canute couldn't stop the tide with the wave of his hand, and this minister won't be able to solve overcrowded emergency rooms with just a wave of his hand and a signed directive. Is this minister aware of the fraudulent reporting practices in Britain relating to emergency room wait-time protocols? How is he going to prevent that from occurring here?

**Mr. Zwozdesky:** Mr. Speaker, I am not aware of the example that has been brought in from a foreign country.

I want to just continue with something that is relevant to this. As part of the directives I issued today, I asked and directed Alberta Health Services to report publicly the actual performance of emergency departments by individual site in relation to the targets I indicated a little bit earlier. I also asked and directed Alberta Health Services to closely track and monitor and report on the progress being made toward the other protocols.

**Dr. Taft:** Mr. Speaker, I think we all know that reporting and monitoring isn't going to help the person having a heart attack who can't get service in an emergency room. Given that 60 per cent of emergency room beds in urban hospitals are already backlogged with patients waiting for hospital rooms, what is this government going to do when winter flu season swamps emergency rooms?

**Mr. Zwozdesky:** Mr. Speaker, I also this morning and this afternoon directed Alberta Health Services to immediately improve processes for hospital site leads – the vice-presidents, the medical directors, and the site directors – to respond to these periods of peak pressures in emergencies by ensuring that the delegated authority is there at the local site level on a per hospital basis so that immediate action can be taken to address issues like the hon. member has just brought up. We are acutely aware that a flu season is coming, and we're preparing for it.

**Dr. Taft:** You know, Mr. Speaker, wait time protocols and monitoring just doesn't cut it. It's not going to fix it. Is this government considering, for example, setting up all-weather tents to provide enough capacity for hospital emergency rooms? Are they going to do something real?

**Mr. Zwozdesky:** Mr. Speaker, the fifth item that I directed today toward Alberta Health Services was in fact to accelerate new or additional bed openings where possible. At the same time, number 6 was to explore additional strategies on what could be done in concert with the emergency surgeons to deal with these sensitive issues. That's why we're opening 18 more transition beds at the University of Alberta hospital in the member's riding, as I recall, or close to it, and 21 new medical assessment unit beds at the Royal Alexandra, for example. There are other strategies that they've been commanded and directed to work on as well.

**The Speaker:** The hon. Member for Red Deer-South, followed by the hon. Member for Calgary-Buffalo.

#### Federal Transfer Payments for Health

**Mr. Dallas:** Thank you, Mr. Speaker. As we are all well aware, the federal government under the mandate of the Canada Health Act provides funding transfers to all provinces in Canada to help pay for a portion of our health care costs. My question is to the Premier. Is Alberta currently being treated equally in terms of funding transfers in comparison to all other provinces in Canada?

**Mr. Stelmach:** Mr. Speaker, this is a matter of great importance to all Albertans. Last year the federal Finance minister unilaterally changed the 10-year agreement all provinces signed in 2004 to fund health care across the province. Our issue is that Alberta has been singled out as not receiving the same amount of funding as every other province and territory in Canada is receiving. In fact, it means that over the course of the agreement we may be paying billions

more twice for health services that are being received in other provinces. I say that is definitely unfair because cancer is cancer. It doesn't matter. It's just as devastating in Ontario as it is in Alberta.

**Mr. Dallas:** Mr. Speaker, my supplementary question is to the Minister of Finance. Can the minister advise the Assembly: how much money does the federal government in Ottawa send to Alberta for health care versus what other provinces receive, and if we are not being treated equally, what is the government of Alberta doing about this?

**Dr. Morton:** Mr. Speaker, I can provide that information. We receive \$548 per person in Canada Health transfer. The lowest any other province receives is \$772. That's the lowest. The difference is \$224 per person. You do the math. Alberta is receiving \$850 million less than the next lowest province. This is clearly unfair. The previous finance minister raised it, I've raised it, and the Premier has spoken with the Prime Minister about it. Albertans send more money to Ottawa than any other province, and when it comes to health care, we get less back.

**Mr. Dallas:** My final supplementary, Mr. Speaker, is to the Minister of International and Intergovernmental Relations. I've always believed that the Canadian federalism system was supposed to treat all provinces equally. Clearly, this is not the case when it comes to Canada Health transfers. To the minister: what steps is she taking to raise this issue with the federal government?

2:10

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

**Ms Evans:** Thank you, Mr. Speaker. I've heard a lot of chirping on the other side. Today people should be lining up with this government in support of our striving to get equality, being recognized by the Constitution as the terms of . . . [interjections] Excuse me, guys. I mean, really.

Under the terms of Confederation we deserve that equality. In my previous portfolio as the finance minister at the time, I wrote to the Hon. James Flaherty to talk about this. I have now followed up and will table a letter I have recently written to the Hon. Josée Verner talking about the importance of the federal government stepping up to the plate and treating us equally.

#### Legal Aid

**Mr. Hehr:** Mr. Speaker, on June 23 the Law Society of Alberta met and overwhelmingly decided that Alberta's new financial eligibility guidelines for legal aid were not adequate. Further, the Assistant Chief Judge of our Provincial Court stated that student legal services and law information centres can't handle the increased demands caused by cuts to Legal Aid. If that's correct, how can the minister say that Legal Aid adequately funds criminal defendants in Alberta?

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

**Ms Redford:** Thank you, Mr. Speaker. I understand the Law Society did have a meeting. The Law Society did make a decision. The Law Society and the government of Alberta and the Legal Aid board have been discussing whether or not there need to be changes to the governance agreement. It's my understanding that the Law Society benchers have not yet decided what position they will take based on the recommendations of the members, and I leave it to the Law Society to decide what they'll decide to do in the future.

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

**Mr. Hehr:** Well, thank you. Given that the Law Society members have given a pretty profound judgment that the system is failing, will the minister admit that her pilot project has been a mistake and restore adequate funding to Legal Aid?

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

**Ms Redford:** Thank you, Mr. Speaker. As a member of the Law Society I'm sure that the hon. member understands exactly what procedure is taking place in the Law Society. His characterization of the process is simplistic. It is not accurate in terms of the way that the Law Society governs itself. There are a number of steps that the Law Society will need to go through internally. I understand that they are having discussions as to how they might like to approach this issue.

The Law Society is one of three partners in legal aid, Mr. Speaker, and we're prepared to discuss with them whether or not we need to make some changes. I've always said that what we're doing with legal aid is taking a principle-based approach to changing the system that will serve Albertans better, and we'll continue to study that.

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

**Mr. Hehr:** Thank you, Mr. Speaker. I understand the hon. minister inferring that my analysis might be simplistic, but how about the Assistant Chief Judge's assertion that people are not receiving adequate funding? Is his assertion simplistic as well?

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

**Ms Redford:** Thank you, Mr. Speaker. If we actually listen to the preliminary comments that this hon. member made in his opening remarks, that was not actually what the Associate Chief Justice of the Provincial Court said. The Associate Chief Justice, according to the hon. member's own remarks, said that law information centres were not an adequate substitute for criminal representation in provincial criminal court, and we agree with that.

**The Speaker:** The hon. Member for Leduc-Beaumont-Devon, followed by the hon. Member for Calgary-Varsity.

#### **Alberta Health Services Financial Operations**

*(continued)*

**Mr. Rogers:** Thank you, Mr. Speaker. Yesterday the Auditor General released his fall report. This report outlines several accounting and financial management issues related to the formation of Alberta Health Services. These questions raised by the Auditor General are very serious and, I believe, beg some clarification. My question is to the Minister of Health and Wellness. What is the cause of these financial issues? Has this money been properly accounted for?

**Mr. Zwozdesky:** Mr. Speaker, I'll talk about the cause in a moment, but rest assured that the monies have all been accounted for. Nothing is missing, and the Auditor General said that. They were put into some incorrect categories because of the large transition from 12 entities down to one. It's important to stress that it was actually Alberta Health Services that first brought this issue to the attention of the Auditor General and said: please have a look into it. They did.

Secondly, let's remember that this is the largest merger in Canadian history; 90,000 employees and a number of different accounting systems had to be amalgamated. It's a complex process. It's now done.

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

**Mr. Rogers:** Well, thank you, Mr. Speaker. Mr. Minister, I'm pleased to hear that this money is safe.

Again to the minister: can you tell this House what is being done to address these issues to assure Albertans that this will never happen again?

**Mr. Zwozdesky:** Well, Mr. Speaker, the first thing that happened is that Alberta Health Services agreed to and accepted all of the recommendations. Secondly, they're going to be implementing them as quickly as they can. Thirdly, they came up with an action plan, one that calls for the consolidation of all major business systems into some common platforms. It also calls for the development of a plan to streamline year-end financial statements; it calls for the hiring of additional financial staff, where necessary, to help ensure this doesn't happen again; and it calls for a clearer definition of roles and responsibilities of the staff who do the financial reporting.

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

**Mr. Rogers:** Thank you, Mr. Speaker. A final supplemental to the same minister: given the Auditor General's concerns, can the minister assure Albertans that this decision to move to one health region was the right one?

**Mr. Zwozdesky:** Mr. Speaker, it's absolutely the right decision to move to one central entity. I don't want to put too much of a fine line on the money side of it, but let me just tell you that in the first year, as reported in an Alberta Health Services annual report not that long ago, they cited about \$500 million in savings by going from 12 down to one. Were there some bumps and bruises along the way? Of course. They could be anticipated. Again, the single largest merger in Canadian history has now occurred. But the bottom line to all of that is that those savings went straight back into the system that's helping address some of the pressure points, so the services are going to be more consistent and more equitable across the province.

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

#### **Daycare and Day Home Regulatory Compliance**

**Mr. Chase:** Thank you, Mr. Speaker. The Auditor General had some choice words about child care facilities in Alberta: inconsistencies in monitoring and enforcement, documentation was lacking when warnings were given, could not determine if verbal warnings were followed up with remedial actions. And these are government-approved facilities. To the Minister of Children and Youth Services: how can the minister ensure our children are getting the best possible care from the best staff when proper documentation and follow-ups cannot be tracked after verbal warnings are given?

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

**Mrs. Fritz:** Thank you, Mr. Speaker. As you know, we have daycares and day homes in our province that are providing excellent

care in the community for children whose families are working or are not able to be at home at the time. The children are, as I said, placed in our daycares or our day homes. We have a well-established system with good, solid regulation standards. The Auditor, you know, very much agreed with that. I can tell you that I did appreciate what the Auditor did identify for this ministry because it simply related to noncompliance for issues that are very minor such as posting a menu or not documenting when a child came into the daycare.

**Mr. Chase:** Well, the hon. Minister of Infrastructure didn't see the peanut warning, and he ended up in a hospital, so there's an example of the importance of warnings.

How much weight would the minister place on understaffing, change fatigue, and lack of training among staff as reasons for these criticisms?

**Mrs. Fritz:** Well, Mr. Speaker, that was not a good analogy. I happened to be there in that situation, and that doesn't even relate to what the Auditor General's report said. I can tell you what the Auditor did say, though, and I feel very pleased about this as well, that families can be confident that our day homes and our daycares in the communities are very, very safe. Also, I appreciated, as I said, that the Auditor identified noncompliance for very minor, minor situations in the daycares and in the day homes. I agree with the improvements required, and we will be implementing the recommendations.

**Mr. Chase:** Well, I'm concerned that you're taking these recommendations as being minor, because children's lives and their well-being are affected. My question is: what specific steps will the minister take now to address the issues raised by the Auditor General? Or are you just going to pass them off as minor?

**Mrs. Fritz:** Well, Mr. Speaker, I can tell you that I'm concerned about how you're overstating them, because you are, and what that will mean to the public as a whole. The Auditor said they're very low-risk infractions, and I can tell you, as I said, that I will be implementing changes to what the Auditor has identified for the staff out in the field, and the staff will work toward that.

You know, Mr. Speaker, in your riding, if a staff member went to a day home and saw that there wasn't a menu posted or it hadn't been entered into the log what time a child came in, that staff member would then speak to the provider of the day home or daycare, and they would then drive back to the community, and that number of hours would – the staff member now, perhaps, would have the provider fax that they had done that.

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

## 2:20                      **Emergency Medical Services** (continued)

**Mr. Rodney:** Thank you, Mr. Speaker. I've heard from many constituents for some time about mounting pressures on emergency rooms in Alberta. The issue, of course, flared again recently in a letter written by the head of emergency medicine to the Minister of Health and Wellness. I understand that the minister had an important meeting about this last night, and I wonder: can the minister tell us what the outcome of that meeting was?

**Mr. Zwodzesky:** Mr. Speaker, we had an excellent meeting, which the emergency docs commented on today. The purpose was to meet

face to face, open up the important lines of communication, and develop a work plan that would help accomplish some immediate solutions to alleviate the overcrowding issues that are very important to Albertans and, obviously, to the doctors. In that context, we developed some medium-term goals and some longer term goals. But make no mistake about it, we're doing some things immediately as well.

**Mr. Rodney:** To the same minister. It appears that members of the opposition are interested in this as well, and I'm certain that they would want to know, Mr. Speaker: what details and what commitments did the doctors ask specifically of you, Mr. Minister?

**Mr. Zwodzesky:** Mr. Speaker, one of the most important commitments the doctors asked for was a stated set of benchmarks, performance measures, targets, what have you. This morning I announced what those were, with the four-hour time slot and the eight-hour time slot, which is already in *Hansard*. They also wanted a reporting back type of system, where we could track and monitor things in two weeks, in two months, and so on. I've offered that to them as well; I've committed to it. In the final point they also said: just give us greater accountability with on-site authority and management response capabilities. We've offered that to them as well, and I directed AHS with the challenge to deliver it as quickly as possible.

**Mr. Rodney:** My final question is to the same minister. It's great to hear about commitments, but we need some follow-through, for sure. So I think it's fair to ask on behalf of Albertans: what specific action is this minister going to take along with Alberta Health Services to deliver on those commitments?

**Mr. Zwodzesky:** Mr. Speaker, now that we have a framework, if you will, of action in place, we're going to watch very carefully to ensure that it is adhered to. That's called holding the feet to the fire for Alberta Health Services, and we're going to do that. In the meantime, we're opening 250 additional beds, many of them in Calgary and Edmonton, obviously. We're looking at other parts of the province as well because we need a multifaceted approach that deals with more beds, the new discharge protocol, improved services with Health Link, and increased home-care funding. We're doing all of that right now.

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

## **Oil Sands Tailings Ponds**

(continued)

**Ms. Notley:** Thank you, Mr. Speaker. Yesterday we learned about another serious environmental tragedy in the Wood Buffalo region. The impact on migratory birds is only one of the many threats that toxic tailings lakes pose, yet this government has already allowed them to cover a hundred and seventy square kilometres, and they're growing as I speak. To the Minister of Environment: why won't this government take real action to force companies to stop the growth of tailings lakes and eliminate them as soon as possible?

**Mr. Renner:** Well, Mr. Speaker, I would suggest that the hon. member should have a look at the facts. The facts are that we are taking real action, and the evidence is in the retirement of Suncor's tailings pond 1. Directive 074 clearly enunciates the responsibility of industry to implement technology that is going to severely restrict

the growth of tailings ponds in the medium term and reduce the overall tailings pond legacy in the longer term.

**Ms Notley:** Well, Mr. Speaker, given that, at best, the ERCB directive 074 will see toxic lakes grow well beyond 1 trillion litres of toxic waste and that they will be with us for at least another 50 years – that's in the directive – and given that the ERCB has waived its weak-kneed measures 7 out of 9 times in the last year and a half, why won't the Minister of Environment admit the truth, that his current half-hearted measures will never get rid of these toxic lakes?

**Mr. Renner:** Mr. Speaker, I won't admit it because it's not true. The fact of the matter is that the ERCB has not, as this member characterizes, waived the directive. What they have done is allowed for additional time to implement. Let's be absolutely clear to all members of this House and to all Albertans that it is a complete commitment on the part of the government and on the part of the ERCB to implement directive 074. It will happen.

**Ms Notley:** Well, Mr. Speaker, since this government's paltry penalty scheme has done nothing to force industry into cleaning up the ponds and keeping wildlife away and since industry's job is to make money for their shareholders while government's job is to ensure that jobs, people, water, air, and wildlife are prioritized and protected in that process, will this government commit to throwing out directive 074 and bringing in meaningful requirements that force industry to eliminate the toxic lakes and that they will enforce fully?

**Mr. Renner:** Well, Mr. Speaker, we've been engaged over the past four months in developing a tailings management regime that will do, in essence, what the member is asking for. No, we're not going to throw out directive 074, but by no means should anyone assume that directive 074 is the be-all and end-all. It clearly is not. We are committed to constantly improving the performance of this industry, and we will do so.

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

#### Sale of Public Land for Commercial Use

**Ms Pastoor:** Thank you, Mr. Speaker. I didn't have to read in the newspaper about the Crown land sale for potatoes because I wrote the article on October 8. There have been numerous e-mails, letters, phone calls, and personal consultations from the public, who complain that this is not a transparent process. To the Minister of Sustainable Resource Development. In 2007 the Auditor General recommended that guidelines for the leasing and selling of Crown land, that include when and whom to consult, must be developed. Why after three years is this recommendation still outstanding?

**Mr. Knight:** Well, Mr. Speaker, the fact of the matter is that all of the recommendations that have been forwarded from the Auditor General to the Department of Sustainable Resource Development are being dealt with. Most certainly, the one that deals with the transfer of public land and leases is a very serious matter for a number of Albertans. We do continue to move forward, and progress is being made with respect to that issue.

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

**Ms Pastoor:** Thank you. To the same minister: is the sale of Crown land for agricultural use part of that discussion, and will it be a transparent process?

**Mr. Knight:** Mr. Speaker, again, I would suggest that all of the transfer of public land in Alberta, whether it's for leases relative to aggregate, whether it's dispositions for cattle grazing, whether it's sale disposition for the use of municipalities or for the use of agriculture, is open and transparent now.

**Ms Pastoor:** You may be one of the few that believe that.

Do you agree that this proposed land sale should not go ahead before the completion of the South Saskatchewan regional plan, which, unfortunately, has already been delayed?

**Mr. Knight:** Mr. Speaker, the answer to that, from my point of view, is no. We've been working on a land-use plan in different regions of the province of Alberta for at least 20 years, and during that period of time the province has to continue to develop the resources. The land base that we have in Alberta belongs to the people of the province of Alberta. It is our responsibility to be sure that it is developed in accordance with good practice.

**The Speaker:** The hon. Member for Edmonton-Decore, followed by the hon. Member for Fort McMurray-Wood Buffalo.

#### Villa Caritas Long-term Care Facility (continued)

**Mrs. Sarich:** Thank you, Mr. Speaker. In the report of the Auditor General, the Auditor General has raised concerns that Alberta Health Services is expending money without proper funding arrangements in place regarding Villa Caritas. To the Minister of Health and Wellness: can the minister please explain how funding arrangements were allowed to happen?

**Mr. Zwozdesky:** Mr. Speaker, I mentioned earlier, and I'll stress it again, that the important thing now is that the complete lease agreement is in place. It has been signed, and it's gone through.

Secondly, I want to just indicate that Covenant is a great partner to work with. They were going to build a long-term care facility, as you know, but when the need arose for a geriatric mental health program and for those residents to be accommodated in a new facility, the deal was made with them to proceed. We now have a state-of-the-art facility there, that'll be open soon.

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

**Mrs. Sarich:** Thank you, Mr. Speaker. Again to the same minister: if there have been cost escalations on this particular project, what exactly are the causes of the cost escalations?

2:30

**Mr. Zwozdesky:** Mr. Speaker, it's not so much about cost escalations in this case as it is about repurposing, as it's known in the trade, of the facility. Repurposing of the facility means upgrading it or changing it in some way to accommodate the new use. I indicated before, and I'll indicate again that we need to have safe nursing stations designed and built in a different way for mental health patient needs than for long-term care patient needs, and there are other improvements as well.

**Mrs. Sarich:** Thank you. My final question is to the same minister. In light of the current discussions and current situation in our emergency departments within hospitals, does he think it was advisable to change the scope of Villa Caritas?

**Mr. Zwozdesky:** Mr. Speaker, I think it was a good decision. I've looked at it very carefully, obviously. The new facility will offer a very modern, enhanced environment with large private rooms and bathrooms for all the patients, with dedicated space for recreational activities and for therapy needs and for social activities. It's also important to note that over 70 per cent – I believe that's the latest figure – of professional staff from the geriatric mental health program at Alberta Hospital Edmonton are now transferring to the new Villa Caritas site to continue providing outstanding care.

**The Speaker:** The hon. Member for Fort McMurray-Wood Buffalo, followed by the hon. Member for Athabasca-Redwater.

#### Waterfowl Deaths in Oil Sands Tailings Pond

**Mr. Boutilier:** Well, thank you very much, Mr. Speaker. First of all, I want to take this opportunity to compliment – I said compliment – the Minister of Energy because he was the only, the only one, who didn't throw the oil sands industry under the bus yesterday with the unfortunate duck situation. The Premier and the Minister of Environment clearly did. My question today is to the Minister of Environment. Will you apologize to the workers who are at the Mildred Lake site, working 24 hours a day, and, rather than being a judge and a jury and an executioner, wait for the findings first rather than the inexcusable tone that you used yesterday?

**Mr. Renner:** Mr. Speaker, I'm not sure which media this member has been watching, but that is exactly what I have been saying. I have been doing my very best to turn down the rhetoric from members on the other side of the House from the media and point out to them that we have an investigation under way, and until that investigation has been concluded, we should not be jumping to any kind of conclusion.

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

**Mr. Boutilier:** Thank you, Mr. Speaker. Perhaps the Minister of Environment can communicate that to his leader because the headlines today read that the Premier demands answers – he demands – yet here are the companies working out there, extraordinary lengths with technology, working 24 hours a day. They fail to talk about the motherhood that took place yesterday. It's inexcusable, his tone and the Premier's tone. So will you apologize for the Premier for what he had said in the media yesterday?

**Mr. Renner:** Again, Mr. Speaker, I don't know where this member is doing his research. The Premier is saying the same thing as I am saying: yes, we do want some answers. That's why we're conducting an investigation. We want to know – the Premier wants to know; I want to know – whether or not there were infractions of our regulations. That's what the investigation is all about.

**Mr. Boutilier:** Mr. Speaker, given that the minister is reassuring all Albertans that they're not going to be inflammatory as they continue to put gasoline on fire, why hasn't the minister, in fact, visited on-site that very situation? Why hasn't he been there? Why hasn't the Premier been there relative to the situation? Clearly, we hear about the oil sands. We hear about how important it is, but it's not important enough to go and visit.

**Mr. Renner:** Mr. Speaker, the only person inflaming the situation in this House is that member over there.

I have expressed very publicly my disappointment that despite the fact that we have had significant progress and improvement in the

way we deal with bird deterrents over the past two years, we are now having to live through this one more time. I am waiting with great anticipation to find out what the results of this inspection will be.

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

#### Landowner Private Property Rights

**Mr. Johnson:** Thank you, Mr. Speaker. Yesterday I raised some of my local landowners' concerns with respect to Bill 19, and my constituents appreciate the minister's reassurance. However, another recent bill that has caused some confusion with some of my constituents is Bill 36, the Alberta Land Stewardship Act. My questions today are for the Minister of Sustainable Resource Development. Can the minister tell us why Bill 36 is so important for Alberta?

**Mr. Knight:** Mr. Speaker, most certainly. Over the last number of years the government of Alberta has heard through a number – a number – of consultation processes that Albertans believe that we have need for better co-ordination, better planning, better policy, and better decision-making with respect to activity that's on the land base in the province of Alberta. The Alberta Land Stewardship Act allows regional plans to provide this leadership for the government and for Albertans.

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

**Mr. Johnson:** Thank you, Mr. Speaker. I have a constituent who was advised by a self-proclaimed land rights expert that Bill 36 will allow the government to extinguish existing rights, and this includes land titles, and that it restricts the right to compensation, thereby allowing the government to do with land as they see fit. Can the minister assure my constituents that this is not the case?

**Mr. Knight:** Mr. Speaker, I categorically can affirm that, number one, the Alberta Bill of Rights protects property rights in the province of Alberta. It has done so and will continue to do so irrespective of any other act that we have in place. The Land Stewardship Act does not – and I will repeat: the Land Stewardship Act does not – take away any existing private property rights. The act does not provide the ability for expropriation or the removal of land or mineral title.

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

**Mr. Johnson:** That's all, Mr. Speaker.

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

#### Protection of Personal Information

**Mr. Kang:** Thank you, Mr. Speaker. School files, electronic health records, financial aid applications, drivers' licences: government handles a lot of personal information, but the Auditor General reports yesterday that this government is still not doing its job in keeping that information secure from hackers and fraudsters. To the Minister of Service Alberta: how can the minister justify leaving the personal information of citizens so insecure when they have had two years to fix the problem?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. With respect to the Auditor General's report I'm very pleased to respond on this. At any time of day in the week we have the Auditor General's staff working with us on a regular basis to ensure that we are protecting Albertans' information. This department does protect Albertans' information. That's indicated by the number of recommendations that have been brought forward. We have supported all of his recommendations that he's given thus far.

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

**Mr. Kang:** Thank you, Mr. Speaker. Given that the minister's department is laying off hundreds of employees, isn't the cost-cutting putting the personal information of Albertans at risk?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. One of the things that we did establish was that there is a chief information officer resident in Service Alberta. There are chief information officers in all departments across the government. Every November there's a review of the plans that we have in place to ensure that their websites and all their systems are on track and secure.

**Mr. Kang:** To the minister again: is the failure to adopt uniform IT security policies the fault of the minister's department alone, or are the other ministries refusing to follow Service Alberta's lead? If so, which ones?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. There is indeed a uniform policy across government, which is why the chief information officer process was set in place two years ago. Two years ago there were 12 recommendations from the Auditor General. Two we have completed, nine we've made significant progress on, and the one that was presented in his report most recently: we are working with him on that with respect to making sure that Albertans' information is protected.

**The Speaker:** Hon. members, that will conclude the question period for today. Today we were able to recognize 17 members, and there were 100 questions and responses provided.

In 30 seconds from now we'll continue with Members' Statements.

2:40

### Members' Statements

*(continued)*

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

#### Calgary Municipal Election

**Mr. Cao:** Thank you, Mr. Speaker. I'm pleased to rise today to thank and congratulate the thousands of Albertans involved in October's municipal election. Candidates' staff, volunteers, and supportive family members make great sacrifices of time, money, and sometimes reputation in order to preserve our democracy. As an MLA from Calgary I would especially like to commend all candidates running for mayor, alderman, and school trustee in Calgary for their efforts in the hard-fought competition for votes.

At a time when public apathy challenges our democratic process, the excitement in Calgary's election was tremendous. Voter turnout was a whopping 53 per cent. This is Calgary's highest participation rate in more than three decades.

I applaud Calgary's new mayor, Naheed Nenshi, and his team for their successful campaign, their ability to tap technology, stir social media, and land a vibrant victory. Mr. Nenshi together with a steady stream of volunteers was able to broadcast his ideas, skills, and passion to the masses. With 15 people competing for the mayor's seat, Mr. Nenshi managed to take over 40 per cent of the total vote.

I also congratulate five new members of the city council: Gian-Carlo Carra, Peter Demong, Shane Keating, Gael MacLeod, and Richard Pootmans. I also congratulate the nine returning aldermen: Andre Chabot, Diane Colley-Urquhart, Druh Farrell, Dale Hodges, Ray Jones, Gord Lowe, John Mar, Brian Pincott, and Jim Stevenson.

We optimistically look forward to success as the new team works with our provincial government to improve the quality of life of all Calgaryans and Albertans. Thank you, Mr. Speaker.

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

#### Daycare and Day Home Regulatory Compliance

**Ms Notley:** Thank you, Mr. Speaker. This summer a daycare near Edmonton had to be closed for the safety of the young children after allegations of physical discipline, shaming, and forced feeding. We learned that investigators had noted less severe concerns of the same nature in the previous two years' inspections. However, it was not until the ministry received specific complaints that they stepped in with a proper investigation. It's difficult to think about the risk to which children may have been exposed over the course of that two-year period.

Yesterday we learned from the Auditor General that the ministry responsible for ensuring the safety of children in daycare centres hasn't taken its responsibility seriously. We are told there's a lack of consistency in how licensing officers monitor child care programs, that where an inspector can't observe some criteria they are asked to inspect, they may not follow up to assure themselves that the issue is being addressed safely, professionally, and with the high quality that parents have a right to expect from those caring for their children.

The Auditor General went on to say, "Without adequately documenting the results of monitoring and enforcement activities, Authorities and the Department cannot demonstrate that child care programs meet Statutory Requirements or applicable standards." In other words, documentation is not adequate, and we cannot rely on the minister's assurances that child care centres are safe. The AG outlined that one of the common enforcement measures used by licensing officers is the verbal warning. He says that there is little documentation to show that improvements are ever made after these warnings are issued. He says that officers may wait months or even up to the next year to follow up.

In short, young children and babies are being allowed to stay in daycare centres that don't meet basic minimum standards perhaps for extended times. The Auditor General says, "Consistent failure to correct areas of seemingly low-risk non-compliance increases the probability of negative impacts on the health, safety, and well-being of children."

For years this government has ignored research that supports the value of high-quality, affordable child care. They have compromised the future of our children. Albertans and their children deserve better, and it is time for this government to act.

#### Presenting Reports by Standing and Special Committees

**The Speaker:** The hon. Member for Strathmore-Brooks in his capacity as chair of the Standing Committee on Community Services.

**Mr. Doerksen:** Thank you, Mr. Speaker. As chair of the Standing Committee on Community Services I would like to table the requisite number of copies of the committee's report on Bill 203, the Municipal Government (Local Access and Franchise Fees) Amendment Act, 2010, sponsored by the hon. Member for Calgary-North Hill and referred to the committee on April 16, 2010.

I would like to extend the committee's sincere appreciation to the organizations, municipalities, and the individual Albertans who made written submissions and presentations on the bill. I would also like to thank the officials from Alberta Municipal Affairs for sharing their expertise during the review process and acknowledge the support provided to the committee by the staff of the Legislative Assembly Office. Finally, I would like to recognize my fellow committee members, representing all parties in the Assembly, who have worked together over the past six months to complete a thorough review of this bill.

Mr. Speaker, the report recommends that Bill 203 not proceed. I request the concurrence of the Assembly with respect to the report on Bill 203, Municipal Government (Local Access and Franchise Fees) Amendment Act, 2010.

Thank you, Mr. Speaker.

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

**Some Hon. Members:** Aye.

**The Speaker:** Those who are opposed, please say no.

**Some Hon. Members:** No.

**The Speaker:** Okay. The report has been concurred in. Carried.

### Introduction of Bills

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

#### Bill 26 Mines and Minerals (Coalbed Methane) Amendment Act, 2010

**Mr. Liepert:** Thank you very much, Mr. Speaker. I request leave today to introduce Bill 26, the Mines and Minerals (Coalbed Methane) Amendment Act, 2010.

Mr. Speaker, this legislation contains three major provisions. One, it provides coal-bed methane ownership certainty by declaring that coal-bed methane is and always has been natural gas for both Crown and freehold minerals. Two, it recognizes that existing agreements entered into by the natural gas owner or their lessee that specifically granted coal-bed methane rights to the coal owner or coal owner's lessee will not be affected. Three, it protects coal owners and their lessees, surface owners, and the government from being sued by natural gas owners or their lessees for extraction, reduction, or removal of coal-bed methane prior to enactment of this legislation.

[Motion carried; Bill 26 read a first time]

### Tabling Returns and Reports

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

**Dr. Morton:** Thank you, Mr. Speaker. I'd like to table the appropriate number of copies of my letter to Minister Flaherty on the Canada

health transfer. The letter asked three basic questions on why Albertans are being treated unfairly by the federal government on this issue.

Thank you.

**The Speaker:** Are there additional?

**Ms Evans:** Mr. Speaker, I too would like to table the appropriate number of copies of my letter that I referenced in my response to the question from Red Deer-South, the letter to Hon. Josée Verner discussing the fair and equitable treatment of Alberta under the terms of the Canadian federalism system.

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

**Mr. MacDonald:** Yes. Thank you very much, Mr. Speaker. I have three tablings today. The first one is a tabling which I have permission to provide to the hon. members of the Assembly. It's a letter from a constituent, Laurent Godbout, who is deeply concerned by the government's plan to close or change the psychiatric care beds at Alberta Hospital Edmonton.

The second letter I have is also regarding Alberta Hospital Edmonton, and it is from a constituent, Catherine Jevic. Catherine expresses the same concerns as the first letter that I tabled.

Also, I have a public notice here. This is quite interesting, Mr. Speaker. It is a notice inviting people to a breakfast with the hon. Minister of Justice and Attorney General. It has also listed here the hon. member as the Political Minister for Calgary. The details are here for everyone to see, and this event is taking place Friday, October 29, in the hon. Member for Calgary-North Hill's constituency.

Thank you.

2:50

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

**Mr. Blackett:** Thank you, Mr. Speaker. I rise today to table the appropriate number of copies of annual reports for the Alberta Foundation for the Arts, the Alberta Historical Resources Foundation, the historic resources fund, and the Wild Rose Foundation as well as the annual review for the Alberta Human Rights Commission.

**The Speaker:** Before I call the next item, hon. members, today is the anniversary of birth for the hon. Member for Peace River and the hon. Solicitor General and Minister of Public Security.

### Orders of the Day

#### Government Bills and Orders Second Reading

#### Bill 16 Traffic Safety (Distracted Driving) Amendment Act, 2010

[Debate adjourned October 26: Mr. Hinman speaking]

**The Speaker:** Hon. Minister of Seniors and Community Supports, are you participating?

**Mrs. Jablonski:** No, Mr. Speaker.

**The Speaker:** Shall I call the question?



**Hon. Members:** Question.

[Motion carried; Bill 16 read a second time]

**Bill 19**  
**Fuel Tax Amendment Act, 2010**

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

**Mr. Dallas:** Thank you, Mr. Speaker. I'm pleased to rise today on behalf of the hon. Member for Battle River-Wainwright to move second reading of Bill 19, the Fuel Tax Amendment Act, 2010.

I want to point out first that this legislation does not introduce any new taxes, nor does it change any tax rates. It is essentially changing the timing for when tax is payable. This legislation supports the implementation of the province's upcoming renewable fuels standard in 2011. Without this legislation the renewable fuels standard program could see tax distortions that would have Alberta's renewable fuel production industry at a disadvantage compared to producers outside the province.

This is because currently fuel, including renewable fuel, can be imported to a refinery or terminal in Alberta without being subject to fuel tax. This contrasts with the sale of fuel by an Alberta renewable fuel producer, which, even if delivered to a refinery, is currently taxable. As such, an unfair tax situation exists where renewable fuel produced in Alberta is taxed while renewable fuel from outside the province may not be.

Alberta's fuel tax system inadvertently creates an incentive for fuel suppliers to purchase renewable fuel from outside Alberta. This legislation corrects this, leveling the playing field for tax purposes. It would allow renewable fuel from an Alberta producer to be sold to a fuel supplier here in Alberta without being subject to tax. Note, of course, that fuel tax is still charged later, when the fuel leaves the refinery or terminal or is sold into the marketplace.

This change also eases the administrative burden for both industry and government by ensuring there is not a mixture of taxed and untaxed fuel at a refinery or terminal, which could be difficult to track. This amendment also authorizes information sharing between Alberta Finance and Enterprise and Alberta Energy. Information sharing will improve administration and verification under both the fuel tax and renewable fuels standard programs. It also allows efficiencies to be developed under both programs to reduce the reporting and compliance burden for industry.

Finally, there are also a number of minor technical amendments to remove references in the act to blend stock and blending. Currently the term "blend stock" in the act refers to a nontaxable fuel. However, there are no blend stocks in Alberta, so this term has no real effect. Further, the term "blending" is commonly used by industry to describe the mixing of traditional fuel with renewable fuel, an entirely different meaning than the meaning of the term used in the act. Thus, the references in the Fuel Tax Act to blend stock and blending are removed to avoid confusion.

Mr. Speaker, this legislation will help ensure Alberta's renewable fuel producers are on a level playing field for fuel tax purposes with producers outside the province. Amendments also allow information sharing between Alberta Finance and Enterprise and Alberta Energy to support efficient administration of both fuel tax and renewable fuel programs and allow for the reduction of reporting burden for industry. Other minor technical changes are made to support the renewable fuels standard.

Thank you.

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

**Mr. MacDonald:** Yes. Thank you very much, Mr. Speaker. I appreciate that explanation from the hon. Member for Red Deer-South. Certainly, I think this is a bill that we on this side of the House will support as it proceeds through the Assembly. As I understand it, these amendments to the Fuel Tax Act will remove the disincentive, that the hon. member talked about, for traditional fuel suppliers to purchase from Alberta-based renewable fuel producers. This amendment will also provide a more consistent method of taxing fuel with Bill 19.

Now, certainly, from what I can understand – and I'm looking through public accounts when I say this, Mr. Speaker – Alberta Finance and Enterprise tries to be consistent with the purposes of the renewable fuels standard established by Alberta Energy. One only has to look through there, and you can see the individual distributors who are receiving money or having a rebate for one reason or another from the government as they provide or distribute fuel to various users.

The bill, as I understand it, in a very modest way provides support or a contribution to climate change by removing this disincentive for Alberta businesses to produce renewable fuel. Hopefully, this bill is part of a larger strategy to address climate change targets by promoting the use of renewable fuels and also cleaner fuels, in my view. I would consider natural gas to be a very, very clean fuel. As I understand it, Alberta's renewable fuels standard will require an average of 2 per cent renewable diesel in diesel fuel and 5 per cent renewable ethanol in gasoline sold in Alberta.

Now, I think that we should also in the course of the debate and discussion on Bill 19 have a look at natural gas and how we should incent natural gas as a fuel for the transportation sector. Certainly, we would need a few dollars for a promotion like that, and, Mr. Speaker, I even have a location within the province's current budget where we could find a few dollars to do that.

I brought up this issue quite some time ago in the House regarding the Department of Agriculture and Rural Development's Alberta farm fuel benefit program. There are actually two programs, one of them in Alberta Finance and one of them in Alberta Agriculture. Of course, I was criticized, not by the current minister of agriculture, certainly, but by a previous one, that this has just been hard on farmers and to not worry if we happen to have a little bit of leakage in the government program. In this case the farm fuel benefit program, when you total it, was close to \$100 million as an amount in the two programs. If there were invalid permits issued, then they should be retrieved by the government, and those individuals who are not valid farmers under that program should not have been eligible for any money.

3:00

Now, I was interested to read on page 121 in yesterday's report of the Auditor General that in December 2008 the department started a three-year continuous Alberta farm fuel benefit program renewal process. I applaud the minister for that effort. Each year the department contacts one-third of Alberta farm fuel benefit program registrants to renew their registration number and update all the information that is necessary. The renewal information is used to determine if the producers are still eligible to use marked fuel in their farming operations. Renewals for 2008 and 2009 are substantially complete, and they resulted in approximately 5,000 producers, or permits, as I understand it, being cancelled. The Auditor goes on to say that his office has reviewed the renewal and verification process, and they're satisfied that the process ensures the eligibility of recipients. So there have been up to 5,000 permits pulled from that file.

Certainly, that would indicate or conclude with this member that there has to be or should be a surplus in the amount of money that

has been rebated from Alberta Finance. So a portion of this money, I think, should be used to incent particularly our trucking sector to convert from the use of diesel, whether it's mixed diesel or not, with a renewable fuel, a renewable manufactured fuel. We should be encouraging more and more of our trucking companies to convert to natural gas. I think it can be done. It's certainly being done in other jurisdictions. I don't know. Maybe the hon. Member for Whitecourt-Ste. Anne could update us. I don't know if on the truck routes – and there's a lot of trucking on highway 43 – there would be such a facility, if such a facility would now exist along that commercial stretch in Whitecourt. I know there would be for propane. I think in the discussion of this bill, Mr. Speaker, this is part of the solution to improving our climate change targets, having natural gas as a fuel for the transportation sector. I think we should be encouraging and, to a certain degree, incenting that to happen.

There is a conference going to occur in Calgary on this matter quite soon. I would like to see an increase in the domestic consumption of natural gas in this province for transportation. I know the price of natural gas has to climb significantly, even from what the minister of finance had targeted in the budget. We're 75 cents, I believe, below his initial target, and I know that target was revised in the first-quarter update. However, that being said, natural gas as a transportation fuel, I think, would be a real alternative to diesel whenever you compare conversions, if we could incent the location of some fuelling stations. Let's start on major trucking routes where a lot of freight moves by truck and see what happens. When we further discuss fuel taxes, I would like this House to consider that now is the time – particularly, we could say that the price is right because of the cost of natural gas – that we provide an incentive to some of the larger users of diesel fuel to consider natural gas as an alternative source of fuel.

Certainly, in conclusion, Mr. Speaker, I would like to thank the hon. Member for Battle River-Wainwright and also the hon. Member for Red Deer-South for their work on Bill 19. It'll be interesting to see how this proceeds through the House, but I have one question, that will hopefully be answered as we proceed through committee, and that would be: did the treasury lose any money as a result of the past practices that are being corrected with this amended legislation? Thank you.

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

**Mr. Chase:** Thank you, Mr. Speaker. I'll be uncharacteristically short. The reason for my supporting Bill 19, the Fuel Tax Amendment Act, moved by the hon. Member for Battle River-Wainwright, is that it's doing what I've been asking for and been basically harping on this week in terms of achieving cross-ministerial cooperation and co-ordination. Amendments to the Fuel Tax Act will remove a disincentive for traditional fuel suppliers to purchase from Alberta-based renewable fuel producers. The act will provide a more consistent method of taxing fuel, and it's that consistency that is very important to me. Having Alberta Finance and Enterprise moving their practices to be more consistent with the purposes of the renewable fuel standards established by Alberta Energy, to me, is a step in the right direction.

I also appreciate, Mr. Speaker, the sort of made-in-Alberta solution to this in terms of removing an existing incentive for traditional fuel suppliers to purchase renewable fuel from outside Alberta, which is not taxed when delivered to a refinery in Alberta. The bill in a small way provides support to a very modest contribution to climate change by removing a disincentive for Alberta businesses to produce renewable.

There does not appear to be any reason why we would oppose it; therefore, Mr. Speaker, we are in support, and thank you for this opportunity.

**The Speaker:** Well, that one minute 40 second speech, though, does provide an opportunity for a five-minute question-and-comment period under section 29(2)(a), so would anyone like to participate?

There being none, the hon. Member for Calgary-Buffalo on the debate.

**Mr. Hehr:** Well, thank you, Mr. Speaker. It's an honour and privilege to speak in support of Bill 19, the Fuel Tax Amendment Act. The amendments to the Fuel Tax Act will remove a disincentive for traditional fuel suppliers to purchase from Alberta-based renewable fuel producers, and that's good news. We can only hope to encourage more of the renewable fuels and the like within Alberta. It is actually one of the ways we can possibly diversify our economy, not only through these renewable fuel products, but hopefully this will lead this government to follow the lead of other jurisdictions and look for other opportunities in developing other renewable fuel sources such as solar and wind.

I'm hopeful that this act is just the beginning of a broader based climate change policy and a broader based look at how we're going to diversify our economy from one that has primarily relied on our oil and gas supplies to possibly look elsewhere. We haven't had a ton of success on that over the last 40 years, but maybe this bill is sort of signifying that we see a change coming, and that gives me hope. It also looks that this is going to ensure that the fuel tax framework administered by Alberta Finance and Enterprise is consistent with the purposes of renewable fuel standards established by Alberta Energy.

I would like to echo the comments made by my hon. colleague from Calgary-Varsity. It shows some good cross-ministry work that is looking at: if the left arm is doing something, let's check out what the right arm is doing; let's see if they're working together. That is evident on this bill. I've alluded to this earlier. Transactions between renewable fuel producers and traditional fuel suppliers will no longer be taxed until the fuel enters the consumer distribution system. This will remove the existing incentive for traditional fuel suppliers to purchase renewable fuel from outside Alberta. Removing that barrier just makes common sense for many of the reasons I brought up earlier.

3:10

Simply put, we have to get into this renewable game and the game where we're moving our energy forces from the traditional use to some of the stuff that people are saying is going to become in vogue over the next 30, 40 years: solar, wind, and the like. Of course, there will always be a need for our energy industry, and I hope it produces for a long time and allows us an economic engine and advantage that we can rely on. Nevertheless, we have to do our part to not only diversify our economy but also to take climate change seriously. That is both very important at least to members on this side of the House and, I'm assuming by this bill, to many members on the other side as well.

I would also like to comment on the comments made in connection with this bill and possibly looking at how we can use this bill as sort of a template for moving more into utilizing our vast reserves of natural gas. As the hon. Member for Edmonton-Gold Bar so wisely pointed out, they are at a low in terms of price, and it may be an opportune time where we can use some of that cleaner burning fuel for possibly our trucking industry, possibly our buses in Edmonton and Calgary.

I know a local mayoralty candidate, Craig Burrows, former alderman, actually came up with that policy of converting the bus force to natural gas, and I think that was a very good idea. Possibly maybe some tweaking by members in this House could allow for municipalities or we could assist municipalities to sort of move in that direction by providing a little bit of the framework and the necessary legwork that's going to go into providing some of these opportunities to use natural gas more in not only our city centres but, as the hon. Member for Edmonton-Gold Bar pointed out, some of our busy trucking centres that are no doubt moving forward. It would also save them a great deal of money. Allowing people to make a few more extra dollars while they're saving the environment is a pretty good thing.

I would like to thank the hon. Member for Battle River-Wainwright for bringing forward this bill. I think it goes a long ways in trying to remove some of the disincentives for renewable fuels to be produced here in Alberta and to be worked on and to be refined and to hopefully get Alberta into the game of what much of the rest of the world has already embraced.

On that note, I will cede the floor to someone else. I thank you for the opportunity in allowing me to speak to this bill.

**The Speaker:** Standing Order 29(2)(a) is available. Hon. Member for Edmonton-Highlands-Norwood, do you have a question?

**Mr. Mason:** Thanks very much, Mr. Speaker. I want to ask a question to the hon. Member for Calgary-Buffer. He referred a number of times to environmental benefits of renewable fuels. I wonder if he is convinced, I guess, or has strong evidence that the environmental benefits overall – that is, the potential carbon emissions of biofuels – are, in fact, substantially less than regular petroleum fuels and also whether or not he has concern that the conversion of agricultural land away from food production into the production of fuels will tend to drive up food prices and whether or not that's a concern.

**Mr. Hehr:** I thank the hon. member for the question. Of course, I have read numerous articles, and in fact I was up late not the other night but a few nights ago watching some Charlie Rose, where they were discussing exactly this issue on biofuels. I'm of two minds on that issue. There's no doubt we have to feed a growing world and a growing population and try to understand that we have some humanitarian standards throughout the globe. Of course that's a concern. It's a concern not only for people throughout the world, but there are also people here in Alberta who need an adequate food supply. There's no doubt that growing food locally and supplying our citizens with that food is very important. That said, we are at the beginning of biofuels, okay?

What biofuels we are producing now, although there are significant problems with them – they have not been seen so far to reduce greenhouse gases; in fact, they have been seen almost to do the opposite and to take up a lot of land and take agricultural land away. Some people are of the view that since we're just at the start of this, we should be doing some of this experimentation so we can refine our biofuels so they can play a part in our overcoming our addiction to fossil fuels, which, of course, are running out, and to help global warming and CO<sub>2</sub> emissions.

I understand the question. I am very concerned about being able to feed a population that is growing, but at the same time there has to be some room for at least some experimentation and some development of a biofuels industry. That's going to take some heavy monitoring by government. Government is going to have to do some heavy lifting in terms of monitoring what is the right

balance on that and ensuring that this is not going to be an easy answer.

I'm still of these two minds, and hopefully I'll be able to work through it further, but I don't have a definite response, just a little bit of both there.

I thank the hon. member for the question.

**The Speaker:** Others?

Other speakers, then, on this bill? The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Mr. Speaker, I just want to elaborate on the points that I raised in my question to the hon. Member for Calgary-Buffer. I think there are a number of reasons why this bill may be necessary in order to, I guess, level the playing field, as it were. Essentially, I think that it's important that we raise some questions about some of the basic assumptions about the benefits of biofuels.

In the first instance, when you count in all of the emissions that are produced – for example, in the planting, the fertilizing, and the harvesting of these crops, the processing, and so on – plus the fact that they are still carbon-based fuels, you'll find that the environmental benefits relative to petroleum are not as great as many people assume. These are carbon-based fuels that are produced, and they release carbon into the atmosphere when they're burned. There's a considerable amount of carbon that's released into the atmosphere in the production of these fuels. You know, I think that that's one concern.

A real concern for me as well is the price of food for people. Now, I understand and have read articles relative to the production of biofuels in other countries, for example in Mexico, where serious shortages of corn, for example, which the low-income agricultural workers depend on, created hunger and some unrest. I think that there are instances like that around the world. Now, we're obviously not in that position, but we are in a position where the price of food has continued to rise and represents a significant burden for many people.

3:20

Now, set against that is the increased profitability for certain producers who want to get into the production of biofuels in a larger way. This will then provide some tax breaks for agricultural producers and to agribusiness, so it may well perform its function of stimulating the production of more biofuels. I don't want to say that I'm condemning biofuels as a whole, but I think it's important to raise some of these concerns.

The other thing that's apparent as sort of the fad of biofuels is past, probably closer to 10 years ago, was research that showed that in order to replace the entire production of petroleum fuels in transportation and other areas, you would basically need to convert all of the food production on the entire Earth perhaps several times in order to produce the amount of fuel that is currently derived from petroleum. It's certainly not an answer to the depletion of world oil stocks if anyone thought that that might be the case.

Mr. Speaker, I don't want to say categorically that I think this is the wrong direction, but I do just want to simply put on the record a few of the limitations and concerns around biofuels and to indicate that, in particular, I think we need to be concerned about making sure that we are in fact providing food in an affordable way to all Alberta families and that we also do our share to combat world hunger. I know that many farmers around this province do work with – I'm trying to remember the name.

**An Hon. Member:** The Canadian Foodgrains Bank.

**Mr. Mason:** The Canadian Foodgrains Bank. Thank you very much.

I know that they are doing great work, that farmers throughout Alberta are growing crops specifically to help people who are going hungry in other parts of the world. I think that's a trend we need to support.

Mr. Speaker, I just wanted to make those comments. This is not a categorical opposition to Bill 19 but simply to put some very I think important reservations on the record.

Thank you.

**The Speaker:** Standing Order 29(2)(a) is available. The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you very much. I appreciate the comments that were made by the hon. members about the concern over biofuels. Currently it takes about 20 per cent more energy to produce the biofuels in terms of the amount of fertilizer, the amount of water, the cultivation of the crops, and so on. So it's a bit of a lose-lose circumstance.

I do have a question for the hon. member as to the new methodology. For example, we've talked about separating the wheat from the chaff and just using the chaff part for the production of the biofuels as opposed to taking away from the grain, whether it be corn, whether it be wheat, oats, et cetera, whether that might be a little bit more acceptable.

The second question I have for the hon. member is: would he like to see a larger portion of this fuel tax being allowed to the municipalities as opposed to provincial revenues so the money could be used for infrastructure, social support programs, and so on in the local areas?

**Mr. Mason:** Thank you very much to the hon. Member for Calgary-Varsity for those questions. Certainly, the use of agricultural waste products as a stock for fuel production is an excellent idea, and I'm glad he brought that point up because I didn't really distinguish that from the use of food. If that's a cost-effective process, the use of waste products for fuel production is a great idea, but I think it's mostly where the sugar is in the plant that is the most useful for biofuels.

The other question, about more money for municipalities, is something that I strongly believe in. I think that fuel tax revenue should be used to support transportation primarily, and I think that municipalities need more support for that. I don't necessarily think that it has to be a bigger share of the fuel tax, but I do think that the province needs to work out an acceptable formula for revenue sharing with the municipal governments, who deliver many critical services directly to the public.

The tax base that they operate from, being the property tax, is not always the most suitable or sufficient in order to meet the needs of modern cities. In particular, property tax was designed originally for services to properties; that is to say, roads and streetlights, policing, fire protection, and so on. But modern rapid transit systems, some of the social services, and recreational programs that modern municipalities, especially large ones, are called upon to provide are difficult to operate and fund just based on the property tax.

Yes, I am a strong proponent of greater revenue sharing with municipalities to give them a reliable, predictable, and guaranteed source of revenue. Those things are all important. It shouldn't just be going up and down like a yo-yo so that every time the price of gas drops in the province of Alberta, the arrangements are changed. I think it's got to be something that they can plan on in order to make good long-term decisions.

Thank you.

**The Speaker:** Others under 29(2)(a)?

Other speakers?

Then I shall call on the hon. Member for Red Deer-South on behalf of the hon. Member for Battle River-Wainwright to close the debate.

**Mr. Dallas:** Mr. Speaker, I'd just call for the question.

[Motion carried; Bill 19 read a second time]

### Bill 18

#### Government Organization Amendment Act, 2010

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

**Ms Evans:** Well, thank you, Mr. Speaker. It's a real pleasure to rise today and move second reading of the Government Organization Amendment Act, 2010, as introduced.

We have a real enthusiasm for this new partnership. I want to say, first of all, that the opportunity for this amendment act to expand the horizon of the pioneering that Alberta has done in breaking down trade barriers does not in any way detract from the affiliation and the affection we have for the country of Canada. This does not in any way anticipate that this New West Partnership that has been formed will replace or even supplant in any fashion the kinds of things that we do as a Confederation.

[The Deputy Speaker in the chair]

However, it is to take advantage of the fact that together the three provinces have 9 million people and a GDP of \$550 billion per year. It's worthy of note that this is the epicentre in the global economy of some of the most incredible underdeveloped resources that are just waiting in all three provinces to be developed and expanded with the proper plan, with the proper partnerships, and with the proper affiliation. We started the process by breaking down trade barriers with British Columbia. Now we have Saskatchewan on board, which clearly shows how the west is leading the way.

Mr. Speaker, these amendments are required for two reasons: first of all, to bring monetary enforcement provisions into the pan-Canadian agreement on internal trade, the AIT, as it's commonly referenced, and secondly, to extend the existing provisions of TILMA to the New West Partnership trade agreement, that includes the province of Saskatchewan.

The AIT is the national agreement that governs domestic trade and labour mobility across Canada. One of the flaws in that agreement was that a jurisdiction could break the rules without any consequences, and just very recently, in the last few days, we've heard about that rule-breaking and consequences that now can be applied.

3:30

In 2009, when all the provinces, territories, and the federal government agreed that an enforcement mechanism should be added with monetary penalties, they were incorporated into the AIT, the agreement on internal trade. These monetary penalties are up to \$5 million if a jurisdiction does not comply with an AIT panel ruling. This is the teeth that Alberta has long been advocating for and is consistent with what we put in the TILMA agreement, or the trade and labour mobility agreement, that we've had in effect with the province of British Columbia. In fact, the AIT dispute mechanism is modelled after TILMA. We're already seeing its effects with the recent vegetable oil ruling over Ontario.

What we're proposing would update our legislation so that we're compliant with the new AIT rules. Mr. Speaker, we fought for those rules to be changed on a national level. They have been in the AIT agreement. Now this puts us in harmonization with those rules. All provinces, territories, and the federal government have agreed to make these changes to legislation. It just makes sense to be in perfect alignment so that we have everybody playing by the same rules.

Now, in the second part of this particular amendment act we have the New West Partnership trade agreement. It is part of a vision that this Premier has held ever since he thought years ago as Transportation minister: "Why do we have weigh scales on both sides of the Alberta border? Why would we on highway 1 try to duplicate on the Alberta side or the British Columbia side the same kind of activity, the same kind of regulatory enforcement as the other province?" So he fought for and won the right to make sure we streamlined and had only one weigh scale, only one office, only one delivery centre to make sure that this barrier was broken down between the two provinces and that we were working simultaneously, in effect, with partnership.

This kind of fundamental principle has been the underlying principle now of the New West Partnership trade agreement. The change that we're bringing in, in effect, does not add any new obligations for Alberta or British Columbia. The amendments will, however, allow for a common set of provisions covering all domestic trade agreements that Alberta may be party to. This will ensure that Alberta can provide timely, consistent implementation of its domestic trade agreement obligations, especially if more provinces want to join the Alberta-B.C.-Saskatchewan free trade region, and, Mr. Speaker, we're hearing rumours of just that kind of interest from other partners.

Full implementation will improve interprovincial trade, investment, and labour mobility in the west and provide seamless access for businesses and workers with a range of opportunities. It will also increase our competitiveness in the global economy.

Mr. Speaker, breaking down trade, investment, and labour mobility barriers is important for our economies and our citizens. It has been part of our Premier's leadership both in the Competitiveness Act and in all the facets of the way we are thinking and reviewing how we can become more economic. It is imperative with a group like our economic council, in fact, that we find new ways, and this is one of the best new ways, we believe, that we can support not only our businesses but sensible approaches to governing between the various provinces. I encourage all hon. members to support these amendments.

Mr. Speaker, I'll be prepared to answer any questions.

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

**Ms Pastoor:** Yes. Am I speaking to the bill, or is this 29(2)(a)?

**The Deputy Speaker:** To the bill.

**Ms Pastoor:** Okay. Thank you, Mr. Speaker. It is a delight to stand up and speak to this bill. I'm sure that everyone knows that on this side of the House we certainly hammered hard at some of the agreements in TILMA that we felt probably wouldn't be as successful in light of the fact that the AIT was in place. However, I think we also knew that the AIT wasn't as effective as it probably could have been. I think that I can remember speaking about one of the most important things, about being able to, as the minister has referred to, weigh trucks on each side of the border because they had to drop off the beer cases before they could get them across, which

was one of the things that they really wanted to do. So that was successful.

Back to this Bill 18. It does bring Alberta in line with recently established monetary enforcement provisions contained in the newly established dispute resolution. The minister has referred to that, the one that we won with Ontario, which now allows canola products to actually be sold in Ontario. It also would rescind the trade, investment, and labour mobility agreement established by Alberta and B.C. because the agreement can be superseded by the New West Partnership trade agreement, but what it's done is move it to schedule 6 when, in fact, TILMA had been in schedule 6.1.

Partly what this bill has done is consolidating and, I think, probably making it a little easier for other entities that would be interested in joining to be able to have their legislation perhaps go forward to be able to meet some of the legislation that would have to be put together for all the different provinces. It actually reflects the reality that domestic trade units like the New West Partnership trade agreement are becoming increasingly common and are likely to emerge more frequently during the near future. I think that we have seen this way back when. When we look at the European Common Market, it's the same sort of principle, and I think we can look at that market and say that certainly some portions of that have been very successful.

As I said, the recent changes to the AIT make it stronger, and more importantly its enforcement now makes it directly parallel to the provincial and regional trade labour agreements that have already been signed between British Columbia and Alberta. The impact of this could be that the act recognizes agreements to which Alberta is liable and a participant, and it deals broadly with enforcement measures that have recently been addressed, as I've said before. I think it's very important because I believe that one of the reasons that AIT didn't work was because there wasn't any enforcement. I don't care how many rules you make; if they're not enforceable, they're not worth the paper they're written on. I think that when we make rules, when we make legislation, let's have some way to enforce it so that, in fact, the playing field would be level for everyone.

It's also important to note that these changes reflect only domestic trade, and it's good for all Canadians when we can get our domestic trade going east-west instead of always north-south. The international aspects of the New West Partnership trade agreement and their importance in the overall agreement really are not considered within the scope of the amendment. I'm sure that some of the agreements would fall under NAFTA if we were going south.

In addition, the members of what had previously been the TILMA panel, which adjudicated complaints and awards, will not change to the New West Partnership trade agreement and will stay. I'm assuming that with Saskatchewan joining, they would be allowed to nominate people to be on that adjudication panel.

I think, as I've mentioned before, that since its inception we on this side haven't really supported TILMA because it was developed and implemented outside of the Assembly and without adequate public consultation in other democratic forums. I think that this was probably one of the strongest arguments that we felt was legitimate when we talked about TILMA. However, the acceptance of this concept on a national scale will likely have many beneficial effects.

**3:40**

The measure is really a common-sense approach to economic diversification. I'm going to go back to something that we've looked at in southern Alberta and I've discussed with the minister as well. We're looking at getting thebaine, which is a product that is making pharmaceutical heroin, for lack of a better word, but it's not

really heroin. It's a very, very important new crop, and of course, again, that's a diversity that would be going right across our country, particularly to pharmaceutical firms.

For Alberta and B.C. the New West agreement really changes very little. As you know, we were already on the inside sort of looking out.

I think, as the minister has said, that the Premier has always asked for – and I think I see that his minister is doing it – going to the new markets, that clearly we're going to have to look at, which are China and India and, certainly, in that Pacific Rim. The expansion of our domestic markets and the Asian markets is crucial. Because of the severity of the recent economic downturn in the States, which has traditionally been our largest trading partner, and the changes to the regulatory structure in the U.S., Alberta must look further afield for economic and trade opportunities. I realize that this has sort of gone off on a tangent because, truly, Bill 18 is strictly for domestic use. However, a strong domestic product, even if it's with two or three provinces together, will have that advantage of going to the Pacific Rim or the Indian countries and being able to sell our products.

The Alberta government has always come out as a strong advocate for breaking down barriers to trade and labour mobility. I don't think that we on this side ever had any objection to that. Again, as I say, the only objection was that it was done in the backroom, so to speak, but TILMA has been a good example of this going forward.

I think the minister is really very good because I think she read my mind. One of the comments that I would like to make, which is a philosophical observation, is exactly what she mentioned, that I see Canada perhaps being regionalized. I think that, first and foremost, I am a Canadian, and I want to see Canada remain a very strong country. When I see what's happened with the agreement between B.C. and Alberta, clearly a lot of the action is in the west and has moved. It's an evolution within Canadian history. All of the action was in the east, which is where we were founded, and we're not that old a country. Compared to the European Common Market and some of the European countries, truly we are probably a country still in diapers.

I would hate to see us regionalize, where we fight against each other, but I believe that the start of TILMA, I'm hoping, is the start of something bigger that will unite the country in terms of being able to trade amongst our provinces and, in fact, where the provinces will work together for the betterment of all of Canada.

With that, Mr. Speaker, I am pleased to be able to say that I support Bill 18.

**The Deputy Speaker:** Any other hon. members to speak? The hon. Member for Strathmore-Brooks.

**Mr. Doerksen:** Thank you, Mr. Speaker. I am pleased to rise today in support of Bill 18, the Government Organization Amendment Act, 2010. I was a strong supporter of TILMA, the trade, investment, and labour mobility agreement, and I am now a strong supporter of the New West Partnership trade agreement, that this bill considers.

Alberta and B.C. were pioneers in working collaboratively to remove redundant barriers and enhance the movement of goods, services, and people across our borders. This work was noticed across Canada, and it was truly a historic day earlier this year when Saskatchewan joined B.C. in forging the New West Partnership and, specifically, the New West Partnership trade agreement. Bill 18 will extend the existing provisions of TILMA to the New West Partnership trade agreement, including Saskatchewan with B.C. and Alberta.

TILMA has been very successful for this province in reducing government red tape, contributing to job creation, and stimulating

economic growth, and through this bill that will now extend to Saskatchewan, which will create a larger, stronger, and more dynamic region here in western Canada. I believe it really does kind of broaden our opportunity to have influence within Canada. Certainly, I'm a nationalist in terms of the importance of international trade and Canada taking strong, strong positions with regard to ensuring that we have open access to international markets, but I think this regional partnership will help us in international markets as well. This partnership creates the largest barrier-free trade and investment market within Canada, representing over 9 million people and a combined GDP of \$555 billion.

I have for many, many years in my involvement as an agriculture producer, as a beef producer, seen the importance of removing barriers to trade. There are clearly the restrictions that we've seen, inappropriate restrictions to access to several markets, particularly in the beef industry, that have created a great deal of economic hardship for Canadians but also for Alberta cattle producers. I guess I see this partnership as helping us to have a stronger impact in international trade agreements, that are often led by our national government but are of particular importance to western Canada with our heavy dependence on the production of raw materials, whether that's in agriculture or oil and gas or forestry products. So that's extremely important in western Canada.

It was my privilege in the years prior to becoming involved as the MLA for Strathmore-Brooks to travel internationally as the chairman of the Canada Beef Export Federation as well as the Alberta Beef Producers, and I very clearly saw the importance of regional trade agreements or the importance of reducing interprovincial trade barriers, that have existed in Canada for many years. While you wouldn't think that's a direct connection, very often those interprovincial trade barriers impact how effective we can be in international markets, repeatedly in Asian countries, particularly, but also in Mexico. We saw situations where the fact that we hadn't gotten things resolved within Canada had some bearing on how well we did in some of those markets in terms of smoothing the way to keep products moving back and forth efficiently.

I guess that since becoming involved as a Member of the Legislative Assembly, I've also seen – particularly through the discussion of the TILMA that we've had over the last several years, two years in particular, I've understood in broader terms what some of these agreements mean to a whole range of other industries and small business across our province, and I appreciate the broader understanding that the discussion in this House has brought to myself. As I said, my understanding was primarily in agriculture, particularly the beef industry.

One of the things that I do appreciate about our country is the fact that we have a national animal health and food safety position, a national set of regulations. That's also important to get into markets and see products move freely into other markets. We just have to look down to the U.S., where there is, I would say, a more extensive regional set of regulations for a whole range of movement of goods and services state by state, and that makes it very difficult to move products even from, say, Alberta into various states. There isn't a uniform animal health and food safety standard in a number of the U.S. states, so that adds some complications. I think the fact that we have this national standard for animal health and food safety, then as we work to break down the barriers of interprovincial trade, we'll see better results internationally. I think even some of the more recent trade missions that have happened as a result of this partnership developing will bear good results for our province.

3:50

Not to extend my comments, Mr. Speaker, but I'm just very pleased to see us moving in this direction. I look forward to the

success that we'll have in agriculture and in a wide range of products and goods and services for Alberta as a result of this initiative. I'd like to applaud the minister for bringing this forward, and I look forward to the success that we'll appreciate as a result of that.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Standing Order 29(2)(a) allows for five minutes for questions or comments.

Seeing none, the hon. Member for Edmonton-Highlands-Norwood on the bill.

**Mr. Mason:** Thank you very much, Mr. Speaker. I appreciate that. I'd like to speak briefly on the bill and express some of the concerns which I have. These concerns, I think, fall into three categories: the broad concern about free trade agreements generally; the concerns about TILMA, which we're repeating, because that was debated in this House some years ago; and then specific concerns relative to this act.

Mr. Speaker, our party opposed TILMA and continues to do that. We are not going to support this piece of legislation even though it doesn't change very much. We're not comfortable with the status quo of TILMA, so certainly extending it to one more province in general is not something that we're wildly in favour of.

I want to talk about one concern I have specifically. Members of this House may know that I was at one point, for a number of years, a member of the municipal council here in the city of Edmonton. One of the things that the TILMA act does is to severely limit the ability for municipalities to have local procurement programs. Over certain thresholds, which are fairly low – \$75,000 for goods and services and \$200,000 for construction – they have to accept competitive bids from anywhere in B.C. and Alberta, and now Saskatchewan will be included in that as well.

I support local procurement policies. I think that municipalities should have the authority, if they wish, as an economic development strategy to have a buy-local campaign. Why is that important? Well, Mr. Speaker, if you really look at it – of course, this is a broader concern with the North American free trade agreement as well – in other areas it really limits the capacity of local governments to have local procurement. When you have local procurement, you are going to be dealing with a greater number of small businesses, and they're going to employ more people locally. When you have to accept bids from somewhere else, they're going to tend to be larger companies with less local employment. This is a policy across the board in all free trade agreements – and it's a policy that tends to reduce the number of small businesses in your community – to become dependent on much larger corporations. It's an intentional strategy, in my view, which is behind this from large corporate entities in the world and Canada and the United States and Mexico and the governments, that are joined at the hip with those companies.

I've always been a strong supporter of local employment and small business, and I don't see the benefit to our communities, generally, of going in this direction. If you're a big company, I certainly see the benefit because it certainly removes any limitations there may be on your ability to get labour or capital virtually anywhere you want. I know that's something that the government members opposite believe in, but it's not something that I believe in. We've been fairly consistent in our opposition to this particular direction on the part of the government.

The bill has one very good point, something that we fought very hard at the time, which is what they call the Lieutenant Governor in Council's override position, which is schedule 6.1, section 7. Now, that is what's known as a King Henry VIII provision, and it gives the cabinet through regulation the authority to change legislation if that

legislation conflicts with the directions set out in the TILMA bill. It's being eliminated, and I'm very glad of that, Mr. Speaker, because it's a very, very dangerous direction for any government to take, to give itself the power, without reference to the Legislature, to change laws. It has proven unnecessary, apparently, and has not been used, so the government has come around on the issue and is eliminating it here in this act. That's one thing that I'm very grateful to see.

I guess the other principle that I want to direct members' attention to is the whole question of sovereignty of Legislatures and parliaments and how these free trade agreements undermine that. If any law that we pass or any measure that we adopt contradicts these acts, it may in fact be overturned by different panels. Of course, with the free trade agreement in North America there are panels that can overturn the decisions of the Parliament of Canada or of this Legislature, and those have the effect of reducing the democratically-elected members' rights and the ability of parliaments and Legislatures to act in a sovereign manner in the areas of jurisdiction which they have.

I want to just point to one serious issue with relation to this and, obviously, not directly under TILMA, as an example. It's the export of unprocessed bitumen from our province. There are a number of economic analyses that show that a large number of jobs, both construction jobs and ongoing jobs in the industry, are essentially being created in the United States, where this bitumen is being upgraded. Now, it would certainly be our view to support what the Premier said at the time of his election as leader of the Progressive Conservative Party, which was, you know, that we want to get away from that. He likened the export of unprocessed bitumen to scraping off the topsoil of a farm and selling it. I agree with that characterization. I think it was accurate. But now with the massive development of upgrading and refining facilities in a number of states in the United States dependent on our bitumen, we're losing that. The difficulty is that the free trade agreements will make it very difficult indeed to go back and repatriate our jobs and make sure that we are in fact processing our raw materials as much as possible here in our own province. It's an example to me of the dangerous slippery slope that is presented by these free trade agreements.

4:00

Mr. Speaker, to summarize, I think this bill interferes with the autonomy of municipal governments. I think it undermines the position of our provincial Legislature. It undermines our ability as the people's elected representatives to make decisions. It undermines small business. It creates a system in which international capital is making more and more decisions about what happens in our province and we are making fewer and fewer decisions about what happens in our province. So it's not the direction that we support.

I expect that at some point in the province to the west of us and the province to the east of us there will be political change again, and we may find this western partnership reduced maybe to this province. I expect that at some point there's going to be political change in this province as well, and then they'll all be out, and I'll be happy.

Thank you very much, Mr. Speaker.

**The Deputy Speaker:** Section 29(2)(a) allows for five minutes of comments or questions.

Seeing none, the chair shall now recognize on my list the hon. Member for Whitecourt-St. Anne, followed by the hon. Member for Calgary-Varsity.

**Mr. VanderBurg:** Thank you, Mr. Speaker. First of all, I want to commend the minister for introducing this bill. She knows and I know that in the 21st century jurisdictions that don't look beyond their own borders will find themselves working in isolation, and they'll struggle to compete in an increasingly global marketplace, sir.

I think the New West Partnership agreement is critical. I think that, you know, you've heard that our neighbours in B.C. and Saskatchewan have come together to improve the internal trade and labour mobility agreements, but more than this, the New West Partnership reflects a commitment by western provinces to collaborate as a single region in promoting the west internationally. I think that's where the big payoff comes for our province, Mr. Speaker.

I think, Mr. Speaker, we can break down the barriers between our provinces. It's not a political barrier. These are good, common-sense business barriers that need to be worked on collaboratively. You know, we're better positioned to market the west internationally. We can attract businesses, foreign investment, and we can increase trade. It makes sense. It makes business sense, and I don't think that if one government changes or another government changes, it'll affect that.

Sir, once businesses are attracted to our part of the country, this legislation will allow them to move between our provinces with greater ease. In Whitecourt-St. Anne right now I have companies that are based in B.C. that tell me every time I meet with them of the frustration that they have, you know, working between the provinces, whether it's moving labour or goods. They're telling me through our discussions in the last year through TILMA that it's improving, that things are getting better. So if we can enhance that relationship, why not? It makes business sense. It employs people in my constituency. It makes my industry folks more competitive on not just a local basis but an international basis. It's good for all of us.

That's why, once again, I support this bill. I support the minister's initiative and know that this is just the first step in many steps that this Legislature can take to become stronger as a region in Canada.

Thank you, sir.

**The Deputy Speaker:** Section 29(2)(a) allows for five minutes.

Seeing none, the chair shall now recognize the hon. Member for Calgary-Varsity, followed by the hon. Member for St. Albert.

**Mr. Chase:** Thank you very much, Mr. Speaker. I must admit to feeling the same conflicted feelings as I did when we talked initially about the TILMA bill, and part of that conflict comes from how we do it. I'm concerned about the lowest common denominator in terms of practices, the potential of undercutting labour agreements, and so on. If it turns out that some contract achieved in B.C. is lower than that in Alberta, then we would import that lower agreement, and to me that's part of the problem.

I also have similar concerns to the hon. Member for Edmonton-Highlands-Norwood with regard to the potential loss of local determination and the effect on local economies, the equivalent of the Walmart moving in and knocking out the hardware store, the grocery store, and a series of small businesses.

On the other side of the coin, I believe in collaboration. I believe in co-operation. I believe in the vision that was put forward by the hon. Member for Edmonton-Riverview of the notion of the western tiger. As the hon. Member for Lethbridge-East indicated, I don't see this as regionalism, a firewall, a border circumstance, where we put a moat around our western provinces, but I see some commonalities that could be achieved.

I must indicate that I consider myself to be a Canadian first and an Albertan second although for over 50 of my 63 years I've lived in

this province and have strong roots in this province. My sort of national identity was formed by the fact that my father was in the Forces, and I was born, for example, in Saskatoon. From there we moved to Aylmer, Ontario, to Saint-Jean-sur-Richelieu, just outside Montreal. I moved temporarily back to stay with my grandmother in Saskatoon for a portion of grade 1. From there our family moved to Winnipeg, where I finished grades 1 through 3. Again I was back with my grandmother for a little while for grade 4. From Winnipeg the family moved to Namao airbase, just outside of Edmonton. From Edmonton to Toronto, from Toronto to Ottawa, and finally from Ottawa in 1966 we moved back to Alberta. This is why I celebrate the fabric and I feel connected to the various regions of Canada.

It bothers me when I hear talk of firewalls, when I hear certain Albertans complaining about equalization payments. The way I view that is that we're fortunate to be in this economic driver province, that we have money that can go on equalization payments. I can't imagine anybody wanting to trade places with a province that's the recipient of these transfers.

As I say, I view things from a national perspective, but I also see the potential of co-operation; for example, the bulk buying of certain products that would be of benefit to each of us. I'd like to see a national pharmacare program, but until such a time as that becomes possible, I'd like to at least see Saskatchewan, B.C., and Alberta buying drugs, generic preferably, at a reduced price so that we could all have that economic benefit. I don't see that as undercutting anyone's bottom line, but I see it as a sharing.

In terms of co-operation I like what I've seen at PNWER, the Pacific North West Economic Region, but also I would say that that E stands for "environmental."

4:10

The notion of working with those around us for our better and larger good makes tremendous sense to me. For example, I would much rather be in some cases importing timber from B.C. rather than using some of the B.C. practices of clear-cutting that have been adopted in this province, especially close to water bodies. The justification of the pine beetle for unsustainable practices instead of selective logging and burning, for example, would not be a practice I would want to import from B.C., and I know there are a number of people in B.C. that regret the type of logging that's been done there. Yes, B.C. has suffered from the pine beetle infestations. We're taking measures to avoid that spread farther east, but the measures that we have to take must be based on science. I'm not a proponent of large dams to the point where we're flooding timber and we're flooding farmland, so there are certain practices within B.C. that I would not necessarily want to import.

For example, Premier Brad Wall of Saskatchewan has expressed concerns about the takeover of the Potash company, and Prime Minister Harper has said: "Well, what's the problem here? You're going from an American owned to an Australian owned." He doesn't see that as a problem. The problem is the loss of local say, local control. In this case it's the entire province of Saskatchewan. Now, I'm not sure because I don't quite understand whether our AIMCo's potential investment in Potash, up to a 30 per cent share from what I've read and heard, is viewed by Saskatchewan as being as hostile a takeover as is being suggested as coming from Australia. I'm somewhat conflicted in terms of: we're wanting to be more co-operative, yet we're talking about large shares of Potash or taking over part of Saskatchewan's local control.

I also think that there are a number of practices that Saskatchewan or B.C., for that matter, would not want to borrow from us. That's, for example, the tailings ponds issue. We continue even though we



know that tailings ponds, beyond dead ducks, are a threat not only to wildlife but also to our human well-being. I'm sure that's not a practice that we would want to be adopted.

Also, in terms of sustainability we have to be careful about the practices. For example, in situ SAGD, while it is in some ways less harmful than the mining, still cuts up the backcountry to such an extent that it does put animals and birds, especially of the migratory variety, in danger. We have to be sharing best scientific practices amongst Alberta, Saskatchewan, and B.C.

We've talked about, for example, the need to expand and diversify our economy. I agree with that. While I am not a wall builder, I see the advantage of the east-west trade, as the hon. Member for Lethbridge-East indicated. You've seen me stand up in previous TILMA debates and talk about the need to twin highway 3 so that we go from our eastern border to our western border with a twinned highway, which will promote commerce and trade. I think, obviously, that if we're going to bring Saskatchewan into this larger TILMA agreement, then the standard measures that the hon. Member for Lethbridge-East had in terms of the tolls that we charge transport trucks and the safety inspections and so on I would hope would be the highest standards and the highest expectations – I didn't say the highest levies or highest taxes but the highest safety standards – and we would have a quality road system for connecting.

I am concerned, as the hon. Member for Edmonton-Highlands-Norwood put forward, about the export to the south of our jobs. Again I talk about being conflicted because I believe that our water should be first used for human consumption and also for the benefit of our natural situations. I am worried about the amount of water that gets used up in irrigation, for example, the current practices, and the need to protect that water, yet it makes absolute sense in a TILMA circumstance to realize the direction our water flows. We have agreements on a national basis – for example with the Athabasca or the North Saskatchewan or the South Saskatchewan or, for going down to the States, the Milk River – as to how much allotment we're allowed to have in order to make sure that our receivers have what they need to carry on their livelihoods.

The idea of an extended treaty: I understand the benefits; my hesitation comes from the limitations. I do not believe, for example, in contracts like division 8, where the first group in determines the wages and the conditions for the rest. I believe that contracts should be negotiated in a fair way, and I do know that, for example, in B.C. and Saskatchewan the idea of unionized labour seems to be better accepted than it is in Alberta.

I also share the concerns that the hon. Member for Edmonton-Gold Bar indicated about the lowest price and, in some cases, a lower standard or quality, of having so much of our work for the oil sands being shipped long distances at great fuel costs: first from Korea, across the ocean, through the States, including Montana, where the companies are paying the States for the wear on their roads. But I'm not sure to what extent that compensation is coming our way in Alberta. I appreciate our economic drivers. I'm looking for a sustainable balance between our economy and our environment. I believe in co-operation; I believe in collaboration. If we all reach for the highest standards, then Bill 18 is going to satisfy my concerns.

I guess the adage think globally, act locally applies in terms of: what's good for Alberta should theoretically be good for the rest of Canada. Hopefully, Bill 18 will achieve that, and if that is the case, then it will probably receive my support.

Thank you, Mr. Speaker, for the opportunity to try and go around all sides of the argument in trying to come up with a decision.

**The Deputy Speaker:** Standing Order 29(2)(a) allows five minutes for comments or question.

Seeing none, any other hon. member wishing to speak on the bill? The hon. Member for Calgary-*Buffalo*.

4:20

**Mr. Hehr:** Well, thank you, Mr. Speaker. It's truly an honour and a pleasure to speak on Bill 18, Government Organization Amendment Act, 2010. Essentially, this bill will try to bring Alberta in line with recently established monetary enforcement provisions contained in the newly established dispute resolution chapter of the agreement on international trade, or AIT. What it does in the process is rescind the TILMA agreement established by Alberta and British Columbia just recently. The act aims to bring Alberta in line, like I said, with the monetary enforcement provisions established in the AIT.

In addition, this does replace TILMA. This agreement now becomes the New West Partnership trade agreement, or NWPTA, which has essentially expanded the previous TILMA agreement between Alberta and B.C. to include Saskatchewan. In essence, Bill 18 takes specific references to trade agreements out of the Government Organization Act in favour of generic language that focuses more broadly on trade agreements.

The central motivation for this change is twofold. The first reason is to reflect the reality that domestic trade units like the NWPTA are becoming increasingly common and are likely to emerge more frequently in the near future. It seems to be the direction of the world. The recent changes to the AIT now make it much stronger, and its enforcement now makes it more directly parallel to provincial and regional trade and labour agreements. That's essentially where the world is going, and Alberta is joining in and reflecting these changes and breaking down barriers to trade where they exist.

There seems to be a lot of commonality between British Columbia, Alberta, and Saskatchewan, so in the main these are probably good things. That's something that's going to have to be monitored from time to time by this government and other organizations to ensure that it is running smoothly, that the agreements still make sense, and that it's not simply a matter of dogma, that it's actually working for Alberta citizens.

The act recognizes agreements to which Alberta is liable and a participant and deals broadly with enforcement measures that have been recently established. It also sets in motion a move to create legislative structure for the New West Partnership so as to harmonize this legislation, so we can move to actually have some enforcement provisions to harmonize this legislation among the three organizations.

I was also present in this House when we previously argued against TILMA, and that was essentially for a couple of reasons. First off, we felt that it was being rammed through without a fair and full hearing of our partners at various municipal governments and other areas of the province who were uncomfortable with bringing it in. Essentially, it was not that this caucus is against trade or reducing barriers. It's not. It was simply that there was not a full and fair consultative process in place.

That's sort of where we're going. A lot of this stuff is good stuff. Let's look at this. The three provinces of the New West Partnership combine to form an economic unit representing 9 million people with a combined GDP of more than \$550 billion. The driving concept behind the partnership is to increase the level of trade and to increase investment and labour mobility and allow people more opportunities. As a by-product of this partners are attempting to attract and retain talent from a broad spectrum of industry, business, and education and capitalize on a combined buying power in foreign markets. These tend to be good things. As we become more

competitive and reduce these barriers, hopefully a lot of these things the bill is trying to accomplish will become evident. I am hopeful that they will lead to more prosperity here in Alberta without any of the necessary baggage or any corresponding weaknesses. Let's hope that is true.

I thank you for the opportunity to speak on this bill. It looks like a move in the right direction. I do recognize the point that the hon. Member for Edmonton-Highlands-Norwood brought up, that local procurement practices of cities are impacted by this, and that made some pretty good sense to me. Cities should have some sort of direction on how they're allowed local procurement, and there should be some provisions in there for cities to develop themselves or to spur economic development or to utilize the levers that are at their control. That is a concern for me.

I think, also, that a drawback of this bill may be the fact that it encourages buying products from a long distance away. I realize the theory is that having open markets reduces price and people get the best deal and competition happens. I understand that argument. At the same time we're moving at a time when there are concepts – as the hon. Member for Calgary-Varsity brought up: think globally, act locally. We're looking at times when in this world we have a fisherman in Norway catching a fish, that fish is then being sent off to China to be canned, and that can was made in a smelter in Canada. It all comes together, and then it's sent three-quarters of the way around the world, to Australia, to be sold.

Now, I understand this could add to some future problems. I understand that. Nevertheless, those are things that we will have to keep an eye on in this bill, and it's outside the scope of this. I just bring up that those are some of the ramifications of the direction we are going in here. Although I understand it and generally support it, there's another side that looks at local procurement and local development as being also necessary. Maybe there are ways to do both of these things with this bill, to not only encourage trade and development with our partners but also to look to develop local sourcing for things. But, hey, Rome was not built in a day, sir.

I thank you for the opportunity to speak here today. Thank you.

**The Deputy Speaker:** Standing Order 29(2)(a) allows for five minutes of comments and questions.

Seeing none, then I would call the hon. Member for Calgary-McCall.

**Mr. Kang:** Thank you, Mr. Speaker. It's a great pleasure to speak on Bill 18, which will bring Alberta in line with the recently established monitoring enforcement provisions contained in the newly established dispute resolution chapter of the agreement on internal trade and rescind the trade, investment, and labour mobility agreement, TILMA, established by Alberta and British Columbia. That agreement is superseded by the New West Partnership trade agreement, which has recently expanded the previous agreement between Alberta and B.C. and Saskatchewan.

4:30

When we look back, we look back at NAFTA. There were concerns that NAFTA would be damaging for our economy for Canada because we were negotiating with a much bigger economy, but NAFTA turned out to be good for Canada. I think that breaking down the barriers between different provinces or different countries, you know, it is the era whose time has come. I'll give you an example. Like, in India if a trucker was to go from one state to another state, he had to have a permit for every state. Even there they are breaking down the barriers. The trucker could get just one permit, and he could go right across the country.

Bringing Saskatchewan into the fold I think would increase competition. Who knows? Our prices may come down with more competition. You know, if the plumber from B.C. could come work here, we're going to have more competition. Maybe, you know, we will pay less for plumbers, and maybe electricians will be cheaper.

The objective is to reflect the reality that domestic trade units like the NWPTA are becoming increasingly common and are likely to merge more frequently. In the near future there will be more agreements. My colleague from Edmonton-Riverview talked about the western tiger. The world is becoming like a global village, and there is no way that we can build firewalls around ourselves. We have to have these agreements in order to prosper.

This act also recognizes the agreements to which Alberta is liable and deals broadly with enforcement measures that have been recently established to address the dispute resolution issues stemming from AIT. It also sets in motion a move to create a less legislative structure for the New West Partnership, as to harmonize the legislation already created for TILMA compliance in order to bring Saskatchewan into the new agreement.

The only change for the government of Alberta will be that material which used to deal separately with AIT and schedule 6 and TILMA and schedule 6.1 will now become combined in a new schedule 6. Since its inception we have not seen TILMA because it was developed and implemented outside the Assembly without adequate public consultation in other democratic forums. However, the acceptance of this concept on a national scale would likely have many beneficial effects. This measure is a common-sense approach to economic diversification, in my opinion.

The agreement covers all public sector entities, including government ministries and their agencies, boards, and commissions, Crown corporations, municipalities, school boards, and publicly funded academic, health, and social service organizations. The three provinces of the New West Partnership combine to form an economic unit representing 9 million people and a combined GDP of more than \$550 billion.

The driving concept behind the partnership is the removal of barriers to trade and to increase investment and labour mobility. As a by-product of this agreement the partners are attempting to create a much bigger negotiating bloc. This doesn't mean that, you know, we will be pitting east against west or north against south, but this will improve trade between different parts of the country, and we can capitalize on the combined buying power, even in the foreign markets. I was yesterday talking to some home builders in Calgary. They have banded together and they have gone to China so they could negotiate better deals on all kinds of home building supplies.

I think this agreement, if implemented properly, will benefit all the provinces. For those reasons I support Bill 18. Thank you, Mr. Speaker.

**The Deputy Speaker:** Standing Order 29(2)(a) allows for five minutes of comments or questions. Any hon. member?

Any other hon. member wishing to speak on the bill?

Seeing none, the chair shall now recognize the hon. Minister of International and Intergovernmental Relations to close the debate.

**Ms Evans:** Well, thank you, Mr. Speaker. I think we've had a very robust discussion. I'm very pleased that the other members have taken advantage of the opportunity to speak. If I could please conclude with calling the question on second reading.

[Motion carried; Bill 18 read a second time]

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

[Mr. Cao in the chair]

**The Chair:** The chair would like to call the committee to order.

**Bill 16  
Traffic Safety (Distracted Driving)  
Amendment Act, 2010**

**The Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for St. Albert.

**Mr. Allred:** Thank you, Mr. Chairman. It's my pleasure to rise today and join the debate on the distracted driving legislation that's before the Committee of the Whole this afternoon. Firstly, I would like to commend the MLA for Calgary-Hays for all his diligent work in bringing this forward in a private member's bill a year or so back and all the discussion that took place there.

Mr. Chairman, out on Alberta's roads today there are more distractions than ever before. This is undoubtedly a very important bill, and the purpose of this bill is to reduce traffic accidents and save lives on Alberta's roads. I want to talk for a moment about why I think this bill is especially important.

Firstly, today's technology is moving forward by leaps and bounds. Increasingly this technology is more and more mobile, and we can bring it with us in our vehicles. New apps are being introduced every day. These improvements have greatly increased the number of activities we can undertake, and many users will attempt to use them while driving. People can bring not only cellphones with them but MP3 players and a large number of other devices that can all be distracting to the driver.

Second, people are busier than they have ever been before. People today feel the need to be connected to their friends, to their family, and to their co-workers at all times. This adds to the first issue because people are under a lot of pressure to multitask and maximize the amount of work they get done during any particular day. Unfortunately, this includes multitasking while driving, completing tasks that would otherwise take their attention off the road.

Mr. Chairman, research has shown that between 20 and 30 per cent of all collisions are caused by distracted driving. More than ever before people are forgetting that as long as you're behind the wheel, your sole responsibility is to focus on driving. The intention of this legislation is to remind people of this principle and ensure the safety of themselves as well as other drivers, pedestrians, and other users of our public roadways.

This legislation will do a number of things. Most importantly, it will ban hand-held conversations on a cellphone and texting while driving. Further, this legislation will ban other activities such as personal grooming, reading printed material, using a laptop, or the indiscriminate use of GPS-like devices as well as e-mailing.

**4:40**

Now, Mr. Chairman, some have suggested that they could be penalized for taking a sip of coffee. This is not true; it is a myth. This bill does not propose penalties for those who have a simple sip of coffee or are having a conversation with other passengers or having a pet in their car. This bill targets those individuals who engage in activities which distract their attention from the road and could lead to unsafe driving.

Mr. Chairman, the government has ensured that the approach to this bill was balanced and that a degree of common sense would be taken into consideration during implementation. This bill makes

exceptions for those who work in professions where it is very important that the individual be able to talk on their cellphone while driving and also states that drivers will be able to use hands-free devices while driving. It has been suggested that the bill should go further in banning distracted activities. It would be near impossible to enforce a total ban on all activities that may distract a driver from being attentive to the road. Through consultation through the all-party Committee on the Economy I believe we have struck a balance that will increase safety on Alberta's roads.

I support this bill because not only does it restrain people from engaging in distracting activities, but it also raises awareness of the dangers of distracted driving, educating Albertans and helping to make them safer drivers. Will this legislation stop all distracted driving? Sadly, it will not, but it will prevent a significant amount of distracted driving and make our roads safer for our families and our children.

Mr. Chairman, it is important to note that this legislation does not prevent drivers from being penalized for other dangerous acts. If a driver is observed driving in a dangerous manner while distracted, that driver can still be charged with dangerous driving in addition to distracted driving.

Previous to this legislation we had received feedback that the distracted driving legislation did not adequately deal with the types of distractions found on the road today. This government is giving law enforcement officers and courts another tool to have flexibility in dealing with the complexities of distracted driving. The bill was drawn up with careful input from our enforcement partners, and their input is seen in this legislation. Those who enforce the laws on Alberta's roads obviously have a very difficult task, and any legislation which does not take into account this difficulty will not effectively achieve its purpose.

Since this legislation was crafted with the input of law enforcement officials, this legislation will be effective. Some have expressed concerns about the potential for enforcement of this legislation. I was in Australia in April and put on a fair number of miles driving through four different states. In all those miles I did not see one, single individual using a cellphone while driving. Why is that? Australia has a law prohibiting cellphone use, and it is observed by the public.

I think my most important point, Mr. Chairman, is that this bill has the full support of Albertans. Certainly, I have received a lot of calls, e-mails, and other support from my constituents in St. Albert. Everybody in Alberta wants safer roads, and most Albertans drive in a responsible and safe manner. This legislation is not intended to inconvenience or harm those drivers who already drive in a safe way. This legislation is intended for those who ignore safe driving practices or are obviously distracted by other activities while driving. This legislation is an education tool and will provide an incentive for everyone to drive safer.

Mr. Chairman, let me be clear. Most individuals do not make a conscious choice to drive in an unsafe manner or choose to be distracted. Most individuals use these devices because they are so convenient, not because it is a matter of life and death. We have made sure that the fine for contravening this law will not overly penalize the offender but give them the proper motivation to drive more responsibly.

I have no doubt that as more people comply with this legislation, lives will be saved. Not only will it save lives, Mr. Chairman, but this legislation aligns with our common sense. Those who drive while obviously distracted will be punished, while those who drive responsibly will be safer on Alberta's roads.

For all of the reasons previously mentioned, I support this legislation fully. It will save lives and is a practical and enforceable

law. Mr. Chairman, I encourage all of the members of this House to support this legislation.

Thank you.

**The Chair:** The hon. Member for Calgary-Hays.

**Mr. Johnston:** Thank you, Mr. Chairman. Bill 16, Traffic Safety (Distracted Driving) Amendment Act, 2010, has gone through second reading. I appreciate the debate we had on this important piece of legislation. Over the summer Albertans had an opportunity to review Bill 16 and provide comments, and I'm pleased to tell you that the majority of the feedback received from law enforcement, stakeholders, and the general public was positive and in support of this bill. Albertans are eager to see this bill become law.

Mr. Chairman, that said, we have identified a few points that require clarification, and these are being addressed through a House amendment. I want to be clear. These amendments provide clarification. They do not change the original intent of the legislation.

One of the points that came up this summer was related to the use of two-way radio communication devices, also known as citizens' band or CB radios, while driving. Some Albertans interpreted the exemptions for certain groups of drivers to use two-way radios as though these specific drivers could use any kind of communication device, even a hand-held cellphone. This was not the policy intent, so sections 115.1(3)(a), (b), and (c) of the bill should be amended to make it clear that these three specific groups of drivers can use two-way radios only for work-related purposes or while participating in an emergency management situation.

These specific drivers include those who are required by regulation or by the individual's employer to maintain two-way radio communication or for drivers who are participating in a search, rescue, or emergency management situation. For example, these specific drivers could include drivers of escort, pilot, or trail vehicles, taxi drivers, truck drivers, and couriers. Also, these specific drivers can only use other communication devices, including a hand-held cellphone, in the event that their two-way radio is not operational and, again, only for work purposes or an emergency management situation.

Mr. Chairman, the other point regarding radio communication is that technology now allows these devices to be used in hands-free mode. Currently the bill does not restrict Albertans from using a cellphone in hands-free mode, so it should be clarified that a radio communication device can also be used by Albertans in hands-free mode and that the minister may make regulations respecting the manner in which a radio communication device may be used in hands-free mode. This will provide clarification and consistency. These amendments would be addressed in sections 115.1(2) and 115.5(c) respectively.

Mr. Chairman, another point is the need to clarify in section 115.4(1)(a) that the restrictions on reading while driving apply to printed materials inside the vehicle. Examples would be newspapers, books, and magazines. This, of course, would not include reading or viewing things outside of the vehicle such as road signs, and it would also exclude vehicle instruments and gauges.

4:50

Proceeding with the House amendments to Bill 16 will strengthen the proposed legislation and reinforce our efforts to provide safe communities for Albertans. I'll now read the amendments to Bill 16, the Traffic Safety (Distracted Driving) Amendment Act, 2010. The bill is to be amended as follows. In part A section 2 is amended

- (a) in the proposed section 115.1

- (i) in subsection (1)(a) by adding “, radio communication device” after “cellular telephone”;
- (ii) in subsection (2) by adding “or radio communication device” after “cellular telephone”;
- (iii) by striking out subsection (3)(a) and substituting the following:
  - (a) the use of a 2-way radio communication device, only for the purposes set out in the regulation, by an individual driving or operating an escort, pilot or trail vehicle who is required by regulation under this Act to maintain 2-way radio communication, or the use of a cellular telephone or other communication device by that individual for those purposes when 2-way radio communication is not functional or is unavailable,
- (iv) by striking out subsection (3)(b) and substituting the following:
  - (b) the use of a 2-way radio communication device, only for the purpose of maintaining communication with the individual's employer, by an individual driving or operating a vehicle who is required by the individual's employer to maintain 2-way radio communication while the individual is acting within the scope of the individual's employment, or the use of a cellular telephone or other communication device by that individual for that purpose when 2-way radio communication is not functional or is unavailable,
- (v) by striking out subsection (3)(c) and substituting the following:
  - (c) the use of a 2-way radio communication device, only for the purpose of participating in a search, rescue or emergency management situation, by an individual driving or operating a vehicle, or the use of a cellular telephone or other communication device by that individual for that purpose when 2-way radio communication is not functional or is unavailable, or
- (vi) by striking out subsection (3)(d) and substituting the following:
  - (d) the use of a cellular telephone or other communication device, only for the purpose of contacting an emergency response unit, by an individual driving or operating a vehicle.
- (b) in the proposed section 115.2(2)(b) by adding “or radio communication device” after “cellular telephone”;
- (c) in the proposed section 115.4(1)(a) by adding “located within the vehicle other than an instrument, gauge, device or system referred to in section 115.2(2)(f)” after “printed material”;
- (d) in the proposed section 115.5(c) by adding “, radio communication device” after “cellular telephone”.

**The Chair:** We have the amendment distributed. It shall be known as amendment A1.

The hon. Member for Calgary-Varsity on amendment A1.

**Mr. Chase:** Thank you very much. On amendment A1 I see this as strengthening and setting out the exemptions. The only sort of lack of clarity I see is with regard to an “individual's employer, by an individual driving or operating a vehicle who is required by the individual's employer to maintain 2-way radio communication.”

For example, I totally understand the need to exempt taxis. I understand the need to exempt public transport, buses, and so on. I also don't want to hinder the emergency communication that a truck driver – I used the highway 63 analogy yesterday – needs to make. But I'm just wondering how many loopholes might be enacted by someone who suggests: well, we need to have this 2-way communication in order to run our business.

Obviously, Canada Post, you know, would need to connect with main post offices. You sometimes wonder: could they pull over to do that? What kind of communication is acceptable versus unacceptable? For example, from my own experience working for High Country Camping in the Kananaskis area, I required the use of a 2-way radio because the coverage was so poor from tower to tower. In order to do my business, which often involved reporting an accident or an emergency circumstance, I needed to be able to use that 2-way radio.

I don't know enough about the satellite radios. For example, the RCMP: I'm assuming that in order to have them function in the wilderness areas that I operated in, they would have to stop and actually set it up to get the signal and the location they needed because the regular GPS that we see like OnStar and so on, there wouldn't be sufficient towers to allow that communication.

Obviously, for emergency circumstances, which includes tow trucks, this type of greater specificity would be required. I'm hoping that when the legislation is said and done, our enforcement organizations – our police, sheriffs, RCMP, et cetera – will clearly understand what is and isn't allowed. I believe the bottom line of all of this is: was there a distraction in the driving of the person who, in theory, is permitted to have the radio or the two-way communication but is using it inappropriately? In some cases that applies to police officers. Like, I can't imagine a police officer rushing to an accident scene typing on his computer. That to me would potentially put that police officer and the public in danger.

It will be interesting to see how tightly this amendment can be applied. I do believe it heads in the right direction, and after the vote has taken place, I will be offering an amendment which takes us even further.

I appreciate this opportunity to discuss amendment A1. Thank you, Mr. Chair.

**The Chair:** The hon. Member for Calgary-Currie.

**Mr. Taylor:** Thank you very much, Mr. Chair. At this time I would like to move a subamendment of my own. If I can just briefly explain. This is an amendment that I believe should be moved and should be considered by this House, but because of the nature of the government amendment, amendment A1, we need to do it in this particular fashion and move my amendment as a subamendment to amendment A1. I will give it to the page to pass out now, and then I will speak to it momentarily.

Thank you.

**The Chair:** This amendment shall be known as subamendment SA1. Hon. Member for Calgary-Currie, please continue.

**Mr. Taylor:** Thank you very much, Mr. Chair. Before I get into the meat of subamendment SA1, just a little bit of procedural explanation as it has been explained to me by Parliamentary Counsel. This would have been an amendment that stood on its own but for the fact that it seeks to amend sections of Bill 16 that the government amendment will amend as well. Of course, the government amendment, as it should, takes precedence. My amendment refers very specifically to one idea, and that is that I want to extend the ban on the use of cellphones while driving to include hands-free devices, and I'll speak to that in a moment.

5:00

The subamendment itself goes like this. I move that amendment A1 to Bill 16, Traffic Safety (Distracted Driving) Amendment Act, 2010, be amended in part A by striking out clause (a)(i) and (ii) and substituting the following:

- (i) by striking out subsection (1)(a) and substituting the following:
  - (a) holding, viewing, manipulating, or otherwise using a cellular telephone, radio communication device or other communication device that is capable of receiving or transmitting telephone communication, electronic data, electronic mail or text messages, or
- (ii) by striking out subsection (2).

Sub (2) in the bill reads:

An individual may drive or operate a vehicle on a highway while using a cellular telephone in hands-free mode.

Now, the first part is necessary in order to do the second part as well. There are two other parts to this subamendment: in part B by striking out clause (b) and substituting the following:

- (b) by striking out the proposed section 115.2(2)(b)

and in part C by striking out clause (d) and substituting the following:

- (d) in the proposed section 115.5(c) by striking out "a cellular telephone or" and substituting "an."

Basically, that's a lot of words and a lot of detail and a lot of protocol and procedure to get to one very, very simple concept, and that is that this subamendment seeks to extend the ban on the use of cellphones while driving to include hands-free devices.

Now, why would I want to do that other than to cause grief for our law enforcement agencies, who, admittedly, will have a tougher time enforcing this part than they will with hand-held cellphones? Well, the reason is very simple. There is a lot of research. We considered this research at the committee level when we were studying the hon. Member for Calgary-Hays' original private member's bill to ban hand-held cellular phones while driving. There is a lot of evidence that pretty clearly, in my mind, not only suggests but confirms that the act of talking on a cellphone while you are in control of a moving vehicle is in itself the distraction. It's not whether you're holding onto the phone or whether you're using a Bluetooth or a Ford Sync or an OnStar or any other form of hands-free device.

Yes, you do have the added complication that if you are on one of these while you're driving and you hit a pothole, not that the Minister of Transportation would ever allow that to happen in this province, the BlackBerry or the cellphone flies out of your hand, and you lunge for it, take your eyes off the road, and the next thing you know, you're in the ditch.

There is that added danger with a hand-held phone, but the evidence indicates that the real distraction is the fact that you are engaged in a conversation while in control of a moving vehicle with someone not in the vehicle with you, someone on the other end of the phone who is not capable of seeing changing traffic patterns in front of you, not capable, as a passenger in the passenger seat of your car would be, of anticipating problems up ahead, not capable of easing up on the conversation to allow you as the driver to deal with the more complex situation on the road but is, in fact, in an office 5,000 miles away just trying to get you to give him a better price on the thing he wants to buy from you. He has no context for his conversation that lines up with the driver's context, so the driver, in effect, is committed to whatever level of intensity that's involved in that conversation with the person on the other end of the phone on a hands-free unit the same way that he would be if he was talking on a hand-held unit, and that is the fundamental distraction.

Now, I will grant you that this is going to be a tough piece of the bill, if this subamendment passes today, for our traffic officers to enforce. How are they to know if you're driving down the road at 10 K under the limit in the fast lane and speeding up and slowing down and weaving and so on and so forth and doing those things that will be the usual triggers for a police officer under this bill and wanting to enforce this bill should it become law? How is he to know, when he sees you moving your lips, whether you're talking on

a hands-free unit or you're just singing along to the radio or you're yelling back at the talk show host on the radio or something like that? It's a bit difficult. It's been suggested to me that it would in fact be so difficult that the officer would have to get a search warrant for your cellphone records to determine whether you were actually talking on the phone or not when he pulled you over. Otherwise, it's kind of your word against his.

Well, if there was an accident, if you were involved in an accident, there would probably be the desire to get a search warrant anyway to check to see if you were on your cellphone. There might very well be. There are a number of other provisions in our Traffic Safety Act right now that would allow the officer to lay the appropriate charges. You as the accused offender have the right, of course, to contest those charges in court, as you always would have.

But I'll remind the Legislature that the purpose of Bill 16 is not to deal with laying charges after an accident or a critical event. It's to give police officers the tool to intervene when they can see that you're not paying attention while you're driving, to intervene before you precipitate a critical event. It's entirely possible – I would suggest it's likely – that if you or I get pulled over by a police officer after this bill becomes law, amended as I'm proposing or not, we will not only be charged under the Traffic Safety (Distracted Driving) Amendment Act and subject to a \$172 fine; we'll probably be facing another charge as well for an improper left turn or running a red light or impeding traffic or speeding or whatever. There are likely going to be two tickets issued every time a police officer pulls you over because he suspects you of distracted driving.

Quite frankly, I'm issuing a challenge here to the House to extend the ban to hands-free units because that is also a dangerous distraction. I can understand if you have some struggle with it. If this subamendment were to go down to defeat, then I think we have still served a purpose here in at least getting it onto the record.

I would suggest to you there's a very good chance that two or three or four or maybe five years down the road, after we've had experience with this piece of legislation, real-world experience in real time, and as we've been able to study the experiences that other jurisdictions have had with bills that merely ban the use of a hand-held cellphone but don't deal with some of these other distractions that we're dealing with in this bill, we will quite possibly want to come back, whether as a private member's bill or a government bill, with an amending piece of legislation to Bill 16 that actually extends the ban to hands-free units. That's what the research is indicating is the likely thing to happen in the future. I'm just suggesting that maybe we deal with that now and do a complete bill here that completely deals with distracted driving by also taking the exemption for hands-free cellphone use out of the picture and do it now rather than later because I think we'll be doing it eventually.

Mr. Chairman, that's my pitch for my subamendment. I will take my seat now and listen to the debate on this subamendment. Thank you.

**The Chair:** On subamendment SA1, the hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you very much. I think the hon. Member for Calgary-Currie has been channelling me because we're in total agreement on this subamendment. He was faster on the draw than I was because I thought that this was a sufficiently different amendment that it had to be introduced by itself. But that said, I'm totally supportive of it.

I indicated yesterday that I wanted to see Alberta being a world leader in terms of driver safety, and I indicated that that would be going the hands-free route, as a number of emergency physicians,

including Dr. Francescutti and others from the University of Alberta and the University of Calgary medical schools, have indicated to me.

The evidence is in, and it's overwhelming that the distraction caused by cellphones is as serious as alcohol or speeding. Whether the driver is using a hand-held or a hands-free cellphone, driver distraction caused by the use of cellphones is serious, and it can be fatal.

**5:10**

Mr. Chair, we can safely walk while chewing gum in a city crowded with motor vehicles and other hazards. That is because one of those tasks, chewing gum, is not a cognitively demanding task, I would suggest, for most of us. But research clearly shows that people do not perform as well when trying to perform two attention-demanding tasks at the same time. The brain is behind all tasks needed for driving: visual, auditory, manual, and cognitive. A lot of the research that has been done comes from *Understanding the Distracted Brain: Why Driving while Using Hands-free Cell Phones Is Risky Behaviour*. That's the title of the document, a white paper produced by the U.S. National Safety Council in March 2010. That was one of the most recent pieces of research.

Mr. Chair, the amendment, as the hon. Member for Calgary-Currie, divides things into sections. Section 2 of the amending act: the first part of the amendment would relate to section 115.1(2) from this bill. This is the provision that makes an exception to the general rule that no individual shall operate a vehicle on a highway while using a cellphone or other hand-held electronic device. Subsection (2) states that an individual may operate a vehicle on a highway while using a hands-free cellphone. The first amendment, as the hon. Member for Calgary-Currie pointed out, removes this exception. The use of hands-free cellphones would be prohibited except in the cases listed in subsections (3) and (4). These are the exceptions for emergency personnel and so forth.

The second part of the amendment would delete section 115.2(2)(b). This is a provision that makes an exception to the general rule that no individual shall operate a vehicle on a highway while a display screen is activated. The exception to this general rule in subsection (2)(b) is that the rule does not apply to a hands-free cellphone. If the bill prohibits the use of hands-free cellphones, this exception is not needed. Using a mobile app is prohibited whether the driver is using a wireless computer or a smart phone.

The third part of the amendment would remove the power of the minister to make regulations on the use of hands-free cellphones and other hands-free electronic devices. If the previous parts of the amendment are accepted by this Assembly, there would be no ability for the minister to make exceptions in regulation.

Mr. Chair, the time to take action on the use of all cellphones while driving is now, before another Albertan is injured or killed by a distracted driver. I encourage us not to delay. I understand, as does the hon. Member for Calgary-Currie, that this is taking a large leap forward that some members may not be comfortable with, but I believe that Alberta has been and can be a progressive province. I think that getting ahead of the game, supporting our law enforcement in the carrying out of this legislation as proposed in subamendment SA1, is what the people in the emergency departments are calling for, and I strongly support their intentions and the advice they're providing.

I believe in sort of flipping the Marshall McLuhan message that it's the medium rather than the message. In this case it's the message rather than the medium. The Member for Calgary-Currie and I are in full agreement that the hands-free direction is the way to go.

Thank you, Mr. Chair, for this opportunity to share in the debate on SA1.

**The Chair:** On subamendment SA1, the hon. Member for Calgary-Hays.

**Mr. Johnston:** Thank you, Mr. Chair. We must remember that the goal of the proposed legislation is to be practical, effective, and enforceable. While we recognize that some research concludes that hands-free cellphone use while driving is no safer than hand-held cellphones, provincial law enforcement representatives whom we consulted with expressed concerns around the enforceability of a hands-free ban. Some of the things mentioned were mentioned by the hon. Member for Calgary-Currie.

I want to remind members that Alberta takes lawmaking very seriously and does not pass unenforceable laws, and this is what law enforcement personnel said to us: they feel that it would be unenforceable. Can we expect that law enforcement officers would be able to effectively distinguish hands-free cellphone use from, say, someone conversing with a passenger, a small child in the back seat, or from a driver singing or talking to themselves? How do you distinguish that? If you saw an infraction, you would have to stop that person and effectively have to seize the cellphone, and that goes contrary to what we're doing here today. Like I said: practical, effective, and enforceable.

Police resources are limited, and if we put officers in the position of having to subpoena cellphone records every time, then basically this legislation would not be utilized. With the existing legislation the driving carelessly would still be there, and that could be a result. If a police officer pulls someone over who they see weaving in and out of the lane, going through a stop sign, possibly speeding, then the undue care and attention or careless driving comes in, and if I'm not mistaken, that's \$402 and six demerits. So that is always there.

So I must speak against the subamendment and encourage my colleagues not to support it.

**The Chair:** On subamendment SA1, the hon. Member for – let me see here – Edmonton-Calder.

**Mr. Elniski:** Edmonton-Calder. Thank you, Mr. Chairman.

**Mr. Rodney:** It's all in Calder.

**Mr. Elniski:** Thank you. That's very good, hon. member. It is, indeed, all in Calder.

The hon. member made a comment very early on in his pitch for the bill in that the conversation in a vehicle presumes that the passenger is in fact paying attention to what's going on around them. I would argue that that is seldom, if ever, the case with respect to children, who typically are not aware of this particular type of thing. So to use that particular means of logic, would you seriously consider extending a ban on driver distraction to whether or not a person should have children in a vehicle? If you think about it, they're not generally aware of their surroundings. They typically tend to be very, very distracting. As a result of that, you have to ask yourself the question: where do you want to draw the line? Anyone with children is aware of how distracting they can be in a vehicle.

**Mr. Taylor:** My children are better behaved than yours.

**Mr. Elniski:** Well, that may very well be.

You know, then you ask yourself the question: what do you do with a pet, right? When you go back to the question about a cognitively demanding task, that also suggests, then, ultimately, no discussion in a vehicle, no music in a vehicle, and a driver's complete and total focus and attention on the road. Frankly, it

becomes infinitely unenforceable because fundamentally, Mr. Chairman, the act of moving your lips in a vehicle should not be supported or regarded as potentially criminal behaviour or, in this case, behaviour that's in contravention of this legislation. You have to draw a line somewhere with respect to where you want to take this. I believe that the legislation as it currently stands has in fact drawn that line, and I cannot support the amendment.

Thank you.

**The Chair:** Any other hon. member wishing to speak on subamendment SA1? The hon. Member for St. Albert.

**Mr. Allred:** Yes. Thank you, Mr. Chair. I'd like to just make a few comments on the subamendment. I have some sympathy for the mover of this subamendment. He is certainly correct in that the research indicates that the act of speaking on a phone, whether it's hands-free or not, is what is very distracting. Certainly, the research supports that. He's indicated that we should be a world leader going ahead. I don't believe there's any other jurisdiction in the world at present that has a hands-free ban, and I would suggest that our present legislation as proposed is being a world leader in that we've looked at a number of distractions other than pure cellphone use, and we have given the law enforcement officials the discretion to determine if the action is in fact distracting.

5:20

I think we've got to take baby steps in this and go ahead with the legislation as it is proposed. I think the mover of the subamendment has proposed the solution. He has put forward the subamendment. We're debating it. I'm suggesting we should defeat it but that maybe in four or five years from now there will be other provisions, and there'll be more support for going for the total ban. So I would urge members to defeat this, but let's keep in mind that perhaps four or five years later we need to revisit it. Maybe at that time there will be public support for it, and maybe there will be even some technology that will allow us to enforce it a little bit more fully.

I certainly support the comments of the hon. Member for Calgary-Hays, that it's got to be practical, effective, and enforceable. I think the bill with the first amendment, without the subamendment, is practical, effective, and enforceable. This causes a further problem.

Thank you.

**The Chair:** On subamendment SA1, the hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you, Mr. Chairman. I wasn't going to join in the debate, but the comments by the Member for Edmonton-Calder have woken me up from my unwillingness to partake in this debate and to participate, at least in part, and give my reason and rationale behind why I think this amendment makes some sense and why the comments of the hon. Member for Calgary-Hays also make sense to me. Then after sort of playing it out in my mind and, hopefully, discussing it through, I'll be able to give a reasoned approach as to why I am supporting or not supporting this amendment.

I do hear the views of the hon. Member for Calgary-Currie. He sat on the committee that investigated the use of cellular phones. I take him at full value, as many of the other people in here did as well on that committee, that cellular phones are a distraction. Now, so are cellular phones that are hands-free. I accept that. I accept that the research indicates that, and I have a fundamental understanding of that provision.

Now, where the argument, I guess, went a little off the skids there was when the Member for Edmonton-Calder maybe went a little bit

overboard to make a point or went from the sublime to the ridiculous, depending on what you want to call it. Cellular phones in the main are not necessary implements of having a car, okay? We all know that driving children to the park or to the rink or to a thing, well, is why the motor vehicle was invented. So to suggest that banning one thing necessarily means we have to ban all others is ludicrous, and I would just like to point that out here now. We shouldn't take opportunities to make these incredulous leaps to the absurd. I have probably done it a time or two myself in the House; nevertheless, I have probably been told when I have done that as well. So I would point that out.

I appreciate the fact that this amendment does attempt to deal with a problem that research indicates is out there. I also know that government should lead, but how far out in front can governments really lead – that's the question – if your population doesn't really want it, is not ready for it? A great man once told me that you can't lead from too far out in front. By implementing this piece of legislation, we may in fact be too far out in front, where the population is not ready for it. I generally feel that they may not be.

I also heard the comments from our Member for Calgary-Hays, who has been a police officer, that the law enforcement agencies have spoken out very clearly on this. They do not believe that this law is enforceable. It would cause them a considerable amount of grief, may actually tie up our court systems, and I take those comments at fair value as well.

You know, although I appreciate this amendment and I understand the reasoning for it, I also have heard the comments. At this time, I believe, after talking it through, I'm not going to support the amendment. It may not be an idea whose time has come. That said, should the research head this way? Should we do a continued monitoring of this situation? Should it be found that four or five years from now the hon. Member for Calgary-*Buffalo* was completely out to lunch by not supporting this amendment, then we make that change.

We as an honourable House recognize that this is something that we need to show leadership on, but I think at this time we should take baby steps, and this is a significant step, this entire bill, towards showing care and attention to the road. For those reasons I won't be supporting the amendment although I do understand its merits. It's a 55-45 thing for me at this time.

I thank you for allowing me to speak on the amendment.

**The Chair:** Do any hon. members wish to speak on amendment SA1?

Seeing none, the chair shall now call the question.

[Motion on subamendment SA1 lost]

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

**Mr. Marz:** On amendment A1?

**The Chair:** On amendment A1.

**Mr. Marz:** Thanks, Mr. Chair. I do have some questions for the hon. Member for Calgary-Hays on the amendment. Perhaps he can enlighten me. He talked about laws that are unenforceable, and I'd like to just read section A(a)(iv)(b) at the bottom of the first page.

The use of a 2-way radio communication device, only for the purpose of maintaining communication with the individual's employer, by an individual driving or operating a vehicle who is required by the individual's employer to maintain 2-way radio communication while the individual is acting within the scope of the

individual's employment, or the use of a cellular telephone or other communication device by that individual for that purpose when 2-way radio communication is not functional or is unavailable.

Over the course of my lifetime and in my experience I've found people to be quite innovative in trying to get around laws, and I'm sure the hon. member in his experience as a police officer has experienced that as well. I can see every small businessperson or family business that has a small sideline business basically using this to exempt every member of their family. Every farm pretty much will be exempt in this thing because they all have two-way radios and/or cellphones in every vehicle and self-propelled implement that they have. So I have some questions about that.

I know police officers can also be very innovative in enforcement. The example I'll cite is back in the day when there was a rear-end collision and the practice was to ask the person driving the vehicle in the back if he was following too close, and if he said no, which was a certain first impulse to do, then you charged him with driving without due care and attention. So perhaps the same thing could be applied here, where if you're using a cellphone or a communication device in an improper manner and you say no, then you could charge them with driving without due care and attention. Perhaps that would work. I see this as an out to make this virtually unenforceable in a lot of situations.

In second reading yesterday I also raised the issue about professional licensed ham radio operators that had communicated to me personally that they didn't feel the investment to have this equipment was worth while if they were only going to be able to use it there. Their argument is that they are professionals in the use of the equipment, and they do it safely. Those, I guess, that have a business can continue to use it if they basically state that their wife and their children are employees of their business. They could probably get around it that way. Perhaps you could shed some light on that particular issue for me.

5:30

**The Chair:** On amendment A1, the hon. Member for Calgary-Hays.

**Mr. Johnston:** Thank you, Mr. Chair. Regarding your first point, you're right. People are creative and innovative, and I've seen many situations where the police are, too.

Actually, I'll use your number 2 example first. I'll do that one. Under the regulations there would be exemptions for the ham radio operators, but that is going to be under the regulations. That's number 2.

The first one. It's only going to be used, basically, for the purposes outlined. They're at work, okay? There's a specific purpose that's outlined. I suppose if it's a pilot vehicle and he's not ahead of a vehicle that he's piloting, the exemption would not be there. That's one example. But if they were involved in the specific purpose outlined for their job, then they have the exemption.

To just respond to the creativity, no doubt it could happen. I suppose if it's nighttime and the officer couldn't see someone on there, it is possible. There could be instances where someone may get to – well, let's say they wouldn't be charged by the police. That can't be avoided. I'm looking at the greater good for this bill, not people that get away with something once in a while.

I hope that answers your questions.

**The Chair:** On amendment A1, any other hon. member wishing to speak on it? The hon. Member for Calgary-*Varsity* on amendment A1.

**Mr. Chase:** Yes. I appreciate the hon. member bringing up that concern. To the mover of the government amendment: I want this



legislation to pass regardless of wanting to leap ahead with the hands-free. As a police officer and as the other concerns were brought up to you, do you think it's enforceable in terms of the specifics? For example, a ham radio operator participating in a sanctioned search and rescue operation is different from a ham operator cruising down the highway. Is there a chance or possibly a further amendment that would tighten up the legislation to make it easier for law enforcement officials to be accurate?

My understanding is that the common denominator is the distracted driving that would alert the enforcement officer to this. In other words, if a person was humming in their car or talking to their children and they were still managing to drive safely down the highway, chances are it wouldn't come to the attention of an officer. If you could provide any qualifications so that people don't have the loopholes as the hon. member from Olds-Didsbury, I believe, mentioned . . .

**Mr. Marz:** Olds-Didsbury-Three Hills.

**Mr. Chase:** Okay. I left out three of the hills. Sorry. And they're important, especially to the people farming in that area.

If you can further expand on your explanation that makes it clear enough for enforcement, that would be appreciated.

**The Chair:** The hon. Member for Calgary-Hays.

**Mr. Johnston:** Thank you, Mr. Chair. I can give an example of a search and rescue situation that could be escalating, and updates would have to be given on an ongoing basis. That is one example.

Distracted driving: there could be one offence; there could be many offences. I would suggest and I would say to you that many times a police officer will stop a vehicle for things I mentioned earlier, whether it's occupying two lanes, stop signs, speed, many, many other things, and there will be other charges as well.

As I mentioned in search and rescue, the idea is the updated information has to be ongoing, whether to save a life or save lives. It could be an airline crash or whatever it would be. That's why the exemptions are in there for these emergency vehicles.

**The Chair:** On amendment A1, any other hon. member wishing to speak? The hon. Member for Calgary-Montrose.

**Mr. Bhullar:** Thank you, Mr. Chair. Just a point of clarification to the member. Your amendment exempts two-way radio communication between people that are doing this as required by their employers. I just want to clarify whether or not individual contractors – for example, perhaps a semi or a dump truck driver who is self-employed but is working on contract with, let's say, Lafarge – would be exempt as well.

**The Chair:** The hon. member.

**Mr. Johnston:** Thank you, Mr. Chair. Yes, that's correct. I'm aware of contractors and the way they work. I know many of them, and they require direction from a dispatcher, from an employer, even if it's a contractual situation. Yes, you're right. They would be exempt.

**The Chair:** Any other hon. member wishing to speak on amendment A1? On amendment A1, the hon. Member for Calgary-McCall.

**Mr. Kang:** Okay. I'm bringing it up again, sir. There are these amateur radio guys. How would they be affected by this amend-

ment? Will they be exempt? They are certified under the federal Radiocommunication Act. You know, there are about 67,000 of them holding a certificate of proficiency in amateur radio. That's issued by the federal government. How will they be affected?

**The Chair:** The hon. Member for Calgary-Hays.

**Mr. Johnston:** Thank you, Mr. Chair. If I understood your question, they would be exempt. You mentioned amateur radio operators. Yes, they would.

**Mr. Kang:** Thank you.

**The Chair:** Any others?

Seeing none, the chair shall now call the question on amendment A1.

[Motion on amendment A1 carried]

**The Chair:** We'll go on to the bill. The hon. Member for Olds-Didsbury-Three Hills on the bill.

**Mr. Marz:** Thank you, Mr. Chair. It's a pleasure for me to speak on this bill. I'd like to thank also the Member for Calgary-Hays for being the inventor of this bill and bringing it forward. I'd also like to thank all the members on the all-party committee that brought forth what I think are some fantastic recommendations. It's an example of how good things can happen when all members of this House work together co-operatively.

I'd just like to say that there was extensive consultation done with members of the public, also members of the enforcement services, and we seemed to get some real good support over the course of the consultation and also over the course of the summer. As everybody knows, this bill was introduced in the spring, and the public had ample opportunity over the summer to provide input.

5:40

I don't know about everybody else, but I certainly got a lot of discussion about it. By and large, people were pretty much in favour of what we were trying to do, and they felt it was a good starting point. It doesn't cover everything. I don't think with something like distracted driving you can possibly cover everything. Through the discussions we heard of all sorts of different things, different distractions that are out there. I don't think you could possibly cover everything. There are new distractions being invented every day.

I see new billboards up that are designed specifically to distract you. They're on intersections where there are traffic lights. Some of these are new digital electronic billboards, and at nighttime the lights can become quite bright quickly, and it does divert your attention away. At some point in time we may have to address some of those things. Like I said, we can't address everything in this bill to start with, but it is enabling legislation. It will allow the minister through regulation to add or subtract from this as necessary as time goes by.

Also, the bill isn't intended to be punitive or to be a revenue generator. It's intended to be an educational tool, and that's why we looked at the fines to be a bit of an inconvenience, to make people stop and think about their actions. Most people have the inclination to obey laws. Albertans are generally law-abiding citizens, and we found that with the seat belt legislation once it was put in place. We tried a lot of educational tools prior to the legislation, and compliance was really down. After the legislation came in, even though you can't have enforcement officers checking every vehicle all the time, compliance went up just because we basically had a law.

I'm hoping the same happens here although this situation deals with something totally different than seat belts because this is communication, electronic devices, and our society is addicted to them. If you don't believe that, watch your grandchildren or your children and try to take that little Game Boy or whatever electronic device is in front of them. It's about as close to an addiction as I can describe. I see my grandkids with these things all the time. This is going to be a little tougher, I think, to enforce as we go forward, but I do support the bill.

Getting back to some of the distractions, GPS was mentioned, and I can tell you that I think a GPS device, as long as you're not programming while you're driving, is actually a safety tool and not a distraction compared to—I think we can all relate stories about our spouses reading a road map for us as we just missed the last intersection.

**Ms Pastoor:** Men never ask for directions – never. Women know where they're going.

**Mr. Marz:** To the Member for Lethbridge-East, I did say "spouses." I wasn't gender specific on that, so please calm down. I think GPS, when used properly, can actually be a safety tool.

Billboards, as I mentioned before. There's actually a song from, I think, back in the '60s that mentions the distraction of billboards, something about a girl wearing nothing but a smile and a towel in the picture on the billboard near the big old highway. Yeah, we all remember that one.

Children misbehaving can also be a major distraction, and I've seen some fatalities based on people tending to children in the back seat while they're driving. That's very unfortunate.

Pets is another one. A lot of common sense has to be used here. I actually saw a guy go to the auction market with a couple of goats in the back of his car. It may not have been a distraction to him, but it certainly would have been to me.

In summary, Mr. Chairman, I would like to say that I think the committee did a real good job, as did the Member for Calgary-Hays in bringing this forward. I'm certainly wishing to support this.

**The Chair:** The hon. Member for Calgary-McCall.

**Mr. Kang:** Thank you, Mr. Chair. I'd like to move an amendment to Bill 16, the Traffic Safety (Distracted Driving) Amendment Act, and I'd like to have it distributed.

**The Chair:** We shall pause a moment for distribution of the amendment. This amendment shall be known as amendment A2.

Hon. Member for Calgary-McCall, please proceed.

**Mr. Kang:** I move that Bill 16, Traffic Safety (Distracted Driving) Amendment Act, 2010, be amended in section 2 by adding the following after the proposed section 115.5:

115.6 The Minister shall

- (a) collect statistics on motor vehicle accidents involving the use of hands-free cellular telephones and hands-free electronic devices, and
- (b) provide a report to the Legislative Assembly on the operation of sections 115.1 to 115.5 within 3 years of the coming into force of these sections, including recommendations on whether this Act should prohibit the use of hands-free cellular telephones and hands-free electronic devices while driving or operating a vehicle on a highway.

Mr. Chair, I agree with the Member for St. Albert that we may be looking at this four or five years down the road. The Member for Calgary-Varsity brought in a motion in 2005, and here we are in 2010 having a distracted driving bill. We are debating this, and it will establish that distracted driving is a serious problem for traffic safety.

I think there was agreement that hands-free cannot be enforced. Bill 16 goes a long way to addressing the problem of distraction caused by hand-held cellphones and other electronic devices; however, this bill takes no action on hands-free cellphones and other electronic devices. There is ample evidence that driving while using hands-free cellphones increases the risk of accidents, but since the enforcement issue comes into the picture, and at this time I know it maybe cannot be enforced, this law may stay on the books. Maybe if it's not enforced, it may be thrown out in the courts.

My amendment would require the Minister of Transportation to collect evidence about the way hands-free cellphones and other electronic devices contribute to motor vehicle accidents; in addition, the minister would be required to report back to this Assembly with that information within three years of the coming into force of this Bill 16. The Assembly would then have the evidence needed to make an informed decision on the question of expanding the current bill's prohibitions to hands-free devices as well.

As Albertans are overwhelmingly for Bill 16, I feel certain that if the evidence is there, they will support further changes to reduce the risk of motor vehicle accidents. This bill will go a long way to improve safety on the highways.

With this, I adjourn the debate on the bill, Mr. Chair.

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

**Mr. Denis:** Thank you very much, Mr. Chair. I move that the committee rise and report.

[Motion carried]

5:50

[The Deputy Speaker in the chair]

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

**Mr. VanderBurg:** Thank you, Mr. Speaker. The Committee of the Whole has under consideration certain bills. The committee reports progress on the following bill: Bill 16. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

Thank you, sir.

**The Deputy Speaker:** Does the Assembly concur in this report?

**Hon. Members:** Concur.

**The Deputy Speaker:** Opposed? So ordered.  
The Deputy Government House Leader.

**Mr. Denis:** Thank you very much, Mr. Speaker. Given the hour I would move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; the Assembly adjourned at 5:51 p.m. to Thursday at 1:30 p.m.]

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