



Province of Alberta

The 27th Legislature
Third Session

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The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta

The 27th Legislature

Third Session

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Legislative Assembly of Alberta

1:30 p.m.

Monday, November 15, 2010

[The Speaker in the chair]

Prayers

The Speaker: Good afternoon. Welcome.

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

Hon. members and ladies and gentlemen, would you please remain standing now. We'll be led in the singing of our national anthem by Mr. Paul Lorieau, and I would invite all to participate in the language of one's choice.

Hon. Members:

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

The Speaker: Please be seated.

Introduction of Guests

The Speaker: The hon. Minister of Infrastructure.

Mr. Danyluk: Well, thank you very much, Mr. Speaker. It is indeed a pleasure to introduce to you and through you today a class from Ashmont: 43 students, three teachers, instructional assistants, and one student helper. They have travelled two hours to be here today to tour the Legislature Building. I was very much informed by the staff that when they had a mock Legislature, they were so well prepared. If I could ask Mr. Keith Gamblin, Ms Amber Faganello, Jacqueline Michaud, Susan Novosiwsky, Alison Newby, Carol Kam, Debbie Tchir-Houle, and Teresa Ouellette to please stand with their students, that they are so proud of, and accept our traditional warm welcome.

The Speaker: The hon. Minister of Health and Wellness.

Mr. Zwozdesky: Thank you very much, Mr. Speaker. It's a great pleasure for me to rise and introduce some special guests as well. They are here from Julia Kiniski elementary school. There are 23 of our brightest students, who are here for an entire week of School at the Legislature. The group includes Mr. Dale Mandryk as their teacher and parent helpers Mrs. Karin Moses and Mr. Vik Shankar. I would ask all of these guests from Julia Kiniski to please rise and receive the warm welcome of this Assembly.

Thank you.

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

Mr. Sandhu: Thank you very much, Mr. Speaker. It's my pleasure to rise today and introduce to you and through you to members of this Assembly 30 grade 6 students from John Barnett elementary school from within my constituency. John Barnett school has recently celebrated its 40th anniversary. It was an important event,

and I was fortunate to support the celebration. These students are accompanied by their teachers, Ms Peggy Wright, Mr. Anthony Reid, and Mr. Glenn Newby, and parent helpers Mrs. Cecilia Pires and Mr. Bill Plican. They are seated in the members' gallery. I would ask them all to rise and receive the traditional warm welcome of this Assembly.

Thank you, Mr. Speaker.

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

Mr. Denis: Thank you very much, Mr. Speaker. It gives me great pleasure today to rise to introduce to you and through you to all members of this Assembly Constable Mike Ellis of the Calgary Police Service. Mr. Ellis has been a constable in eight districts since 2003 and has worked closely with the homeless population and related agencies over his time with the CPS.

Mr. Speaker, in the time I've observed Mr. Ellis, I can tell you that being a police officer is not simply a job to him. He really works hard to improve his community. We're lucky to have him in Calgary, and we're also lucky to have him as a member of the Secretariat for Action on Homelessness. Mr. Ellis resides in Calgary-West with his wife, Hollie, and his young children, Simone and Keaton. I would ask that Mr. Ellis please rise and receive the traditional warm welcome of all members of this Assembly.

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

Mr. Johnston: Thank you, Mr. Speaker. I'd like to introduce to you and through you to all members of this Assembly Ginger MacQueen, seated in the public gallery. Would you stand up, Ginger? Ginger is a Calgary-Hays constituent. She's a vital part of a group that formed the CCSVI, which stands for chronic cerebrospinal venous insufficiency. That was approximately one year ago. At this time the group is raising money and awareness and is awaiting charity status. Ginger and the group look forward to the day when CCSVI treatment can be done at home.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I have two separate introductions today, and of course I'm thrilled with both of them. The first is to introduce to you and through you to all members of the Assembly two really wonderful young women, the kind of young women that we want to see in this Assembly and that, I hope, will each work in their own country to get themselves elected at some point. The first is Miss Kim Miller, who has a flair for languages and is most of the way through teaching herself Japanese. Try that one on, anyone. She is quite the world traveller and is the daughter of our chief of staff, Rick Miller.

Today she has with her a very special friend – they met online through an anime club – Sara Nyhuis. She is a young Australian who is also touring the world at this point: Canada, Europe, and Japan. They have been through a tour of the Legislature. They are both standing in the public gallery, and I would ask the House to please welcome them.

Mr. Speaker, I'm also absolutely delighted and relieved to introduce to you and through you to the rest of the members our newest caucus staff member, Andrew Fisher. Andrew, would you rise, please? Andrew has joined our caucus team, and that's why I said I'm relieved; we need the extra help. He has assumed the role of public affairs co-ordinator for us. I'd really like to welcome him and wish him all the best. Please join me in welcoming him to the Assembly.

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

Mr. Chase: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members Sam Gunsch from the advocacy group Sierra Club Canada, who has joined us to help raise awareness of Save Our Parks Week, which they launched today. The purpose of this week is to call on Albertans to save their parks and have Bill 29 withdrawn by the Tourism, Parks and Recreation minister. This group has a long history of protecting and preserving our natural environment through a wide range of environmental projects, from scientific research to environmental education.

In addition, we are very honoured to be joined by two members of Stewards of Alberta's Protected Areas Association: Alison Dinwoodie and Patsy Cotterill. Their group has invested years of work in Alberta's protected areas, and they want to ensure that the integrity of protected areas is retained for future generations.

Please stand to be recognized. I would ask all members to extend the traditional warm welcome of this House to our special guests in the gallery.

1:40

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

Mrs. Forsyth: Well, thank you, Mr. Speaker. I'm pleased to introduce to you and through you a good friend of mine, Wendy Fulton, who has been guiding me through my political career for the last 10 years or so. She's someone who doesn't mince any words and will give you the straight facts. I'd like Wendy to rise and receive the warm welcome of the Assembly.

The Speaker: Are there additional introductions? The hon. Member for Edmonton-Meadowlark.

Dr. Sherman: Thank you, Mr. Speaker. It gives me great pleasure to rise and introduce to you and through you to all members of this Assembly six guests from the Canadian Diabetes Association who have joined us today for question period in honour of Diabetes Awareness Month. They are seated in the members' gallery, and I would ask them to rise as I call their names and to receive the traditional warm welcome of this Assembly: Jessie Atkins, Corrina Jossy, Ray Marshall, Katie McLaughlin, Charles Rees, and Linda Smith.

Members' Statements

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

Women in Elected Office

Ms Woo-Paw: Well, thank you, Mr. Speaker. I rise today to speak on the subject of women in elected office. First, a little bit of preamble. Canada is lagging behind South Africa, Rwanda, Iraq, Afghanistan, most of Europe, and Australia with just 22 per cent of our national Parliament comprised of women and 21 per cent of our municipal and provincial governments. Our current ranking of 47th out of 110 countries risks falling even further behind with legislative changes being implemented in countries such as Kenya and India.

Mr. Speaker, I had the opportunity to attend the Commonwealth Women Parliamentarians, or CWP, Canada outreach program and the Campaign School for Women in British Columbia last week, which introduced me to groups dedicated to increasing the number of women in elected office. The CWP Canada is a network that provides the opportunity for sharing experiences and seeking solutions to the special challenges faced by the female minority in

parliaments. CWP has a goal to have 30 per cent of Canadian Legislatures occupied by women by 2015.

The 2010 outreach program engaged members from Equal Voice, which organized round-table discussions between young women and women parliamentarians from five provinces. Others include community-based groups focused on making changes through law reform, public education, and litigation, and the city councillor with the Engaging Women, Transforming Cities initiative, which transforms cities into places where women are more involved in the elective process and local governments are more responsive to the priorities of women and girls.

The Canadian Women Voters Congress is a nonpartisan organization dedicated to encouraging all women to become strong, effective voices at all levels of government. Their 2010 campaign school included topics such as marketing and financing as well as barriers that women candidates face in nominations, communications, and managing home and public lives.

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

Preservation of Parks and Protected Areas

Mr. Chase: Thank you, Mr. Speaker. Paradise lost. Alberta's current Premier ran on a platform of transparency and public accountability. That promised train, unfortunately, never left the station. In stark contrast to responsible government Albertans have been subjected to a covert, concerted effort to move decision-making out of the people's parliament, in the form of debatable legislation, to behind-closed-doors regulations, subject only to ministerial whim.

Bill 36, the Alberta Land Stewardship Act; Bill 50, the Electric Statutes Amendment Act; and Bill 19, the Land Assembly Project Area Act are 2009 examples of this regulatory expropriation of public land and recourse. Bill 29, the Alberta Parks Act, a wolf in sheep's clothing, under the guise of simplification of the rules for parks and protected areas actually compromises what little protection was previously afforded to ecological reserves and wilderness areas such as Siffleur, White Goat, and Ghost River.

Under Bill 29 previous legislative protection has been tossed into the minister's whimsical blender along with parks and recreational areas. What comes out is a yet-to-be-defined ministerial version of Alberta government toxic Kool-Aid, which Albertans will not swallow. When it comes to dos and don'ts, Roger Miller suggested that you can't roller skate in a buffalo herd, to which I would add: except possibly in Alberta.

In Alberta public hearings and due legislative process have been replaced by online government workbooks. When the public relations blanks have been filled in, you have the option of pressing send or delete. The government can say that your input was sought. Bill 29 also offers a citizens' advisory council appointed by the minister, of course.

If you value what remains of Alberta's rapidly diminishing democratic process and vanishing pristine wilderness, please contact the minister, your MLA, and myself as the Liberal critic at calgary.varsity@assembly.ab.ca.

The Speaker: The hon. Member for West Yellowhead.

Career and Technology Studies Program

Mr. Campbell: Thank you, Mr. Speaker. Every student in Alberta deserves access to high-quality learning opportunities that provide them with relevant skills, attitudes, and knowledge. Alberta has developed a high-quality career and technology studies, or CTS, program, which introduces students to careers in trades, health,

natural resources, media, and business and can enable students to receive both high school credit and credit towards a postsecondary education program. Benefits for students include the opportunity to receive hands-on, real-world experience, which can motivate them to finish high school and continue on to postsecondary studies, into apprenticeship, or into the world of work.

CTS courses can make a difference for students, especially when taught by teachers who can impart relevant, real-world knowledge and passion. Unfortunately, the supply of qualified CTS teachers remains low, and teacher attrition rates remain high as teachers retire and student enrolment grows.

To address these changes, the government of Alberta initiated the CTS bridge to teacher certification program. The program aims to attract certified journeypeople from various trades such as carpentry, welding, culinary arts, and cosmetology as well as health professionals and information technologists to the teaching profession. These professionals are needed to teach advanced dual credit CTS courses, those courses that allow the students to receive high school credit as well as credit towards a postsecondary education program.

Last week a front-page story in the *Journal* told of journeyman baker Kelly Hobbs, one of 21 tradespeople participating in the new program, which began in September. She is working in the classroom, sharing what she loves and is passionate about, while completing a teacher preparation program offered by the University of Alberta's Faculty of Education. This unique initiative is a creative approach to meet the needs of students, and it is students who will benefit the most as they gain the skills and experience they need to be successful.

I am pleased to rise today to acknowledge the promising collaboration between the government and education stakeholders and to celebrate this new, exciting opportunity for professionals and students across the province.

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

National Bullying Awareness Week

Mrs. McQueen: Thank you, Mr. Speaker. Words like "freak," "loser," "idiot" are not just cruel, but they are daggers to the heart, especially the heart of a young person. They are but a few words associated with the act of bullying, which has become an increasingly more serious issue. We have heard some very tragic stories of youth so severely impacted by the act of bullying that they saw no other recourse except suicide. Bullying of any kind humiliates and intimidates the victims, often with painful and long-lasting consequences. This week, National Bullying Awareness Week, from November 14 to 20, is an important time for all Albertans to think about the harmful effects of bullying.

One of my constituents, Austen Radowits, was bullied but turned his bad experiences into hope for others. Austen was a 14-year-old boy when he was involved in a freestyle motocross accident which left him with a severe brain injury. Upon his return to school he was bullied by kids. It was out of this experience that Austen decided to become a motivational speaker in schools. He has spoken to over 3,200 students and has been in newspapers and on television to share his story. I am truly inspired by Austen and how he has turned his own personal adversity into an opportunity to help other youth. He is an outstanding Albertan.

Our government continues to be committed to helping create a more tolerant society and is working hard towards a culture shift when it comes to bullying. That is why our government created the prevention of bullying strategy. The strategy focuses on working with children, youth, parents, educators, community leaders, and

other role models to help prevent bullying and not just in our schools but in every corner of every community in our province. Bullying is a global issue, and as we do on so many other fronts, Alberta leads the way on the issue of bullying prevention.

Thank you, Mr. Speaker.

1:50

Oral Question Period

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

Emergency Room Wait Times

Dr. Swann: Thank you very much, Mr. Speaker. What is clear to Albertans from this emergency room wait times crisis is that nobody actually knows who's in charge of the health care system. There is obvious disagreement between the minister and Alberta Health Services. Alberta Health Services is saying that they won't meet their emergency room wait times until 2015. To the Premier. What is your commitment? How long do you think Albertans should be waiting to fix the emergency room crisis?

Mr. Stelmach: Mr. Speaker, I'm just as frustrated as everybody else in terms of the waiting times in emergency rooms. Albertans deserve better, and we are working on reducing those wait times. The minister has outlined a strategy, and Alberta Health Services and the minister are working on it. The minister can further elaborate on what he has already done.

Dr. Swann: Mr. Speaker, back to the Premier. How long do you think we should be waiting for these emergency wait times to improve? How long, Mr. Premier? It's on your head.

Mr. Stelmach: Mr. Speaker, our goal here is to either meet or exceed standards in terms of emergency waiting times. We have to keep in mind that Alberta Health Services is doing more every day in terms of surgeries: bone and joint replacement, eye surgery. Also, the pressures are in emergency rooms. We need more long-term care beds, and we have added those, I believe, 1,300 by the end of this year. Things are happening. We're hiring more nurses, and the minister can elaborate even further.

Dr. Swann: Well, again, back to the Premier. How long do you think Albertans should wait, Mr. Premier? How long?

Mr. Stelmach: Mr. Speaker, as I said before, our goal here is to meet or exceed the national standards. I don't know as to who is meeting them currently because these are pressures right across the country, but I can assure you that the minister is doing whatever he can in co-operation with Alberta Health Services to meet those guidelines.

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

Oil Sands Tailings Pond Containment

Dr. Swann: Thank you, Mr. Speaker. Well, yet another story on leaking tailings ponds came out today, giving another blow to the reputation of Alberta, another blow to the environment, and another blow to our economy. To the Premier: was the Premier aware that this tailings pond was leaking and easily accessible to wildlife?

Mr. Stelmach: Mr. Speaker, first of all, this was a story that broke in one of the news organizations. They certainly didn't call ERCB,

nor did they call Alberta Environment. However, when the story became public, we had staff both from Alberta Environment and ERCB investigating. The minister has further details. We'll hear more from the investigators on-site.

Dr. Swann: Well, Mr. Speaker, absolutely anyone in Alberta with an education knows that we need barriers to prevent water and animals from going in and out of a toxic site, something this pond lacks. Will the Premier admit the current standards are weak, inadequate?

Mr. Liepert: Maybe I could answer that question. First of all, the Leader of the Opposition raised an issue that the ERCB takes very seriously and on a regular basis does inspections as regulations are outlined. That most recent inspection was two weeks ago. But as a result, as the Premier mentioned this morning, of the story that appeared, an inspector was out there today and found that everything is in compliance, Mr. Speaker.

Dr. Swann: Well, Mr. Speaker, back to the Premier. How many times does the Premier think that the federal government will allow Alberta's mishandling of tailings ponds to pollute federal waterways before they step in and take control of our environmental management?

Mr. Stelmach: Mr. Speaker, I just heard the minister say that the report back from the ERCB investigator was that the operator is in compliance with the standards that are issued by government.

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

Trade Mission to India

Dr. Swann: Thank you, Mr. Speaker. Well, the Premier splashed out \$84,000 taxpayer dollars to jet off to India while Indians were enjoying their major holiday of Diwali. He didn't, unsurprisingly, seem to accomplish much except keeping up with his blog site. To the Premier. I didn't see any trade deals signed or any other measurable gains in India. How did the Premier expect to accomplish anything during this holiday season of Diwali?

Mr. Stelmach: Mr. Speaker, the trip to India was quite successful. We are of course meeting with not only ministers but also oil and gas companies. India is the world's largest English-speaking country. It is democratic. It has a good justice system. Their oil and gas companies are cash rich and are looking to invest in Alberta. They've also asked to work with a number of companies that are in India today to expand, especially in enhanced oil recovery, and also to learn from what we've already accomplished in many of the environmental areas, especially when it comes to water.

Dr. Swann: Well, Mr. Speaker, Alberta has fewer sitting days in the Legislature than Saskatchewan, the Northwest Territories, even the Yukon. How can the Premier justify this further insult to the people of Alberta, abandoning their Legislature when it barely meets anyway?

Mr. Stelmach: Mr. Speaker, one of the things that we have to learn from this latest unbelievable economic global shift is that the economy is shifting to Asia. We can no longer depend on a market of 350 million people in the United States to maintain the kind of standard in quality of life that we enjoy today. Over three billion

people, a marketplace that we can tap into. The middle class is growing in size. They need energy, they need food, and they also need fibre. Alberta can provide all three.

Dr. Swann: In September the Premier dropped everything to meet James Cameron. However, when he should have been at work meeting with the European Union trade delegation, he toured India instead. What does this say about the Premier's priorities for the government of Alberta?

Mr. Stelmach: Well, I know that following my visit to India, Prime Minister Harper visited with the Prime Minister of India. They have opened up negotiations on a Canada-India free trade agreement. When we were in Europe a few months before, we did talk to a number of elected officials in terms of opening up their borders, especially for agricultural products. Canada and the European Union are in the middle of serious negotiations. I've asked the Prime Minister to keep us informed of all of the tables. The one table that we're not involved with as yet is around the financial table. That is disconcerting because we will have to administer the agreement once it's reached in the future.

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

Health System Acute-care Beds

Mrs. Forsyth: Thank you, Mr. Speaker. Long waits in our emergency departments are just one symptom of many problems the health care system is facing. Fixing the ER issue and getting patients in the right bed in a timely manner is critical. Research tells us that a long-standing metric for acute-care beds is 1.9 per thousand people. To the Premier: what is the number of acute-care beds per thousand in Edmonton and Calgary, where the major pressures are being felt?

Mr. Stelmach: Mr. Speaker, once again the opposition is centred on the number of beds per thousand. We went through this discussion a number of years ago. There are other services that have to be provided for patients other than just the bed – that is, kidney dialysis, radiation vaults – not only just in Edmonton and Calgary but in outlying centres like in Grande Prairie and Red Deer and Lethbridge so that people don't have to travel hundreds of miles on a weekly basis to be able to access that kind of treatment. Those are the kinds of improvements that have been made already. We will keep making those improvements not only based on the statistics that they want to look at but to make sure that the patient comes first.

Mrs. Forsyth: Well, Mr. Speaker, the answer is 1.2, below the national average.

Acute-care medical and surgical beds are desperately needed. Now, Mr. Premier, I'm not talking about rehab, I'm not talking about palliative care, and I'm not talking about transition beds. To the Premier: how many additional acute-care beds has your government opened since January 1 of this year?

Mr. Stelmach: Mr. Speaker, one of the things that I know we have to do more is to open up more continuing care beds. We have a number of acute-care beds that are tied up by individuals that have to move to the next level of care, which is continuing care. That is why we're well into our goal of building 1,300 additional beds this year, and we'll continue to build at least a thousand a year in order to keep up with the ever-increasing aging population.

Mr. Forsyth: Well, Mr. Speaker, he didn't answer that question, but let's try this one because it's going back into what he just finished saying. Mr. Premier, how many net new nursing home beds – and I mean nursing home beds – has your government opened? When I say nursing home beds, I mean real nursing home beds, not continuing care or assisted living, nursing home beds.

Mr. Stelmach: Mr. Speaker, I find it kind of ironic. Just a few months ago they were talking about taking \$1.3 billion out of Health. Then they were musing about this two-tiered, European style of health care. All of a sudden today they're asking for more spending and more beds. Actually, even with the additional new spending they want to do, they're on the right track to begin with.

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

2:00 Emergency Room Wait Times
(continued)

Mr. Mason: Thank you very much, Mr. Speaker. It's nice to see the Premier back with us again.

A couple of weeks ago the Minister of Health and Wellness proudly announced that he was setting new standards for emergency room wait times. Last week, clearly embarrassed by their dismal performance, Alberta Health Services quietly cut the standards, hoping no one would notice. My question is to the Minister of Health and Wellness. Will you instruct Alberta Health Services to quit lowering standards for our emergency room wait times and start meeting national standards within one year, and if not, why not?

Mr. Zwozdesky: Mr. Speaker, as Alberta Health Services' website indicates, these performance measures are being worked on right now between Alberta Health and Wellness staff and Health Services staff. New figures will be coming out. Some of them may stay the same, some may move up, and some may move down. It's a floating document because it's a work that has to be adjusted sometimes from month to month, certainly from quarter to quarter, and most certainly by year-end.

Mr. Mason: Mr. Speaker, it's a floating minister. Gone are the heady first days of this Minister of Health and Wellness, when he would phone up Stephen Duckett in the middle of an editorial board meeting to demand answers. Now we see the return of Mr. Dithers, just another PR flunky for an entrenched bureaucracy. The minister makes a big show of setting ER wait time standards and then lets his subordinates lower them. Why won't the minister admit that he isn't really in charge and that he's avoiding his responsibilities while Albertans desperately seeking help sit huddled in emergency rooms for hours on end?

Mr. Zwozdesky: Mr. Speaker, the hon. member couldn't be farther off base. The fact is that significant improvements have occurred at many sites. I had that discussion with the head of the Alberta Medical Association two Fridays ago, and he as well indicated that, yes, there are improvements at some sites. Thank you for that. There are a few other sites that still need additional work.

With respect to the earlier part of the question, I have given Alberta Health Services until Christmas to come up with the improvements that we need to see.

The Speaker: The hon. member.

Mr. Mason: Thank you very much, Mr. Speaker. Well, this minister and Alberta Health Services are both failing Albertans.

This minister announced that national standards would be met, and Alberta Health Services is making a fool of him. When will this minister take some responsibility for a change? When will he put his job on the line if he can't deliver national standards quickly?

Mr. Zwozdesky: Mr. Speaker, the percentiles that are being met today are inadequate, and that's why we're reviewing these performance measures. That's why I gave the direction to Alberta Health Services to come back with a plan on where and how those improvements would be made. They've started that plan. They've opened 70 more beds since September in Edmonton and going forward and similarly in Calgary. That's a start, and that's at the major acute-care sites in those two cities. On top of that 1,300 additional continuing-care beds are being opened: 800 already are; 500 left to go. That will help take away some of the crowding pressures as well.

The Speaker: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Calgary-Bow.

Certificate of Recognition Workplace Safety Program

Mr. MacDonald: Thank you, Mr. Speaker. In 2007 this government's own study found that a work-site safety certificate program saved \$15 million in injury compensation. In the same year the WCB issued rebates totalling almost \$76 million to companies holding this safety certificate, whether they had safe sites or not. My first question is to the Employment and Immigration minister. Is spending \$76 million to save \$15 million the hon. minister's idea of value for money in trying to keep Alberta work sites safe?

The Speaker: The hon. minister.

Mr. Lukaszuk: Thank you, Mr. Speaker. One, the COR program is being reviewed as we're speaking. As you know, our Auditor General has pointed out some bona fide issues within this program with which I agree, and we're reviewing this program.

Relevant to compensation this member, frankly, is barking up the wrong tree. That decision is made by a board of directors of the Workers' Compensation Board. He should be contacting the board. They manage their own finances.

The Speaker: The hon. member.

Mr. MacDonald: Thank you, Mr. Speaker. For the record, the COR program was initiated by this government, not the WCB.

Again to the same minister: does the minister really believe that the government here should be spending five times more on rebates than it is actually spending on trying to enforce the safety laws of this province?

Mr. Lukaszuk: Mr. Speaker, it is very important that in a question one doesn't lead a listener to a false conclusion. Not one single government dollar is being spent on COR. COR is funded by the Workers' Compensation Board, which is, truly, 100 per cent funded by employers of Alberta. Not one taxpayer dollar goes into WCB or the COR program, and the member well knows that.

Mr. MacDonald: Mr. Speaker, the minister knows perfectly well – at least, I hope he does – that the COR program was initiated by this government. Again, why is the minister allowing the Workers' Compensation Board to use bonuses to encourage their own employees to sign up even more companies for this flawed safety

certificate when it doesn't even save money or make the work sites in this province safer?

Mr. Lukaszuk: Well, Mr. Speaker, let me say it slower. One, the COR program is being reviewed as we're speaking right now. The Auditor General has identified issues with which I agree. We're reviewing it. Two, the program is funded exclusively by the Workers' Compensation Board, which is fully funded by employers of Alberta. They seem not to be raising any concerns, and they are the ones funding it.

We're reviewing the program. We're not spending any government dollars on this. It is an employer-funded program.

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

Provincial Taxes

Ms DeLong: Thank you very much, Mr. Speaker. The B.C. government recently announced a 15 per cent personal income tax reduction. They claim this means that B.C. taxpayers now pay the lowest provincial income tax in Canada on incomes up to \$130,000. My first question is to the Minister of Finance and Enterprise. Has Alberta lost its tax advantage?

Dr. Morton: Mr. Speaker, I'd like to begin by congratulating the government of British Columbia for lowering taxes. We're happy to see taxes lowered anywhere in Canada but particularly by our partners in the western partnership. Now, if you compare income taxes in British Columbia and Alberta, certain brackets now in British Columbia will have a lower tax, but if you look at all taxes – sales taxes, gas taxes, all the other taxes – Albertans pay \$2,650 less per capita than our friends in British Columbia.

The Speaker: The hon. member.

Ms DeLong: Thank you, Mr. Speaker. My first supplementary is to the same minister. Can the minister tell us what tax advantages Albertans continue to enjoy?

Dr. Morton: Mr. Speaker, I certainly can. Let me count the ways. One, health care premiums: no health care premiums in Alberta; \$121 a month in British Columbia. Two, personal and spousal exemptions: much lower here. Three, we have the Alberta family and employment tax credits for lower income families. Fuel taxes: 9 cents in Alberta; 19 cents per litre in British Columbia. How about provincial sales taxes? How much provincial sales tax in Alberta? Zero. Seven per cent in British Columbia.

The Speaker: The hon. member.

Ms DeLong: Thank you, Mr. Speaker. My final question is also to the same minister. Does the minister have the numbers to back up his claim that Albertans remain the lowest taxed in Canada?

Dr. Morton: Mr. Speaker, I do have a number. It's a simple number, but it's a very big number. The number, for the opposition, is \$10 billion. That's how much less we pay in Alberta than if we had their taxes here.

Hate Crimes

Mr. Hehr: Mr. Speaker, last week the people of Alberta were shocked by a serious assault in Calgary that was motivated by hatred

and racism. To the Minister of Justice. According to Statistics Canada Calgary and Edmonton experienced double – yes, double – the national average of crimes motivated by hatred, and this is only getting worse. What is her ministry doing to prevent this scourge?

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

Ms Redford: Thank you, Mr. Speaker. This is an area where we have particular concern. We work very closely with police services across this province with respect to hate crimes. In fact, just within the past 12 months when we were asked to intervene and to recommend that charges be laid, the Attorney General did agree to do that, and we were successful in our prosecution. We will continue to work very closely with the police to ensure that these horrendous crimes are properly prosecuted.

The Speaker: The hon. member.

Mr. Hehr: Well, thank you, Mr. Speaker. To the Minister of Culture and Community Spirit. The assault on Mr. Devine, coupled with the attack on Ms Shannon Barry this summer in Edmonton, indicates that this minister needs to do more to educate Albertans about tolerance. What is this ministry planning on doing to reduce these types of crime?

2:10

Mr. Blackett: Well, Mr. Speaker, it's not my responsibility nor the responsibility of our ministry to stop these types of crimes. We continue to work through the human rights, citizenship, and multiculturalism education fund to provide funding to organizations who go out and promote the need for tolerance, the need for respect. We work through our Human Rights Commission to ensure that Albertans every day are able to live their lives free of prejudice and have access to jobs, to accommodation, and to government services free of discrimination.

The Speaker: The hon. member.

Mr. Hehr: Well, thank you, Mr. Speaker. To the minister of children's services. The Alberta government's response to the most recent hate crime was to further victimize the Devine family by questioning their ability to parent because of their social activism. Will the minister apologize for shamefully victimizing this family a second time?

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

Mrs. Fritz: Thank you, Mr. Speaker. I can assure you that statement is entirely inaccurate. I'm surprised that this member is bringing this forward to the Assembly as you're indicating that there are children involved in this situation, and how we assist families with children is very confidential. I have to tell you as well that our very first and foremost principle is to keep families together, and that would not be any different in the case that this member is mentioning.

The Speaker: The hon. Member for Grande Prairie-Wapiti, followed by the hon. Member for Edmonton-Centre.

Nonprofit and Voluntary Sector

Mr. Drysdale: Thank you, Mr. Speaker. Alberta's nonprofit and charitable organizations are part of the remarkable formula that makes our province such a great place to live. Without the programs

and services they provide, our society would literally crumble, yet a number of nonprofits in my constituency are struggling with multiple challenges, including increased and diverse needs from Albertans. Can the Minister of Culture and Community Spirit please tell me what he is doing to help this critically important sector during these tough economic times?

Mr. Blackett: Mr. Speaker, the government remains committed to Alberta's not-for-profit and voluntary sector community and to the goals of providing safe and healthy and vibrant communities. In addition to the \$86 million in our department, there's well over a billion dollars provided through grants, services, and programs to those less fortunate across our province. But there are challenges beyond just money. In our department we're trying to help with professional development, and we're helping with the facilitation of workshops and services and programs to encourage volunteer screening. We're also streamlining our grants to make them more accessible.

Mr. Drysdale: Mr. Speaker, my next question is to the same minister. Can the minister please tell me what he is doing to ensure that this sector remains healthy after the economy has recovered?

Mr. Blackett: Well, Mr. Speaker, what we have to do when the economy is not healthy is the same thing we have to do when it is. The government helps over 20,000 not-for-profit organizations, and over 5,600 of those are directly funded through us. We're working to meet with the representatives of the different sectors all across the province to identify their needs and to streamline our programs to more effectively help the people that they're trying to service to make sure that Albertans and those most vulnerable Albertans are getting the services that they require.

The Speaker: The hon. member.

Mr. Drysdale: That's it, Mr. Speaker.

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

Oil Sands Tailings Pond Containment (continued)

Ms Blakeman: Thanks very much, Mr. Speaker. Leaking tailings ponds is the new political hot potato. No one is doing their job, not the Minister of Energy, the Minister of Environment, the Minister of Sustainable Resource Development, or the Minister of Health and Wellness. No one is around to take responsibility when fish grow tumours, wildlife drink toxic sludge, or cancer rates rise in First Nations people in the area. To the Minister of Environment: why does this government have such weak standards that a tailings pond that is clearly damaging the surrounding area can meet approval guidelines?

Mr. Renner: Well, Mr. Speaker, I'll respond to this member, but I also need to point out that this is a joint responsibility between ERCB and Environment. I want to point out to this member that while we are following up on the allegations that have been part of these media stories, initial reports indicate that there is no release of water from this pond, that the design of this pond is working as it was appropriately designed to work, and if there is any issue, we will be dealing with it.

The Speaker: The hon. member.

Ms Blakeman: Well, thank you very much, Mr. Speaker. Back to the same minister: since there are dozens and dozens of releases, contraventions, spills, and failures of control structures reported on the Horizon tailings pond since it opened, why did the government do nothing about it? Given all of these reports, this should not have been a surprise to the government; it should have been an expectation of what was going to happen. Why are you surprised?

Mr. Renner: Well, Mr. Speaker, we have not determined whether or not the allegations that gave rise to the line of questioning are, in fact, accurate. We have, as we speak, our staff on site to determine whether or not there have been any breaches of the approval. But I can assure you that there is ongoing requirement for monitoring, there are inspections from time to time, and up until today those kinds of issues have not arisen.

The Speaker: The hon. member.

Ms Blakeman: Thank you very much. Well, this will go to the Minister of Energy, then. This tailings pond's cleanup plan did not meet the requirements in directive 074, yet it was approved. Why is that, Mr. Minister?

Mr. Liepert: Well, the member is not any more correct in her preamble in this question than she was in the previous two. What, in fact, did occur with directive 074 is that the ERCB issued the directive, asked all of the various companies to respond. They did. The ERCB took a look at all of their plans and I believe to date has approved all of the plans with, I think, two still to be approved, Mr. Speaker.

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

Aging Population Framework

Ms Woo-Paw: Thank you, Mr. Speaker. It is common knowledge that Alberta's population is aging. In just 20 years 1 out of every 5 Albertans will be a senior, including myself. This significant change in demographics is going to be a real challenge to Alberta and our government. My questions are to the Minister of Seniors and Community Supports. What is your ministry doing to ensure our government is prepared for a population with such a high number of seniors?

Mrs. Jablonski: Mr. Speaker, meeting the needs of present-day and future seniors is a priority for our Premier and for our government and for myself. With the changing needs of an aging population, our programs and our supports serving current seniors must be affordable, they must be sustainable, and they need to be flexible for the changing needs. The aging population policy framework ensures that we meet those needs and that they are sustainable and affordable.

The Speaker: The hon. member.

Ms Woo-Paw: Thank you. Well, that's all well and good, but my constituents want to see results. They're not just satisfied with policies and guidelines. They'd like to see something that they can see and hold. To the minister: what would this framework actually accomplish?

Mrs. Jablonski: Mr. Speaker, before you can build any house, you have to have a foundation and you have to have a framework.

That's exactly what the aging population policy framework is. It's a guide for all of government so that we're on the same page when we make any plans or programs for our seniors. Part of the framework outline includes the Alberta government's roles and responsibilities in meeting the needs of an aging population and key directions for government policy-makers, including those in the areas of financial security, housing, and transportation.

Ms Woo-Paw: My final question to the same minister: can you please tell the Assembly what some of the tangibles could be?

Mrs. Jablonski: Well, Mr. Speaker, the framework establishes goals that government will pursue to address the needs of an aging population. That includes assisting seniors to financially prepare for their senior years, it includes supporting seniors to remain as independent as possible for as long as possible, which is something that we all want, and it also provides seniors with more options so that they can have a home to meet their changing accommodation and service needs. All sectors along with individual Albertans have a role in achieving these outcomes, and I look forward to working with them.

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

2:20 Oil Sands Tailings Pond Containment (continued)

Ms Notley: Thank you, Mr. Speaker. The public had no clue that an apparently unsecured tailings dam was being built across traplines in northern Alberta, and there was no public consultation after the ERCB conditionally approved the strange three-walled tailings pond in 2004. First it was ducks put at risk by toxic tailings soup, and now animals are reportedly free to wander into this three-walled pool. To the Minister of Environment: how could this government possibly approve such a seemingly nonsensical strategy for containing liquid toxic sludge?

Mr. Renner: Well, let me again remind this member that the approval process is one that is jointly through the ERCB and Environment. In this case the ERCB was the one responsible for approving the actual plan. But, Mr Speaker, there is an allegation that somehow this tailings pond is not operating as it was intended. It is built against a natural wall. There is no indication at this point that that natural wall is working any differently than the three artificial ones.

Ms Notley: Well, Mr. Speaker, you know, the ERCB and the Minister of Environment are all on the same side, so I think they should all answer for each other.

Now, given that CNRL was initially asked by the Ministry of Environment to provide groundwater monitoring results from pond 1 in the spring of this year and given that the ERCB subsequently approved a delay in the provision of that information until this September, can the minister now tell this House whether he's received that report and whether he will table it in the Legislature to prove his claims that his three-sided pool is not leaking into the water supply?

Mr. Renner: Well, again, Mr. Speaker, the member is referring to a report that was requested by the ERCB. I remind her one more time that the ERCB reports to the Minister of Energy, not to the Minister of Environment.

Ms Notley: Wow. Duck and dive there.

Well, could the minister please advise the House whether he has received any scientific reporting on the impact of having several natural watercourses flow into the tailings dam, thereby losing that fresh water, and whether there is any way we can guarantee that they do not continue to flow underground through the toxic sludge right back into the Athabasca River, where they were flowing before?

Mr. Renner: Mr. Speaker, the member is wrong. There are not natural watercourses flowing into this tailings pond. That's the reason why there's a compensation lake that has been put in place to gather the water that flows into this pond. It goes into a compensation lake and around the pond. What the member is referring to is a footprint for a pond that is not yet full. Like any other pond or any other water body, the last I heard, water flows downhill; it doesn't flow uphill. The pond is rising. It is not going beyond the footprint that was designated.

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

Confidentiality of Name Changes

Mr. Kang: Thank you, Mr. Speaker. A mother and a daughter in Alberta endured years of moving from shelter to shelter in fear of a violent family member. They finally took the desperate step of erasing their identities. This involved a confidential change of name under Alberta's Change of Name Act. To the Minister of Service Alberta: is it true that your department authorized the confidential name change and then, contrary to the privacy provisions of the act, published information about their name changes?

The Speaker: The hon. minister.

Mrs. Klimchuk: Thank you, Mr. Speaker. It's important to note that we take the privacy of Albertans' information very seriously. I am very well aware of this particular situation. One of the first things that I did when I became minister, when I became aware of this, is that we have a process in place where we will be having a second person verify whether it should not go in the *Gazette*.

The Speaker: The hon. member.

Mr. Kang: Thank you, Mr. Speaker. Is it also true that the official explanation for this breach of confidentiality was that no one is perfect? If so, how can Albertans trust this government to protect their most sensitive personal information?

The Speaker: The hon. minister.

Mrs. Klimchuk: Thank you, Mr. Speaker. On a regular basis there are about 12 of these situations that take place every year, where it's a court-ordered situation where a person's identity is protected. So we do know on a regular basis that things continue to go well. With respect to this situation a mistake was made, we have verified it, and we have worked together with the individual in question to make sure of her security and that she is safe.

The Speaker: The hon. member.

Mr. Kang: Thank you, Mr. Speaker. The mother in this case said that this kind of official failure is the reason why women go back to abusive relationships. In a life-and-death situation how could "No one is perfect" ever be an acceptable response?

Mrs. Klimchuk: Well, Mr. Speaker, again, I'd like to say that we take the security of Albertans' information very seriously. It's a very serious situation. Part of the challenge is to make sure that this woman is safe and that moving forward, in the further changes that we make to support other Albertans, we have the system in place to ensure that this does not happen again.

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

Legal Aid

Mr. Rodney: Thank you, Mr. Speaker. In the past Albertans have enjoyed great service from their Legal Aid system, but lately I've been contacted by many constituents who are genuinely concerned about changes that have been made to this important program. My first question is to the Minister of Justice and Attorney General. Why are you making these changes, and how can you assure my constituents that these changes will not be detrimental to their services in the future compared to those of today?

The Speaker: The hon. minister.

Ms Redford: Well, thank you, Mr. Speaker. We work very closely with the Law Society of Alberta and the Legal Aid board to ensure that we're providing services that Albertans need through Legal Aid. We've developed a number of targeted pilot projects to ensure, particularly in the area of civil legal aid, that we are providing the services that people need to have. I congratulate the Legal Aid board for their leadership in this. We work in very close co-operation with them, and we've been ensuring that if there are possible services that people need that may not include a comprehensive plan, we'll continue to provide those services so that Legal Aid can be sustainable into the future.

The Speaker: The hon. member.

Mr. Rodney: Thank you, Mr. Speaker. My first supplemental is to the same minister. That's good information to have, but for the record can the minister verify whether the government has or has not cut Legal Aid funding, and if so, by how much exactly?

The Speaker: The hon. minister.

Ms Redford: Thank you, Mr. Speaker. We have not cut our funding to Legal Aid. We support Legal Aid with a substantial grant each year. In the 2010-2011, 2009-2010, and 2008-2009 fiscal years this grant was \$53.8 million. Previous to that it was \$45.3 million. We've not only maintained our commitment to Legal Aid; we've increased it and tried to make it sustainable.

The Speaker: The hon. member.

Mr. Rodney: Thank you, Mr. Speaker. My final question is to the same minister. It's been several months since these changes were made. How much longer are Albertans expected to wait before they can see the results of these pilot projects?

Ms Redford: Well, Mr. Speaker, the Legal Aid program and the Department of Justice decided that over this year of transition we would monitor the change in programs on a monthly basis. I will say that I had very productive meetings with the Legal Aid board last week, and we're already seeing those successes. The full reports

will be available within that 12-month period, April of next year. However, we are already seeing very good results.

Patient Safety Investigation

Mr. Anderson: Last week more health care horror stories were brought to light showing that our emergency room crisis is deepening. Just one of the many latest examples is from Edmonton where a young man struggling with a mental illness committed suicide after waiting for help in vain for hours and hours in Edmonton's emergency rooms. To the minister: will you call in the Health Quality Council to investigate this tragedy as well as the thousands of other poor health outcomes stemming from the ER crisis to ensure these tragedies are not repeated?

Mr. Zwozdesky: Mr. Speaker, there is a history on this file. I want to go down on the record saying that any death is a tragedy for a family to deal with. I did speak with the family over the weekend, and they explained a few more of the extenuating circumstances. I want to express my sincere condolences and sympathies to the family that is suffering the loss of their stepson in this case.

With respect to the overarching question there are a number of other procedures that we are putting into place right now, Mr. Speaker, to do the best that we can do as a team to ensure these kinds of tragedies don't occur again.

Mr. Anderson: All right. Let's try this again. Given the gravity of the ER crisis and given that it was known to the Premier and the ministry of health just four days after the 2008 election, as shown by leaked documents several weeks ago, why wasn't the Health Quality Council called in to investigate the crisis at that time, and why have they still not been called in, Minister?

Mr. Zwozdesky: Mr. Speaker, I'm not sure if Alberta Health Services is contemplating that particular strategy or not. Perhaps they are. I don't know the details of something that goes back to 2008 as alluded to, but I can tell you that since the time that I took over, we have made some significant strides and significant improvements to address exactly the issue being talked about here; that is, opening up more beds. I could give you the entire list if you want. We are opening them in acute-care hospitals as well as in the community, and that's one of the key points.

Mr. Anderson: Minister, people are dying. Now would be the time to act. Given that the legislated mandate of the Health Quality Council is, on request of the minister, to assess, inquire into, or study matters respecting patient safety and health service quality in Alberta and given that there is no greater current threat to the public safety of Albertans than the current ER crisis, I'll ask him again. Will the minister call on the Health Quality Council to investigate the tragedies happening in our emergency rooms and table recommendations to permanently solve this crisis?

Mr. Zwozdesky: Mr. Speaker, I'll give that some consideration, but in the meantime I think people should take some comfort in knowing that there are other quality assurance types of reviews that are already under way.

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

2:30

Long-term Care in Red Deer

Mr. Dallas: Thank you, Mr. Speaker. AHS has now completed the transfer of 215 long-term care residents from Red Deer nursing

home and Valley Park Manor to the new Michener Hill Village in Red Deer. Constituents in Red Deer insist on learning why AHS has closed these facilities when there are seniors in acute care and struggling at home waiting for placement in the continuing care system. My questions are all to the Minister of Health and Wellness. Why did AHS close both long-term care facilities when there is need for more continuing care?

Mr. Zwozdesky: Mr. Speaker, the short answer is that the Red Deer nursing home was built in 1964; the Valley Park Manor was built in 1969. They've both seen better days. However, in response to the question, a decision was made that said that it's more cost-effective to move these residents to a brand new 280-bed facility called Extencare Michener Hill, and that resulted in a net increase of 65 additional spaces.

Mr. Dallas: On Monday, November 8, Alberta Health Services reissued layoff notices to staff at Valley Park Manor and Red Deer nursing home. Again to the Minister of Health and Wellness: why are the staff at these two facilities not being transferred to Extencare Michener Hill Village?

Mr. Zwozdesky: Mr. Speaker, the short answer is that it's a different employer, and it's also a different operator, so you can't just transfer them unilaterally like that. However, my understanding is that the people working at the two facilities referenced have been asked, if not encouraged, to apply for employment at the new place, and I believe a number of them have taken up that offer.

Mr. Dallas: To the same minister. Red Deer nursing home and Valley Park Manor have served the community well. What does Alberta Health Services have planned for the future of these two buildings, and when will these announcements be made?

Mr. Zwozdesky: Mr. Speaker, a number of months were spent studying that issue, and in the end it was concluded that it just wasn't cost-effective to keep both of them going when a new facility was going to meet the new standards in a better way.

However, the short answer to the second part of that question is that Valley Park Manor, which is newer, may require some major renovation, and I've asked for that concept to be reviewed, just to see if it could be repurposed and used down the line. The first one, the Red Deer nursing home, is probably beyond that.

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

English Express Literacy Program

Mr. Chase: Thank you, Mr. Speaker. Earlier this year many were surprised and disappointed to hear of the cancellation of English Express, an inexpensive, \$300,000 investment in improving literacy that was distributed to 60,000 Albertans. My questions are to the Minister of Advanced Education and Technology. With studies showing that 4 out of 10 Albertans lack basic literacy skills, how can the minister justify cutting this valuable, low-cost resource investment for adult learners?

The Speaker: The hon. Deputy Premier.

Mr. Horner: Well, thank you, Mr. Speaker. Indeed, English Express served us very, very well for more than 20 years, but based on the new direction that we have set out in our Living Literacy

framework, which I know the hon. member has had occasion to review – this was developed in consultation with literacy providers – we need to work more collaboratively with those providers, and more innovative delivery programs were also designed to be online and to get better use of the dollars.

Mr. Chase: From English Express to English regress.

Was English Express targeted for cancellation because users of the newspaper do not have the resources or the guaranteed rights of citizenship to speak out?

Mr. Horner: Mr. Speaker, absolutely not, and that's a ridiculous statement. The funding from English Express is going to be used for exactly the purpose that we have, for literacy in the province of Alberta. It is very important that we reach out collaboratively to all of those literacy networks. That funding is not cut. It is going to be redeployed within the funding literacy framework so that we can help more Albertans.

Mr. Chase: So once you've got a good thing, cancel it.

Given that the minister points to short-term cost savings as the reason for cancelling English Express, what will the long-term price be for Alberta taxpayers for ongoing illiteracy?

Mr. Horner: Mr. Speaker, I wish the hon. member would listen to the answer rather than make an inaccurate statement. The funding was not cut. The funding was redeployed within the literacy framework. The hon. member should get his facts straight.

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

Continuing Care Facility in Didsbury

Mr. Marz: Thank you, Mr. Speaker. A continuing care centre in Didsbury has been my top priority and a top priority for my constituents for a number of years now and, hopefully, also a high priority for this government. This spring \$10 million was committed by the government to see a facility open by 2012. We're fast closing in on 2011, leaving little more than a year to build this facility. To the hon. Minister of Seniors and Community Supports: does she still see this facility up and operating in 2012?

The Speaker: The hon. minister.

Mrs. Jablonski: Thank you, Mr. Speaker. Yes, I can assure the hon. member that there will be progress. You know, over the past decade our government has provided over half a billion dollars towards the development of close to 10,000 affordable continuing care spaces. This year we allocated \$105 million for 13 affordable seniors' projects in 11 Alberta communities, including the project in Didsbury.

Mr. Marz: Mr. Speaker, to the same minister. The request for proposal for this project was to be completed by the end of July of this year. Why is this process taking so long if the requests were to be in by the end of July?

Mrs. Jablonski: Mr. Speaker, the member is correct. This summer we held a request for proposal for the projects in Didsbury and Stettler. This resulted in 13 project applications for the Didsbury project alone. Each of these applications is undergoing a very thorough review to ensure that they're viable and that they meet the

needs of the community. I expect to make an announcement for the successful proponent in the very near future.

The Speaker: The hon. member.

Mr. Marz: Thank you, Mr. Speaker. Until I hear otherwise, I'm assuming that no news is not good news.

My final question is to the same minister. If this project is going to be opened in 2012, it's going to have to get started pretty soon. When can my constituents expect to see some action on this facility? When is the start date?

Mrs. Jablonski: Mr. Speaker, with the announcement of the successful proponent coming in the very near future, we expect that the developer will proceed in a timely manner. The Didsbury project is receiving up to \$10 million in provincial funding for the construction of 100 affordable supportive living spaces. As per the agreement we expect that construction will be well under way by 2012.

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

Oil Sands Tailings Pond Containment (continued)

Dr. Taft: Thanks, Mr. Speaker. I'd like to follow up on discussions we've had on this tailings pond at the Horizon site. My first question is to the Minister of Sustainable Resource Development. Can he tell us if there is anything in place to stop wildlife like moose or muskrats or whatever from freely wading into the tailings pond at the CNRL Horizon plant?

Mr. Knight: What I can tell the hon. member and all Albertans is that the operations at CNRL and, in fact, all of the other installations that currently have tailings ponds and mining operations in the Athabasca oil sands region, Mr. Speaker, operate under a set of regulatory guidelines, and to my knowledge they follow those guidelines.

The Speaker: The hon. member.

Dr. Taft: Well, thanks. I guess that illustrates the concern here. We're told over and over by different ministers that everything at the CNRL Horizon plant meets ERCB standards. To the Minister of Energy: does anyone in government review the ERCB standards such as this one, that allows tailings to be poured onto open ground? Does anyone in government review this?

Mr. Liepert: Well, first of all, Mr. Speaker, in a number of questions today there have been allegations made. I would question where the allegations came from, how they would substantiate these. The ERCB is recognized as a leading regulator globally, and for these members here to insinuate somehow that they're not doing their job is an insult to a leading regulator in this country.

The Speaker: The hon. member.

Dr. Taft: Well, thanks. I'll go back to this same minister. There's so much at stake here, not just the environment but the economy. The forestry industry works with environmental groups to reassure investors and customers, to get a sort of independent stamp of approval. To the Minister of Energy: will the government submit the ERCB's tailings pond standards for third-party independent review by recognized experts?

Mr. Liepert: Well, Mr. Speaker, I'd take a look at that. I don't know if it's something that would add any value. If it would, I'd take a look at it.

The Speaker: Hon. members, that concludes question period for today. Nineteen members were recognized, with 112 questions and responses.

In a few seconds from now we'll continue the Routine with Members' Statements.

2:40 Members' Statements (continued)

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

Diabetes

Dr. Sherman: Thank you, Mr. Speaker. I stand today in order to help draw much-needed attention to the serious condition of diabetes. Diabetes can be a painful, debilitating disease that, left untreated or improperly managed, can result in a variety of complications such as heart disease, strokes, peripheral vascular disease, amputations, kidney failure, heart attacks, and blindness, just to name a few. More than 20 people are diagnosed with diabetes every hour of every day. It's estimated that in 2010 alone 217,000 Albertans have been diagnosed with either type 1 or type 2 diabetes, and that number is rising drastically. The majority of those patients are maturity-onset type 2 diabetes patients. Over the next decade that number is expected to increase by 67 per cent, which represents the highest increase in Canada.

Of particular concern are our children. Diabetes is a childhood illness. We have record numbers of young people getting type 2 diabetes, which is an adult illness. In Alberta and across the country the Canadian Diabetes Association is working hard to lead the fight against diabetes by helping people with diabetes live healthy lives while working to find a cure. This November, Diabetes Awareness Month, I encourage people to visit diabetes.ca to see the faces of people with diabetes, to learn more about what's being done in this community, and to connect with local activities.

Mr. Speaker, this disease affects everyone that we know. My own father himself has diabetes. One day I may have this disease. I know that there are probably a number of members in the Legislature that have this disease. We have to do something about this. Finally, to reduce the risk of contracting diabetes, let's start investing in our wellness today by adopting healthier lifestyles: by eating less, eating right, and moving more.

Thank you.

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

Agri-Trade 2010

Mr. Dallas: Thank you, Mr. Speaker. On the farm calendar November stands out with the annual Agri-Trade exposition. This year's event was another great success in bringing the world of agriculture from around western Canada to Red Deer. From November 10 to 13 at Westerner Park exhibitors and events included equipment manufacturers, modern farm home products, and the agri-trend stage presentations. The ag industry is ever changing with research and development as exhibitors demonstrate excellence in innovation and agricultural applications.

The ag innovation awards is a growing agri-trade program which rewards new product inventions and improved industry processes. Ag innovation awards 2010 highlighted new ideas and practical

achievements with prestigious recognition at the awards ceremony on November 10. Award recipients received show-booth banners, preshow and award banquet recognition, and ag innovation publicity. The 2010 finalists for the highly sought awards included technology processes, wheat products, and geosolutions. The vibrant and meaningful dynamic at this ag event is organized by a partnership between the Red Deer Chamber of Commerce and the Westerner Exposition Association.

Mr. Speaker, I would like to invite all members of this Assembly to join me in recognizing the agriculture industry in our province as well as organizers and participants of the 27th annual Agri-Trade for their leadership, hard work, and dedication.

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

Eid al-Adha

Mr. Amery: Thank you, Mr. Speaker. It is a pleasure to rise today to recognize Eid al-Adha, or the festival of sacrifice, which will be observed tomorrow by nearly 1.5 billion Muslims worldwide, including 100,000 here in Alberta. Mr. Speaker, Eid al-Adha is celebrated annually on the 10th day of the last month of the lunar Islamic calendar. This important religious event is recognized by the three major religions of the world. Eid al-Adha acknowledges Abraham's obedience to God.

This festival is a very joyous occasion for Muslims and includes special prayers, visits to family and friends, gifts to children, and, of course, good food. Many Muslims also take this opportunity to invite their non-Muslim friends, neighbours, co-workers, classmates to their Eid festivities to better acquaint them with Islam and Muslim culture. The regular charitable practices of the Muslim community are demonstrated during Eid al-Adha by concerted efforts to see that no impoverished person is left without an opportunity to partake in the special meals during these days.

This festival comes every day at the commencement of the hajj. The hajj is an annual pilgrimage in which millions of Muslims from around the world make the journey to Mecca, Saudi Arabia. Dressed in white clothing to represent human equality and purity, the pilgrims gather to perform rites dating back to the time of Abraham. Hajj is considered one of the five pillars of Islam. Muslims are required to make the pilgrimage once in a lifetime if they are physically and financially able to do so. Many Albertans every year are fortunate enough to make this journey.

Mr. Speaker, Islam is the religion of peace. In fact, the word "Islam" means peace.

At this time I would like to wish all Muslims, and especially those in Alberta, a very joyous and happy Eid al-Adha. Eid Mubarak, Assalamu Alaikum, peace be unto you, Mr. Speaker.

Presenting Reports by Standing and Special Committees

The Speaker: The hon. Member for Little Bow as the chair of the Standing Committee on Health.

Mr. McFarland: Thank you, Mr. Speaker. As chair of the Standing Committee on Health I'm pleased to table five copies of the committee's report on the review of the Freedom of Information and Protection of Privacy Act, dated November 2010. All members will receive copies today.

Tabling Returns and Reports

Mr. Liepert: Mr. Speaker, I'd like to table five copies of the terms of reference and the membership of a so-called secret committee that

I established to get ongoing advice from the oil and gas industry. It seemed to create some real interest by certain members of the opposition, so I'm more than happy to table in the House today.

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

Mr. Lukaszuk: Thank you, Mr. Speaker. On October 28 the hon. Member for Edmonton-Gold Bar asked a question relative to employment standards, which was addressed by our Deputy Premier. I would like to table with the Legislature more supplemental information that I have sent to that hon. member.

The Speaker: The hon. Member for Strathcona.

Mr. Quest: Thank you, Mr. Speaker. As chair of the Seniors Advisory Council for Alberta I'm pleased to table five copies of the 2009-10 annual report.

Thank you.

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

Dr. Taft: Thanks, Mr. Speaker. I have two tablings today. One is a letter on letterhead from the Nurse Practitioner Association of Alberta making what I think is an important point, that the role of nurse practitioners in this province is much too limited and that, in fact, nurse practitioners are a tremendous resource that we should be tapping into on a much larger scale than we are.

The second tabling is a lengthy letter. It's kind of a good-news, bad-news piece of correspondence. The good news addresses a very good experience the writer had at the Sturgeon hospital in St. Albert. The bad news is that then they got transferred to the Red Deer hospital and had an extremely disappointing experience there. They've asked me to table this.

Thank you.

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

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. I have two tablings today. The first is a letter I received from the President of the Treasury Board on September 29, 2010, and this provides additional clarification as to how under the Government Organization Act the members of the cabinet policy committees, particularly the chairs, are compensated.

My second tabling is with permission from a constituent, a letter written, of course, by Sheldon Pierce. Mr. Pierce is concerned about the government's plans regarding acute psychiatric care beds at Alberta hospital.

Thank you.

2:50

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

Mr. Chase: Thank you, Mr. Speaker. I have two sets of tablings today. As it is Family Violence Prevention Month, my first set of tablings is a special issue of the English Express covering healthy and unhealthy relationships, different kinds of abuse, the cycle of family violence, how abuse affects adults and children, where to get help, preventative measures, et cetera.

My second tabling is the English Express teaching notes for same, which includes a caution to the teacher about talking about family violence as well as tips on introducing and using the special issue and what to do if a student reveals abuse.

My third tabling is an e-mail from Julia Melnyk, who feels that cancelling the unique resource of the English Express is a mistake because other government departments use it to communicate important information on topics like human rights, H1N1, employment standards, and workplace safety.

Mr. Speaker, my second set is just a tiny portion of correspondence I have received expressing serious concerns about Bill 29 and asking for more and better protection for Alberta's parks, natural areas, rangelands, and other sensitive areas. From Bragg Creek I received communications from Peta Stuart, Troy Delfs, Simon Weekley; from Calgary Ian Berard, Tom Fabijan-Waddell, Alison Cole, Deborah Bobrow, Lisa Isley, Tye Martel, Geoff Hardy; from Canmore Janine Giles, Stephen Legault; from Cochrane Michele Hardy; from Edmonton Koel Reed, Mark Hill, Heather McPherson, Rhiannon Bury; from Slave Lake Colleen Courts; from Halifax, Nova Scotia, Lynne Fitzgerald; from Montreal, Quebec, Nilia Berkin; and from Ingersoll, Ontario, Suzanne Crellin. Concern over Bill 29 goes way beyond our borders.

Thank you, Mr. Speaker.

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

Ms Notley: Thank you, Mr. Speaker. I have two tablings. The first is a set of five documents referred to in my questions in question period today from CNRL. These include the 2004 decision of the Energy Utilities Board, which includes a diagram of pond 1 that does not show that the dam only has three sides, and an excerpt from the 2009 submission to the ERCB, which shows among other things that the dam has several creeks of water running into it.

My second tabling is the appropriate number of copies of a letter from Pat Wishart of Edmonton in which she outlines her concerns about Bill 29, the Alberta Parks Act. She writes, "It looks like Tourism, Parks and Recreation wants to abdicate its responsibility for ecological integrity."

Thank you.

Calendar of Special Events

The Speaker: As hon. members on some days provide recognition for an event and on other days provide recognition for other events, it's probably incumbent upon us as the Legislative Assembly to provide recognition for all of the events in any particular month, so I will now draw to your attention the events we have to celebrate in November.

November is Adoption Awareness Month. It's Amaryllis Month; that is, the month for recognition of Huntington syndrome. It is Cardiopulmonary Resuscitation Awareness Month, or CPR Month. It's Crohn's and Colitis Awareness Month. It's Diabetes Awareness Month. It's Family Violence Prevention Month. It's Incontinence Awareness Month. It's Lung Cancer Awareness Month. It's National 4-H Month. It's National Crime Prevention and Community Safety Month. It's National Health Food Month. It's Movember, the month of recognition for prostate cancer. It's Osteoporosis Month. It's Pulmonary Hypertension Awareness Month. It begins the Christmas Seal Campaign, that extends through to December 31.

November 1 was Skilled Trades Day, as it was World Vegan Day. November 1 to 5 was Canadian Patient Safety Week, as it was Canada Career Week, as it was Media Literacy Week. November 1 to 7 was Down Syndrome Awareness Week, as it was Skilled Trades and Technology Week. November 3 was Take Our Kids to Work Day. November 5 was the day for Diwali, the festival of lights, which is celebrated by the Hindu, Sikh, and Jain. November 5 was International Volunteer Managers Appreciation Day.

November 5 to 11 was Veterans' Week. November 6 was the International Day for Preventing the Exploitation of the Environment in War and Armed Conflict. November 7 to 13 was National Pain Awareness Week, as it was Medical Radiation Technologists Week, as it was National Senior Safety Week. November 8 was World Town Planning Day. November 8 to 14 was Youth Appreciation Week. November 9 was the International Day against Fascism and Antisemitism. November 10 was World Science Day for Peace and Development. November 11, of course, as we all know, was Remembrance Day, as it also was World Usability Day. November 12 was International Creutzfeldt-Jakob Disease Day. November 14 was World Diabetes Day.

November 14 to 20 is Bullying Awareness Week, as it is Geography Awareness Week, as it is National Addictions Awareness Week, as it is National Marfan Awareness Week, as it is Restorative Justice Week.

November 15 – that's today – is International PEN Day of the Imprisoned Writer. Tomorrow is International Day for Tolerance. November 17 is National Day of Remembrance for Road Crash Victims, as it is World Chronic Obstructive Pulmonary Disease Day. November 18 is World Philosophy Day. November 19 is World Toilet Day. November 20 is Africa Industrialization Day, as it is National Child Day, as it is Sir Wilfrid Laurier Day, as it is Universal Children's Day.

November 20 to 27 is YMCA Peace Week. November 21 is World Day of Remembrance for Road Traffic Victims, as it is World Hello Day, as it is World Television Day. November 24 to 30 is National AIDS Awareness Week, as it is National Home Fire Safety Week. November 25 is International Day for the Elimination of Violence against Women. November 25 to December 6 is White Ribbon Campaign week. November 26 is Buy Nothing Day. November 27 is Ukrainian Famine and Genocide (Holodomor) Memorial Day. November 28 is the 2010 Grey Cup. November 29 is the International Day of Solidarity with the Palestinian People. November 30 is Computer Security Day.

The hon. Member for Calgary-East reminded us about Eid as well.

Orders of the Day

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

Bill 205

Scrap Metal Dealers and Recyclers Act

[Debate adjourned November 1]

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

Mr. Rodney: Thank you, Mr. Speaker. I am very pleased to join the debate on Bill 205, the Scrap Metal Dealers and Recyclers Act, and I'd like to begin by applauding the hon. Member for Strathcona for bringing forward such an important bill, the intention of which is to prevent scrap metal theft by setting out comprehensive responsibilities for scrap metal dealers and recyclers in this province.

Mr. Speaker, this bill would require that certain information regarding scrap metal sales be recorded by scrap metal dealers, including the identity of the seller and information regarding the transaction. Why is this so important? Why do we need legislation in this respect? Well, these provisions could give law enforcement officials greater resources for solving instances of scrap metal theft and preventing future instances from occurring in the first place.

This is a serious problem. Bill 205 would help curb scrap metal thefts that burden businesses and private citizens alike by causing

damage to their property and financial losses, not to mention huge inconvenience. In the past decade the value and price of common scrap metals has progressively risen, and that has of course led to increased occurrences of theft, and the resultant unnecessary costs to Albertans and their businesses and their neighbourhoods as well.

This problem is now present in almost every jurisdiction across North America. Scrap metal yards, electrical power lines, maintenance shops, and even private residences have all been targeted by thieves. I know members of this House probably have examples even close to their homes. Not only that, but these thieves are going after unconventional sources of scrap metal as well, clear across the country.

[Mr. Mitzel in the chair]

Just a couple of examples. Aluminum billboards have disappeared in Vancouver. Stainless steel tanker trucks have been stolen in Quebec. Just a couple of months ago thieves targeted a manufacturer in Surrey, British Columbia, and stole a unique aluminum mould without which the company has been forced to shut down a good segment of its business, putting a number of jobs at risk. This stolen aluminum mould would only garner a few dollars in scrap metal, but it has the ability to severely impact the company and its employees with thousands of dollars in losses. The effects of scrap metal theft can be deep and widespread, and Bill 205 could help reduce cases of scrap metal theft in Alberta.

3:00

What we would do well to note is that copper found on private property is also being targeted since it's used in electricity lines, computer components, data and phone transmissions, plumbing, and various household appliances. The price for copper has been setting historic highs for the past five years, fetching between \$2.50 and \$4.50 a pound. These prices have made thieves more aggressive in their efforts to steal copper wire, and people have been caught in the crossfire.

This past August Precision Drilling, which has a large presence in Alberta, was the victim of a major copper wire theft at one of its maintenance yards in Odessa, Texas. Electrical wiring was removed from several drilling rigs, rendering them inoperable. Obviously, we can see what could happen here in Alberta if we don't enact this legislation. Mr. Speaker, total damage to the rigs in that case was estimated at over \$2 million and has halted production. The rigs are still awaiting new copper, which has not yet been shipped to the drilling sites, and has resulted in untold loss of production.

Scrap metal thieves often also attack utility companies for their copper wiring, causing thousands of dollars in damage. These businesses must pay for replacing that stolen wire by themselves, out of their own pockets. That, of course, drives prices up for the consumer. This is an issue that we all need to be concerned about, Mr. Speaker. When thieves steal scrap metal, they often trespass and destroy private property to remove their treasures. The repercussions of this are far reaching and can affect thousands of people.

Yet another example. In April 2010 phone service to hundreds of citizens in Big Lake, near St. Albert, was disabled after thieves dug up and removed 500 metres of copper cable. Obviously, severing electrical and phone lines removes access to essential services, and these crimes often impede power supplies, causing outages which can be devastating to computer networks, which businesses and individuals are reliant upon. In November of last year brazen thieves in Hamilton broke into a power station and stole thousands of dollars in copper wire, cutting electrical service to thousands of customers. Scrap metal theft, Mr. Speaker, wastes thousands of

hours for utility companies, private businesses, law enforcement, and individuals as well. Bill 205 is a tool which aids law enforcement, the scrap metal industry, and Albertans in curbing the destructive act of scrap metal theft.

I'd again like to thank the hon. Member for Strathcona for bringing forward this very important bill. This issue of scrap metal theft is rapidly evolving into a significant concern, and all methods of diminishing this curse should be put into practice. I ask all members from every corner of the House to join me in fully supporting this bill.

Thank you, Mr. Speaker.

The Acting Speaker: Do any other members wish to speak? The hon. Member for Leduc-Beaumont-Devon.

Mr. Rogers: Thank you, Mr. Speaker. It's with pleasure that I rise today to join the debate on Bill 205, the Scrap Metal Dealers and Recyclers Act. The hon. Member for Strathcona has put forward a piece of legislation that I believe addresses an issue of growing concern for police services, businesses, and many communities throughout our province. Bill 205 focuses on deterring metal theft, an increasing criminal problem that in many cases may not be receiving the attention it deserves. There have been many recent cases of copper wire being stolen from construction sites at various stages of installation.

As our Premier has stated many times, our government remains focused on our goal of creating stronger communities by mitigating crime in all its forms. Mr. Speaker, the government of Alberta continues to work with communities to develop crime reduction and prevention strategies. These strategies include our support for increasing the number of front-line police officers, who are on the ground protecting our communities, and funding crime reduction and community partnerships through the safe communities innovation fund. Albertans deserve safe communities, and we will continue to take steps that address the root causes of crime. To address crime on all fronts, we must also have effective, timely legislation that complements these other efforts.

Mr. Speaker, our government has been successful in implementing legislation that supports safer communities such as the Victims Restitution and Compensation Payment Amendment Act, 2010, which is helping to support many victims of crime. I believe that Bill 205 would also serve to this end by setting detailed responsibilities for scrap metal dealers.

A recent history of scrap metal theft illustrates the growing prevalence of this problem. The RCMP have noted that theft of metals is now very common throughout many Alberta communities, and these items, Mr. Speaker, are readily sold for cash at various scrap metal dealers. There has been a steady upward trend in the price for copper and aluminum, making the theft of these metals increasingly more lucrative for thieves. In the current situation those businesses that choose to purchase metals of questionable origin are under no obligation to assist authorities in their investigations. In some cases these businesses even refuse to co-operate with authorities.

In an effort to address these challenges, Bill 205 would provide additional tools to law enforcement, making it easier for authorities to solve these crimes. The bill would require scrap metal dealers to obtain and record the identification of any person selling scrap metal. It would also require dealers to provide these records to law enforcement agencies upon request, thereby eliminating the anonymity that many perpetrators of this crime currently enjoy, Mr. Speaker.

The RCMP are supportive of the measures proposed through this legislation. They expressed their challenges under the present

legislative framework and noted that these reporting requirements would be useful in reducing the theft and subsequent sale of these metals.

Our government is always supportive of measures that implement reasonable regulations on various industries in order to reduce crime. Mr. Speaker, appropriate legislation in this area has the potential to protect consumers, maintain the integrity of the marketplace as well as detect and deter illegal activity. As with all criminal matters in our province there's no easy fix when it comes to reducing crime and enhancing the safety of our communities. However, with effective legislation we can help to ensure that we are taking every step to mitigate these criminal acts.

Mr. Speaker, Albertans deserve to live, work, and raise their families in safe communities. The prevalence of any form of crime is felt across our province in communities large and small, and these crimes have disastrous economic effects, in some cases delaying vital construction and driving up the costs of these projects.

It is not only the act of metal theft that is at issue here, Mr. Speaker. The profits generated from this theft often go towards supporting other criminal activities. Illegal proceeds can work to grow and expand criminal networks, gang activity, drug dealing, and other forms of behaviour that put all of our communities at risk. Whether we're aware of it or not, these activities affect us all. Crime in any form impacts our neighbourhoods. Criminals thrive on anonymity, so by taking measures that will force thieves to identify themselves prior to the sale of stolen goods, we are exposing them and the acts that they are perpetrating.

Metal theft is also putting pressure on our authorities entrusted with securing the safety of our communities. Law enforcement officials have an invaluable role to play in our crime reduction efforts, and they require the appropriate tools to conduct investigations and solve crimes. We have an opportunity here, Mr. Speaker, to get a handle on this growing form of criminal activity before it further impacts our province. Implementing this legislation will support our efforts and complement our broader crime reduction strategy.

Our government is continuing to work with police agencies and community organizations to discuss and establish courses of action that suppress criminal activity. Reducing crime in a meaningful, long-term way requires collaboration. It is a priority for our hon. Premier, the Minister of Justice, and all members of this government, and this priority led us to develop one of the most comprehensive crime reduction strategies in Canada.

3:10

We all know, Mr. Speaker, the importance that reducing crime plays in building the types of communities Albertans have grown to enjoy and, frankly, that we hope that they will continue to enjoy. We'll continue to tackle crime in our cities, towns, and neighbourhoods for now and for years to come. This government has made a firm commitment to the safety of our province, and we all have a stake in keeping Alberta safe. Bill 205 will help authorities to do this important work, and I believe it supports our efforts to reduce crime and to create stronger and more vibrant communities.

I commend the hon. Member for Strathcona for bringing Bill 205 forward. I believe it will enhance our efforts in building a crime-free Alberta and, Mr. Speaker, I encourage all hon. members to support this bill.

Thank you.

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

Mr. Johnston: Thank you, Mr. Speaker. I'm pleased to rise today and share some of my comments on Bill 205, the Scrap Metal

Dealers and Recyclers Act. This act is being proposed by the hon. Member for Strathcona, and before I begin, I would like to thank him for this piece of legislation. It's very timely.

Essentially, Bill 205 proposes measures that will combat the growing issue of scrap metal theft. After all, scrap metal theft is a real and growing issue. Now, in order to combat this form of theft, Bill 205 proposes three clear legislative requirements. The first requirement is that Bill 205 would define what metals constitute scrap metal. After all, effective legislation must begin with comprehensive definitions of the issue at hand. Second, Bill 205 would require scrap metal recyclers and dealers to collect and record proof of identity from individuals selling scrap metal. The reasoning for this requirement is straightforward as at many scrap metal dealers an individual can walk in with stolen metal and walk out with cash in hand. Requiring them to submit information at the point of sale gives our law enforcement officers additional tools to combat this growing crime. This leads us to the third change proposed by Bill 205: allowing law enforcement to view scrap metal that a recycler has obtained to aid in an investigation.

Mr. Speaker, I believe that all three of these measures will complement each other and work together to reduce scrap metal theft in our communities. Scrap metal theft is not a victimless crime; rather, it poses serious risks to business, communities, and individuals. Street signs stolen from the side of the road could cause serious traffic accidents, even leading to death. Likewise, as we have seen in other jurisdictions as well as in Alberta, the thieves themselves could also be electrocuted by pulling copper wire from a transmission box.

While I applaud Bill 205 for addressing these serious issues, I believe that the greatest benefit of stopping scrap metal theft is its connection to larger social problems. By this, Mr. Speaker, I mean drug use and organized crime. Now, I'll be the first to admit that when I think about scrap metal theft, I normally do not tie it directly to drug use and gang violence. However, the reality is that drug use, gang activity, and scrap metal theft are closely interconnected. Metal is a relatively easy commodity to steal and often is left unguarded in abandoned buildings, industrial yards, or power transmission boxes. In addition, public property like street signs and billboards all contain large quantities of these valuable metals. Because these locations are also unguarded, they make easy targets for organized crime and gangs.

Compounding this issue is a dramatic increase in scrap metal value. In recent years commonly found metals like copper and aluminum have witnessed an increase in price. Essentially, we have a situation where large quantities of increasingly valuable metal are left in unsecured locations. Gangs have seized upon this opportunity and have been using money from scrap metal theft to finance their operations.

Mr. Speaker, we all know that gangs are a blight on our communities. They spread fear and violence, and their presence can be felt by everyone. They also are responsible for spreading drugs and the problems associated with drugs into our neighbourhoods. This government has recognized that gangs and gang-related activity cannot be tolerated in our communities. This is why this government has initiated the gang reduction strategy and has added over 300 new front-line police officers in the last three years. These initiatives highlight this government's commitment to safe and secure communities.

Mr. Speaker, in my mind the proposals made by Bill 205 would complement this commitment and add to our current initiatives. After all, the best way to eliminate crime is to target its source of income, and increasingly this income is coming from scrap metal theft. If we can enact the measures proposed by Bill 205, we can in

effect create a scenario where thieves would be unable to sell their stolen goods without providing identification. Law enforcement could then use this identification to track down thieves and their gangs. I believe that if we can decrease the level of scrap metal theft in our communities, we can also decrease the presence and impact of gangs.

Mr. Speaker, I applaud the government's commitment to reducing organized crime in our communities, and I applaud our commitment to safe and secure communities. The proposed bill fits perfectly with the priorities of this government and Albertans as a whole. Scrap metal theft is a serious crime that has the potential to threaten the safety of not only the thieves but all members of our community. After all, in many cases the proceeds used by scrap metal theft are used to fuel gangs and gang violence.

In conclusion, Mr. Speaker, I would like again to thank the hon. Member for Strathcona for not only identifying the issues associated with scrap metal theft but for actually putting forward a proposal to stop this crime. I'll be voting in support of Bill 205 and strongly urge all members of the House to join with me.

Thank you, Mr. Speaker.

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

Ms Calahasen: Thank you, Mr. Speaker. It is indeed a pleasure to rise today and join debate on Bill 205, the Scrap Metal Dealers and Recyclers Act. I'd like to thank the hon. Member for Strathcona for bringing forward legislation that would see our government continue its fight against crime in Alberta.

Mr. Speaker, Bill 205 proposes to require certain information regarding scrap metal sales to be recorded by scrap metal dealers and recyclers. This information includes proof of identity and specific information regarding the transaction. This information would then be used to inform authorities as they investigate the many instances of scrap metal theft that occur in our province each year. In addition, should this information lead investigators to a particular suspect or a group of suspects, Bill 205 would give law enforcement the authority to seize materials held by a scrap metal dealer or recycler relevant to the investigation.

This legislation would be an effective tool that law enforcement could use to conduct investigations into allegations of scrap metal theft, which will in turn hold individuals involved in these crimes responsible for their actions. Currently scrap metal recyclers in Alberta conduct their business in the absence of any local bylaws and provincial or federal legislation that sets specific responsibilities for these businesses. The absence of regulations in this industry has made scrap metal theft and related criminal activity extremely difficult to investigate and prosecute. This has led to the increased prevalence of scrap metal theft in Alberta, as the Member for Calgary-Lougheed indicated.

For example, in the capital region there were 138 reported instances of copper wire theft between January 1, 2007, and September 30, 2008, with losses amounting to approximately \$1.8 million. One incident in Stony Plain saw over \$700,000 in scrap metal stolen from one site alone. One site, Mr. Speaker. It is simply unacceptable for this industry to remain unregulated when crimes of this scale are being committed.

Unfortunately, we are not able to keep accurate records on the number of scrap metal theft instances that occur in our province each year for two reasons. One reason is that many instances of scrap metal theft often go unreported. The second reason is that metal theft is often reported simply as theft, leaving it difficult to pinpoint the scope of this specific problem.

Mr. Speaker, those who steal scrap metal know that the likelihood that they will be caught is low, and as such they continue to victimize hard-working Albertans. Bill 205 would provide a much-needed deterrent for scrap metal theft by making it easier for police to track down stolen scrap metal and the individuals responsible for such crimes. Because scrap metal theft affects not only recyclers but also home builders, commercial and industrial construction, and community residents, any effort made to address this issue will serve to make our province safer.

3:20

In fact, reducing crime and ensuring the safety of Albertans has been one of this government's highest priorities. Our government has made a commitment to provide funding for 300 additional police officers, as the Member for Calgary-Hays indicated, to address issues of crime. As new and lucrative criminal enterprises emerge, we need to ensure that we have the legislation in place to give these additional resources the tools they need to deter crime and punish offenders. It is important for us as elected representatives to ensure that Alberta remains a safe place to live, work, and raise a family. I believe Bill 205 is another tool that we can use to achieve this.

Over the last several years the costs of scrap metal such as copper and aluminum have grown exponentially, which makes scrap metal theft an attractive option for funding organized crime in our province. While scrap metal theft is only one facet of the inherently complicated nature of organized crime, Bill 205 would help to take away that option for gangs in Alberta by making it much easier to identify the individual who sold it. This bill attempts to create a set of standards and best practices that would go a long way towards deterring scrap metal theft.

Standards that would also help to minimize the economic and social cost of these crimes in our communities are another plus. Each year countless Albertans are victimized by scrap metal theft, and this crime has been steadily growing in popularity amongst criminals. Whether it's the aluminum siding on your neighbour's house or copper wire at a construction site, these metals are readily available and worth a considerable amount of money. The only way we can begin to take control of this problem is to put effective legislation in place that will make it easier to keep track of scrap metal and those who sell it. By giving our police officers the proper tools to address all aspects of crime in our communities, including scrap metal theft, we are promoting a safe and secure Alberta.

I support this bill because I believe it is one step to stopping scrap metal theft. Thank you.

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

Mr. Doerkson: Thank you, Mr. Speaker. I am pleased to rise today and join the debate on Bill 205, the Scrap Metal Dealers and Recyclers Act. I would like to begin by thanking the hon. Member for Strathcona for bringing this legislation forward, legislation that would further support Alberta police officers in their efforts to deter crime, particularly as it relates to the theft and trade of scrap metal.

Mr. Speaker, instances of scrap metal theft have become increasingly prevalent in Alberta over the past several years. In fact, statistical data collected from police services across the province indicates an alarming trend involving the theft and trafficking of scrap metal, including copper and aluminum. Even with the dramatic increase in these crimes the scrap metal industry remains largely unregulated, making it extremely difficult for police to investigate these crimes. Oftentimes the offender remains at large and free to move on to their next victim.

These crimes produce countless numbers of victims both directly and indirectly as a result of scrap metal theft. Directly, there are the

individuals who must bear the costs of replacing the materials that have been stolen and making necessary repairs to their property. In the case of damage to public property this burden falls to the taxpayer. Indirectly, many more serious crimes are fuelled by the proceeds of scrap metal theft such as the drug trade and gang activity. These crimes cost our society a great deal. They jeopardize lives and destroy communities.

Mr. Speaker, Bill 205 proposes necessary regulations on the scrap metal industry in order to combat the growing issue of scrap metal theft in our communities. It would do so by requiring all scrap metal dealers to keep records of their daily transactions with private citizens, including information about both the seller and the transaction. Currently no such record keeping is required, and this allows thieves to operate under a cloak of anonymity, so to speak, with little threat of being caught. By making it mandatory for personal information to be recorded and kept on file, this bill would make scrap metal theft less attractive to would-be criminals. Further, these records can serve as evidence in a court of law when offenders are brought to trial.

Another challenge that Alberta law enforcement faces when trying to deal with scrap metal theft is that dealers are currently not required to co-operate with criminal investigations unless ordered by a warrant to do so. This renders the majority of police investigations effectively useless as those who could possibly have custody of stolen metals are not required to share that information.

Bill 205 would compel dealers to turn their transaction records along with all relevant information over to law enforcement upon request. Mr. Speaker, this stipulation would greatly improve the ability of police to track down and charge offenders. The process for obtaining a warrant is a lengthy one, and in the time that it takes for police officers to complete the process, the thieves are often able to slip away. With timely access to such critical information law enforcement can ensure that those who steal scrap metal are swiftly brought to justice. In addition, this measure will increase the chances that offenders will be caught and thus serves as an additional deterrent, helping to prevent these crimes from happening in the first place.

Mr. Speaker, oftentimes police are not made aware of instances of scrap metal theft in a timely manner if at all. This poses a challenge for authorities because by the time a theft has been reported, the offender is likely to be long gone. Bill 205 would address this challenge by requiring dealers to report any transactions involving more than a certain amount of scrap metal, measured by weight. This will serve to alert police of suspicious transactions in a more timely fashion. Further, this stipulation would help authorities find material that may have already been reported stolen.

Mr. Speaker, this legislation addresses many of the challenges associated with investigating instances of scrap metal theft and prosecuting offenders. Currently police do not have many options when it comes to curbing scrap metal theft in this province. The most effective deterrent would certainly be increasing the likelihood of being caught. As it stands right now, gaps in industry regulation make these crimes much easier to get away with. In order for law enforcement to be able to effectively investigate scrap metal theft, they need to be able to access complete and accurate records of scrap metal transactions. Requiring dealers to not only maintain these records but to turn them over to law enforcement when asked will provide new avenues for these investigations.

Mr. Speaker, these crimes have a significant impact on businesses and individuals across our province, and over the past several years the losses have been significant. Between January 1, 2007, and September 30, 2008, in the capital region it is estimated that nearly \$2 million worth of scrap metal was stolen in 138 separate incidents.

This is an astonishing amount of material to be stolen in less than two years, and Albertans are looking to us as their representatives to ensure that businesses and communities remain safe.

Bill 205 addresses a specific problem in our communities and provides practical and reasonable solutions that will surely help to reduce scrap metal theft in Alberta. It is imperative that we give law enforcement officers the proper tools for the job. The measures proposed in this legislation will not only help with criminal investigations but also deter future crime.

In closing, I would like to again thank the hon. Member for Strathcona for identifying a problem in our communities and proposing a highly effective solution. I support this piece of legislation, and I encourage all of my hon. colleagues to do the same.

Thank you, Mr. Speaker.

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

Mr. Benito: Thank you, Mr. Speaker. It is a pleasure to rise today and join second reading debate on Bill 205, the Scrap Metal Dealers and Recyclers Act. This piece of legislation is being brought forward by the hon. Member for Strathcona, and I would like to start off today by thanking him for introducing this well-thought-out bill.

3:30

Mr. Speaker, I believe that Bill 205 effectively addresses a problem that may not always be in the forefront of public thought: scrap metal theft. This form of theft is becoming a growing concern in our province. After all, the prices of scrap metal have risen dramatically in recent years, and it has led to an increase in scrap metal crime. Moreover, scrap metal theft is not a victimless crime. Scrap metal is not garbage or waste metal. Rather, it is often metals scavenged from construction sites, industrial compounds, or public infrastructure. In many cases scrap metal is taken or ripped out of functioning buildings or power boxes.

Mr. Speaker, Bill 205 proposes to address this serious issue by placing some responsibility on scrap metal dealers and recyclers. Scrap metal dealers and recyclers are individuals or businesses who collect quantities of scrap metal and then recycle or sell them for industrial purposes. In addition, they are often the people who in most cases inadvertently purchase metal from thieves. Under the proposed Bill 205 scrap metal dealers would be required to record the identity of anyone selling them scrap metal as well as information regarding the transaction. These records would be stored and made available to police officers investigating cases of metal theft. In the end, aiding police officers is the best way to stop metal theft in our communities.

Now, for the sake of clarity, I think that it is worthwhile to look at the types of metals commonly stolen as well as where they can be found and what they are used for. To this end, I would like to focus on three commonly stolen metals: copper, aluminum, and rhodium.

Copper is probably the most commonly stolen metal, and upon investigation it is easy to see why. Copper is found everywhere and sells for a relatively high price. For example, in 2006 the price of copper was over \$3 a pound, so a 10,000-pound spool of copper could bring in over \$30,000. In addition, smaller amounts of copper can be found almost anywhere. After all, copper is used in a tremendous amount of building applications. Copper serves as wire for electrical systems, pipes for household plumbing, and tubing for natural gas systems. All of these uses make copper an incredibly accessible metal. One can imagine the ease a thief would have in ripping pipe out of an abandoned house or taking a spool of copper wire from an unguarded industrial yard.

The second type of scrap metal often targeted is aluminum. Mr. Speaker, like copper, aluminum can be found almost everywhere,

and like copper, the price of aluminum has increased dramatically in recent years. For example, in 2006 a pound of aluminum could fetch over \$1.15. Now, this might seem like a small amount, but we again need to look at quantity. If a thief scavenges 500 pounds of material, this could translate into over \$575. Moreover, scavenging 500 pounds of aluminum could cause significant damage to a great variety of both public and private infrastructure. Things like doors, household siding, and street signs are all made out of easily accessible aluminum, and it would not take a thief too long to disassemble and take these common and unguarded objects.

The final type of metal I would like to talk about, rhodium, varies significantly from the previous two. Mr. Speaker, unlike copper and aluminum, rhodium is not a common metal. Rather, it is a rare commodity but one that is found in many everyday objects. Most notably, rhodium is found in catalytic converters, which are standard on most vehicles. Just as an aside, a catalytic converter essentially filters exhaust and reduces car emissions. Rhodium can also be found in jewellery, mirrors, search lights, and electric connection points. While these objects are more difficult to steal than copper or aluminum, the rewards are far greater. For example, in 2006 one troy ounce of rhodium was worth over \$4,300. Just for clarity, a troy ounce is around 31 grams and about 10 per cent heavier than a standard ounce. What all of this means is that a small amount of metal is worth a fortune.

Mr. Speaker, what these three metals show us is that scrap metal theft is a significant concern. Metals like copper and aluminum can be found everywhere and are essential for our day-to-day lives whereas metals like rhodium are rare but their value could prompt thieves to steal large objects, like vehicles or buses, just for their scrap value.

I believe that the measures proposed by Bill 205 could go a long way towards addressing this serious concern. Requiring scrap metal dealers and recyclers to keep detailed records of their transactions could help investigators track cases of metal theft. Currently law enforcement officers would almost have to catch someone in the act to place them under arrest. Often scrap metal has no identifying marks or records, so once it is stolen from a home or work site, it becomes difficult to identify. However, with accurate identification records, investigators would have an additional tool to track scrap metal thieves and catch them before they do any more harm to our communities.

In closing, Mr. Speaker, I would like to again thank the hon. Member for Strathcona, and I would encourage all members to join with me in support of Bill 205. Thank you very much.

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

Dr. Brown: Thank you, Mr. Speaker. It's a privilege to speak to Bill 205, the Scrap Metal Dealers and Recyclers Act, sponsored by the hon. Member for Strathcona. The goal of Bill 205 is to reduce crime in Alberta and one particular type of crime, that being the theft of metal. In particular, the proposal is that dealers would be responsible for collecting information from individuals who are selling metal for cash.

Mr. Speaker, the problem is not a trivial one. It's a burgeoning problem due principally to the rising price of base metals, things like steel, aluminum, tin, copper, and lead. Those have been driven, of course, by the rising demand for those metals from developing countries such as China and India. As a result, individuals are turning more and more to pilfering these metals to get cash. While this seems like a petty crime to many of us, oftentimes it's tied to larger scale crime. Particularly, the police have indicated that it can be tied in many instances to the drug trade, where users are stealing

metal and using it to feed their drug habits, and that, in turn, is providing a source of cash for those who are dealing drugs.

When we're talking about metal theft, Mr. Speaker, let's make it very clear that we're not just talking about scrap metal here. Perhaps one of the most common places for thieves to find scrap metal is at a construction site, and no, it's not just scrap metal. Oftentimes it's new metal that's a merchantable product, particularly things like construction supplies, conduit and copper piping for plumbing, and copper wiring in homes. And, of course, security is a problem at construction sites. Whether they be residential or industrial, you just can't watch all of these construction sites all the time. So it's easy prey sometimes for those who are up to no good. In addition to the things that I mentioned, electrical wiring and pipes, we often have other things like roof metal and aluminum sidings and so on.

3:40

The bottom line, Mr. Speaker, is that these thefts add to construction costs, and ultimately it's the consumer or, in the case of a public project, it's the taxpayer that ends up paying for these types of thefts. I want to emphasize that it's not just outside people. Sometimes these thefts are perpetrated by insiders, those people who actually work on the construction sites and have easy access to the construction materials.

Mr. Speaker, the city of Calgary has already acted to stop the proliferation of metal theft with bylaw 32M98, and that bylaw provides that a salvage yard is required to keep a record of the transaction and its details. Those details would include but are not limited to things like the name of the employee receiving the salvage; the time and the date the property is acquired; current information of the person bringing in the salvage, including the complete name, address, telephone, a description of the person, and two pieces of identification, including one piece of picture ID that is issued by government. The Calgary bylaw is also clear about who cannot bring in an item for salvage. Those would include individuals who are intoxicated, people who do not establish ownership of the salvage, persons under 18, and persons who cannot meet the identification requirements.

Here in Edmonton, Mr. Speaker, I'm informed that besides construction supplies there are also reports of other types of items being taken, things like aluminum beer kegs, which contain large amounts of aluminum and are stored oftentimes out behind drinking establishments, gas fixtures and appliances and other things that contain valuable metals. Older buildings sometimes also have metals in their structure. For example, roofs and drainpipes may be made out of lead or copper or stainless steel, all of which have a decent price in the scrap metal market. I even understand that there have been problems at some of the landfills with individuals intruding and trying to get scrap metals out of the landfills, and that has required additional security and created problems for the landfill operators.

In summary, Mr. Speaker, I believe it's important that we try to deter this particular crime, and I would suggest that following the lead of the city of Calgary by requiring sellers of metals for cash in all parts of the province to have records of the transactions, including the identify of the sellers, is a good idea. For those reasons, I would support the bill, and I urge my colleagues to do the same.

The Acting Speaker: Hon. Member for Athabasca-Redwater, do you wish to speak?

Mr. Johnson: Thank you, Mr. Speaker. I'm pleased to rise today and join debate on Bill 205, the Scrap Metal Dealers and Recyclers Act, brought forward by the hon. Member for Strathcona. The

purpose of this legislation is to address the growing problem of scrap metal theft in our province and in our communities. To this end, Bill 205 would establish specific responsibilities for scrap metal dealers and recyclers. It would require all information regarding scrap metal sales, including the identity of the seller, to be recorded by scrap metal dealers and recyclers. Furthermore, Bill 205 would determine the materials included in the definition of scrap metal.

Mr. Speaker, these measures would help address the growing problem of scrap metal theft. Since 2003 the value and the price for scrap metals have steadily increased, leading to an increase in the counts of theft in the province and our communities, as some of my colleagues have highlighted. While comprehensive statistics on the thefts of these materials can be difficult to find, there's no question that it represents a growing and dangerous problem for our communities. Indeed, examples of such theft include a 48-year-old man who was caught attempting to steal \$14,000 worth of scrap metal from a Syncrude work site. This is just one example of numerous instances of copper wire theft in the provincial capital district alone. In Stony Plain over \$700,000 worth of material was stolen from one site.

What is perhaps most troubling is that most cases of copper wire theft go unreported. I believe the provisions of Bill 205 would go a long way in supporting this government's ongoing efforts to prevent crime. It would provide greater resources to police to thoroughly investigate instances of scrap metal theft. Recording details of the sale of scrap metal could provide police with the information they require to investigate a case of theft. For example, police could cross-check the sale of scrap metal around the time of a reported theft. Furthermore, police would be able to determine the names of those involved in a suspicious sale of scrap metal. I believe that these measures alone will go far in helping this government fulfill its commitment to reduce crime and ensure safe communities throughout Alberta.

In 2007 under the leadership of this Premier this government established the safe communities task force, which consulted with Albertans province-wide on the effects and the sources of crime. After accepting most of its recommendations, the government moved quickly to implement several measures that are producing real results for Albertans. In 2008 this government pledged \$30 million to the Safe Communities Secretariat to fund 300 additional police. These were additional police officers to be funded over three years throughout our province, and I'm pleased to say that our government is fulfilling this promise. This year in February Premier Stelmach and the Solicitor General and Minister of Public Security announced that the final 100 officers would become active over the 2010-2011 fiscal year.

Mr. Speaker, I know I have the highest appreciation and respect for the work police officers do to provide peace and security for our communities, and our government is working to provide additional tools to police officers to fight crime. These measures include the Victims Restitution and Compensation Payment Act, which is a powerful new tool in the fight against organized crime. It provides courts with the authority to seize the tools of crime or any property that has been used to commit any type of crime in addition to seizing property and profits gained from unlawful acts. The proceeds from the sale of these items are used to financially compensate victims of crime for their losses and for their injuries. To date police have successfully used this act to recover millions in proceeds, all in an effort to dismantle and hamper organized crime. I believe that Bill 205 will provide another tool to law enforcement in their ongoing efforts to reduce crime.

Other initiatives this government has implemented to reduce crime include a \$60 million safe communities innovation fund, that many

communities are accessing, and we've gotten some great new best practices out of those initiatives. This unique program supports community-based pilot projects designed to reduce or prevent crime. In its first year of operation the program funded 30 pilot projects, including a neighbourhood development team in St. Albert and the Edmonton Coalition of Crime Councils. After all, Mr. Speaker, crime prevention begins at the local level, in our communities, in partnerships with law enforcement and community organizations.

Scrap metal theft, although not new, is indeed a growing problem in our province and in our communities. As a government we must adapt by providing new tools to law enforcement that can better solve and deter cases of scrap metal theft. For these reasons I will be supporting Bill 205 and encourage my colleagues to vote accordingly.

Thank you, Mr. Speaker.

The Acting Speaker: Any other members wish to speak on Bill 205? The hon. Minister of Housing and Urban Affairs.

Mr. Denis: Thank you very much, Mr. Speaker. It's a pleasure to rise today and join in Bill 205, the Scrap Metal Dealers and Recyclers Act. I'd like to thank the hon. Member for Strathcona for bringing forward this piece of legislation that we're contemplating today. The purpose of Bill 205 is to deter any metal theft in Alberta by setting out specific responsibilities for scrap metal dealers and for recyclers.

3:50

Currently there is actually no legislation that deals explicitly with theft related to scrap metal dealers or recyclers in this province. However, jurisdictions across Canada and the United States have recognized that there is, in fact, a problem with scrap metal theft; for example, the Scrap Metal Dealers and Recyclers Act proposed in Nova Scotia in 2008. Under this proposed act, Mr. Speaker, scrap metal recyclers would have to confirm the identity of any person selling scrap metal in that province. The scrap metal recycler would then be required to record the information regarding the identity of the seller and to store it for one year. This information is then provided to peace officers if it is, in fact, required. In addition, a recycler must also inform local law enforcement agencies within 24 hours of purchasing scrap metal over a predetermined weight. Finally, the recycler must not purchase or receive scrap metal from anyone who appears to be under the influence of drugs or alcohol.

Mr. Speaker, similar restrictions on scrap metal dealers and recyclers have been brought forward in the United States, as I previously mentioned. For example, in Wisconsin they passed number 64 in 2007, a little bit different terminology with bills in the States. Provisions of this act centre on three basic requirements. First, the seller is to provide a licence or other government-issued photo identification while selling the scrap metal. Secondly, the scrap metal dealer is required to record and maintain the seller's identification information as well as the time and date of purchase and a description of the items received, including without limitation the weight and a visual description of the said metal. Finally, the dealer must obtain a seller's signed declaration that the seller is the owner of the items being sold. This act also goes on to outline penalties for both scrap metal dealers and for recyclers who violate the established provisions.

The state of Michigan also has legislation addressing scrap metal theft, specifically the Michigan Senate's Bill 720. Pursuant to this bill, Mr. Speaker, the scrap metal dealer is required to display personal property on a website for viewing by the public. The Michigan bill also requires that scrap metal recyclers maintain the

records of sale, purchase, consignment, or trade of personal property for the last two years. In addition, within 24 hours subsequent to a request from a local law enforcement agency the recycler is required to provide an electronic copy of the seller's name, address, telephone number, driver's licence number, and issuing state.

Another jurisdiction enacting scrap metal legislation is Kansas, where, interestingly, I had the chance to travel last year. U.S. Senate Bill 237 became effective on July 1, 2009. This statute makes it unlawful to sell scrap metal unless the seller provides the scrap metal dealer their gender, date of birth, and a number from an official United States government document such as a driver's licence. Last time I checked, we do have those here, Mr. Speaker. In addition, the statute requires scrap metal dealers to record and store information on the transaction for all of the parties involved. The statute also makes it unlawful for any scrap metal dealer to purchase scrap metal without obtaining a signed statement from the seller that the seller is, in fact, the owner of the scrap metal.

Mr. Speaker, the statute goes on and makes it unlawful for any scrap metal dealer to purchase junk vehicles – I suppose this includes vans – from sellers without first inspecting the vehicle and recording the vehicle identification number and bill of sale. Finally, this statute would make it unlawful to dispose of, alter, or destroy scrap metal when notified by any law enforcement agency that there is reasonable cause to believe that the regulated scrap metal was, in fact, stolen. If this is the case, the scrap metal dealer would then be required to hold the item or items for 30 days.

Now, Mr. Speaker, the last jurisdiction I'd like to touch on is New York State as I believe they have proposed some of the most stringent scrap metal legislation. New York Senate Bill 6035 was referred to the Rules Committee on June 21, 2009, and seeks to impose strict regulations on salvage dealers and scrap metal processors who purchase illegal scrap metals. Essentially, this bill recognizes that when thieves steal property from an owner, they cause damage to the owner's property and that the value of the owner's loss should in fact include both the property taken and the incidental damage caused to the said property. The bill also requires salvage dealers to obtain a copy of government-issued identification from the seller of scrap metals, who would require the sellers to provide written verification of their authority to sell any such scrap metal. Finally, the bill restricts the sale of certain items, including without limitation street signs, propane containers, fuel markers, or any metal items bearing markings of a government entity, utility company, cemetery, or railroad.

This, of course, is the point that I find most interesting. Not only does the New York bill require identification of scrap metal sellers, but it also actively recounts the types of property that can be considered scrap metal.

Mr. Speaker, as stated, many jurisdictions in the United States have taken action on scrap metal dealing, and I believe Bill 205 is an opportunity for Alberta to once again be a leader in our nation. Scrap metal theft is a serious concern that requires serious restrictions and serious penalties, and I'm very happy that we have focused on this particular issue of relevance. [interjection] This has already been recognized in other jurisdictions, just like the chirping from the Member for Calgary-Lougheed is noticed by me, and I believe that the measures proposed by Bill 205 would go a long way towards stopping this from growing to a serious form of crime in this province.

With that, I will conclude my comments and urge all members to focus with me on the support of Bill 205. Thank you.

The Acting Speaker: Any other members wish to speak on Bill 205? The hon. Member for Calgary-Montrose.

Mr. Bhullar: Thank you very much, Mr. Speaker. I'm pleased to rise today and join debate on Bill 205, the Scrap Metal Dealers and Recyclers Act, brought forward by our friend and colleague the hon. Member for Strathcona. Scrap metal theft in Alberta is on the rise, and Bill 205 aims at reducing it by setting out detailed actions and responsibilities for scrap metal dealers and recyclers. Furthermore, Bill 205 would determine set parameters for what materials should be included in the definition of scrap metal. These steps would help address the increasingly prevalent problem of scrap metal theft. Since 2003 the value of numerous scrap metals has risen, leading to increasing occurrences of theft. The effects of this problem are being experienced throughout Canada.

Mr. Speaker, scrap metal theft is not a victimless crime. Not only is theft a morally irresponsible act, the theft of scrap metal can often lead to injury or death of both the perpetrator and in some cases innocent bystanders. The places where scrap metal commonly is located can often be very dangerous, from scrap metal yards to live electric power line corridors and transformer yards. People do not realize how dangerous these areas can be. Many of the different metals that are taken from these dangerous places are not the types that commonly come to mind when people think of expensive metals.

Some thieves will take great risks for a few metres of copper wire. For example, in January a man was killed in Texas after he was shocked by 69,000 volts of electricity while standing on top of a substation transformer cutting off one of the wires. Earlier last year a 32-year-old man was found dead after he had broken into an electrical substation and was electrocuted, cutting power to 800 customers in the process. Another example occurred in Riverside, California, in June of 2009, when two men were found electrocuted near a utility transformer trying to steal wire and blacked out the city for two hours. Even closer to home, Mr. Speaker, in 2008 police suspected that a deceased man found in the bottom of an Enmax electrical vault in Calgary died in the act of scrap metal theft.

These people put the lives of others at risk as well. After all, our society is heavily reliant on electricity, and oftentimes these crimes affect the power supply, causing brief surges which can wreak havoc on computer networks, on which we rely more and more for banking, shopping, and research. Mr. Speaker, many of these crimes also lead to severe power outages, which are a risk to a community's essential services. Traffic lights could be affected, which could cause vehicle accidents. Phone and 911 services could be limited, causing serious implications to emergency medical services. A power outage goes far beyond the inconvenience most of us feel.

4:00

Mr. Speaker, scrap metal theft not only harms individuals but whole communities. Organized crime has gravitated towards stealing scrap metal because of the rise in value, the ease in which it can be stolen, and that the chances of being caught are relatively low. Gangs looking for quick money have targeted scrapyards, unguarded maintenance shops, and businesses. Organized crime is a threat to our communities, and whatever can be done to curb its existence is a step in the right direction.

Our government has placed a very high emphasis on an initiative called the safe communities initiative. This initiative strives to help eliminate organized criminal activity, which is such a detriment to our society. Mr. Speaker, Bill 205 truly aids in these efforts. Bill 205 would greatly benefit all Albertans by helping to ensure all communities, individuals, and businesses are safe from the effects that scrap metal theft can cause.

Once again, I would like to thank the hon. Member for Strathcona for putting forward this piece of legislation. Scrap metal theft is

quickly becoming a major issue, and all methods of curbing this epidemic should be explored. I fully support Bill 205 because it protects Albertans, and I would encourage all members to join me.

Thank you, Mr. Speaker.

The Acting Speaker: Any other members wish to speak to Bill 205? The hon. Member for Calgary-Bow.

Ms DeLong: Thank you very much. Over the past three years there have been numerous instances of metal theft throughout Alberta. Comprehensive statistics on scrap metal theft are difficult to find as copper wire thefts do not have their own code for statistical purposes. In many cases they will be classified as oil field equipment thefts. If the theft is not tied to the oil field industry, it would be categorized simply as a theft. Statistical data that has been collected indicates an emerging criminal trend involving the theft and trafficking of metals, including copper wire, aluminum, and rhodium, which has steadily increased since 2003.

Scrap metal theft damages both public and private property and poses safety risks for communities. As of now scrap metal dealers are not required to obtain photographic identification from anyone who exchanges scrap metal for cash, and scrap metal dealers are not required to provide any written records to police outlining sale/purchase transactions between clients and their business.

Now, Bill 205 would require a private individual to produce identification to a scrap metal recycler prior to the completion of the transaction. The information would be recorded and held by the recycler. Bill 205 would require information regarding scrap metal sales to be recorded by the scrap metal dealer or recycler. This information would also be available to authorities investigating a potential scrap metal theft. Bill 205 would allow a peace officer to search or seize material held by a scrap metal recycler which is relevant to an investigation. It would also afford a peace officer the authority to make copies of records taken by a recycler concerning individuals about whom an inquiry is made.

The Scrap Metal Dealers and Recyclers Act provides additional tools to law enforcement agencies to aid in their efforts to curb metal theft in Alberta without unduly burdening scrap metal dealers. This legislation is supported by the Alberta Association of Chiefs of Police, who passed a resolution that supports legislation that creates standards for scrap metal dealers and recyclers. There's also a letter of support from Chief Superintendent P.W. Hourihan, K Division RCMP.

I also find it very interesting that Bill 205 would not apply to a corporate body that's duly authorized to conduct business in Alberta. In other words, if you're dealing directly with a corporation, then they, I assume, don't have to give individual ID: bottle depots, who I understand have bottle caps that they need to recycle.

Though I tend to not like legislation which creates more overhead for businesses, I do believe that because of the way this legislation has been minimized in terms of the amount of paperwork that needs to be taken, the amount of overhead that is expected with this is very minimal. I urge people to support this legislation.

Thank you.

The Acting Speaker: Any other members wish to speak to Bill 205? The hon. Member for Strathcona to close debate.

Mr. Quest: Thank you, Mr. Speaker. I rise to close debate on Bill 205, the Scrap Metal Dealers and Recyclers Act. I would like to thank all of the members of this House for debating this issue and would like to reiterate some of my important points.

Bill 205 aims to reduce theft of scrap metal in Alberta, which

harms businesses, municipalities, and, ultimately, taxpayers. This legislation is necessary because scrap metal thefts have increased rapidly in recent years as the price of commodities such as copper has skyrocketed. Copper wire that's lying around job sites is especially prone to theft, and this increases the costs associated with doing business in Alberta.

Scrap metal thieves currently are able to cash in their thefts with little fear of prosecution. This is due to the fact that thieves can simply walk into a scrap metal dealer, sell large quantities of metal for thousands of dollars, and walk out of the dealer's leaving very little evidence behind. Mr. Speaker, the intention of this bill is to eliminate the anonymity that scrap metal thieves currently enjoy by requiring those selling scrap metal to produce valid identification. This would serve as an effective deterrent for criminals and would not unnecessarily burden business.

It's important to remember that this legislation was crafted with input from law enforcement officers throughout the province. Indeed, the Alberta Association of Chiefs of Police passed a resolution earlier this year supporting this legislation, that creates standards for scrap metal dealers and recyclers. The feedback from other law enforcement officers throughout the province was strongly in favour of implementing this legislation because it would make it easier for them to track down scrap metal thieves. This would be another tool that they could use to reduce crime in this province, thereby making our communities safer and our businesses more productive. We all know how difficult the job of a law enforcement officer is, and this bill would make it easier for these men and women to carry out their duties.

Mr. Speaker, Bill 205 will target a specific crime that undoubtedly hurts Albertans, and it will do so without unnecessarily impacting businesses and law-abiding individuals. This legislation fits into this government's plan to promote safe communities and to reduce crime, and I think we can all agree that this is a worthwhile goal.

Thank you, Mr. Speaker.

[Motion carried; Bill 205 read a second time]

Bill 206

Utilities Consumer Advocate Act

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

Mr. Kang: Thank you, Mr. Speaker. I'm honoured to rise and introduce for second reading Bill 206, the Utilities Consumer Advocate Act.

Bill 206 is based on important principles: first, the interests of Albertans must be protected when they purchase utilities such as natural gas and electricity; second, Albertans deserve reliable information about utility issues; and finally, Albertans need strong representation at regulatory hearings that involve utility-related issues.

Based on these principles, Mr. Speaker, Bill 206 calls for the creation of a Utilities Consumer Advocate that is independent of government to represent consumers in this province. This officer would review consumer complaints about the provision of electricity and natural gas by public utilities to ensure that their practices are fair and ethical. This officer would represent consumers at regulatory hearings, including hearings of the Alberta Utilities Commission. This includes reviewing government action on decisions of the commission. This officer would inform and educate consumers about utilities issues, and this information would be impartial and independent. This officer would have the ability to commence investigations either on his or her own initiative or by the recommendations of the Legislative Assembly or Executive Council.

4:10

Some may wonder why this legislation is necessary, Mr. Speaker. After all, there is already a Utilities Consumer Advocate located in the Department of Service Alberta. I have nothing negative to say about the current Utilities Consumer Advocate or any of her staff. I'm sure she is committed to serving consumers as best she can. All Bill 206 would do is empower the role of the Utilities Consumer Advocate by giving them more tools to do their important work for Albertans.

Mr. Speaker, right now the Utilities Consumer Advocate is an employee of the government. The staffers are employees of government, specifically Service Alberta. Until just recently the Utilities Consumer Advocate was not even a full-time job but one of many hats worn by a deputy minister or an assistant deputy minister; in other words, someone who directly worked for the Minister of Service Alberta. As an officer of the government the position of Utilities Consumer Advocate can be eliminated at any time, their staff can be let go, or their budgets severely cut. Their reports can be edited by government bureaucrats, if they are allowed to release reports at all.

They can be blocked from speaking to the media or to the public. A spokesman from Service Alberta even said last year that the role of the Utilities Consumer Advocate does not involve talking to the press. Given these kinds of constraints, how is the Utilities Consumer Advocate supposed to provide consumers with impartial information? How are they supposed to point out flaws in government initiatives or programs, specifically consumer protections approved by their own boss? How are they supposed to represent consumers at regulatory hearings against another more powerful government department such as Energy?

Without an independent, empowered Utilities Consumer Advocate serious consumer concerns will continue to go unaddressed. Mr. Speaker, these concerns are not new and have gone on far too long: pushy door-to-door energy marketers who bully people into signing long-term contracts, complicated contracts that do not tell consumers what they can expect to pay for their utilities; large administrative fees that are not justified; sizable cancellation fees that keep people stuck in bad contracts; huge security deposits that make electricity unaffordable for low-income customers; credit checks that can cause seniors without a credit history to be turned down by utility providers. The list goes on and on. An independent Utilities Consumer Advocate will not solve these problems overnight, but at least consumers would have somewhere to go when they are not being treated fairly.

Mr. Speaker, for anyone that doubts that an independent Utilities Consumer Advocate would better serve Albertans, I would ask the following questions. Would public money be better accounted for without an independent Auditor General? Would the privacy of Albertans be better protected without an independent Information and Privacy Commissioner? Would elections be more fairly administered without an independent Chief Electoral Officer? Of course, this government has tried to undercut the independence of these positions whenever they can, but these officers have saved Albertans money, helped to bring important information to public attention, and tried to maintain faith in the democratic processes. At their best, independent officers gain credibility with stakeholder groups, the press, and Albertans of all political sides because they can be trusted to be fair and impartial.

Mr. Speaker, the one thing missing in the utilities sector in this province is trust. It has been one thing after another: a botched deregulation experiment that sent power prices skyrocketing, a government agency caught spying on its own citizens, and a bill forced through the Legislature that shields new transmission lines from public hearings.

Mr. Speaker, projects that far exceed their initial cost estimates with higher sticker prices are passed on to the consumer. Albertans do not trust the government to be honest and open with them on electricity issues, and they are not sure that they trust the industry either. That broken trust will not be fixed until Alberta changes its course on electricity policy. An important first step towards more transparency and accountability would be to support Bill 206 and give Albertans a Utilities Consumer Advocate independent of government and free from political interference.

For those reasons, I urge all my colleagues from both sides of the House to support Bill 206. Thank you.

The Acting Speaker: Hon. Member for Edmonton-Decore, do you wish to speak to this bill?

Mrs. Sarich: Yes. Thank you very much, Mr. Speaker. I am pleased to rise and participate in the debate on Bill 206, the Utilities Consumer Advocate Act. The objective of the bill is to create an office of the Utilities Consumer Advocate. This office would be under the purview of the Legislative Assembly and would be tasked with providing information and advice to small electricity and natural gas consumers in the province. In addition, the UCA would be tasked with investigating consumer complaints regarding natural gas or electricity.

I sincerely believe, Mr. Speaker, that the Member for Calgary-McCall had the consumer in mind when he drafted this particular bill. However, consumers currently within the province of Alberta are already protected and have been for some time. As such, I do have some concerns with this particular bill in that the government already has in place a very strong legislative framework and processes for consumer protection.

Specifically, we have the Utilities Consumer Advocate. This role is currently mandated in section 19, schedule 13.1 of the Government Organization Act. The Utilities Consumer Advocate currently represents consumer interests in the energy industry. Also, the office of the Utilities Consumer Advocate is the voice for small energy consumers within Alberta, and the current advocate, Karin Gashus, is there to aid and support the consumer.

I would also like to point out, Mr. Speaker, that the Utilities Consumer Advocate is contacted by an average of 250 consumers every day, and that number alone indicates the importance of this particular office. So why change the structure when consumers are already using this particular office? The office of the Utilities Consumer Advocate adequately deals with consumers' concerns regarding the utility companies and helps consumers make the right decisions and choices by providing information about their energy options.

In addition to the day-to-day interactions with the public, the Utilities Consumer Advocate participates in approximately 100 regulatory proceedings annually. Perhaps more importantly, Mr. Speaker, is that the Utilities Consumer Advocate already mediates between the consumer and the utility companies.

It is for these particular reasons that Bill 206 is, quite frankly, unnecessary. What the Member for Calgary-McCall is proposing is already in place, and I would argue, Mr. Speaker, that it is working very well.

Mr. Speaker, I also question why the Member for Calgary-McCall is asking for the Utilities Consumer Advocate to report to the Legislature as this also has some implications. How would doing this particular reporting structure make the Utilities Consumer Advocate more effective, and how would this provide greater protection for consumers? I believe that placing the Utilities Consumer Advocate under the Legislative Assembly would mean

that the Utilities Consumer Advocate would in fact lose a bit of authority as well as power that is already within that legislative framework.

4:20

Section 14 of Bill 206 would give the Utilities Consumer Advocate broad powers to inquire and investigate along with seizure powers and powers to hold public hearings and compel witnesses. These powers affect the rights of a person, and it is unusual to give such powers to a body or an organization that is not carrying out quasi-judicial functions. As such, the effectiveness of the Utilities Consumer Advocate would also be eroded by placing it under the Legislative Assembly. The Utilities Consumer Advocate already generates MLA constituency reports that outline consumer concerns in each particular constituency.

Section 12(1) of Bill 206 directs the Utilities Consumer Advocate to report annually to the Legislative Assembly. I would also like to point out, Mr. Speaker, that currently the activities of the advocate are reported in Service Alberta's annual report, which is also available to the public. Any further annual report to the Legislature would in fact be repetitive and, quite frankly, redundant.

Mr. Speaker, I've raised these several points that highlight the redundancy of Bill 206. The question in the debate on Bill 206 can be summed as follows. Why create another legislative framework that would be repetitive to the one that already exists with the government of Alberta? In keeping with that, Mr. Speaker, Bill 206 is really not needed at this particular time.

Also, Service Alberta is already mandated with consumer protection through the Fair Trading Act, and the Utilities Consumer Advocate is also mandated under the Government Organization Act. Furthermore, Bill 206 would really present additional problems in the regulatory frameworks that balance the interests of the consumers with the utilities.

With the Utilities Consumer Advocate already in place, Bill 206 also aims to duplicate an already-existing organization, an organization that is very effective and very credible to the consumers who access that particular service and program. Bill 206 creates unnecessary duplication and additional bureaucracy at a cost and would create an office that would be, again, repetitive and ineffective in this case.

As such, Mr. Speaker, I cannot support Bill 206 and would encourage all my colleagues to vote this bill down. Thank you.

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

Dr. Taft: Yes. Thank you so much, Mr. Speaker. Well, I must say I am very disappointed in the comments from the Member for Edmonton-Decore. I disagree fundamentally. I admire her putting her position out on the table, but I wonder how many of her constituents are really happy with their experience with electricity deregulation. Perhaps it should become an election issue in Edmonton-Decore.

I think the bill brought forward by the Member for Calgary-McCall is a good piece of legislation and deserves our support if we are actually here working on behalf of the voters and not on behalf of just those few who have benefited from deregulation.

I think it's worth just briefly reflecting on the experiment in Alberta with electricity deregulation. Alberta got caught up, swept up in what was for a while a continent-wide fad to deregulate electricity systems. It broke out starting in the States, and it got some traction in, oh, places like Indiana and Pennsylvania, if memory serves me correctly, and then ran into a huge scandal in California, which contributed to even larger scandals involving

companies like Enron, which was found to be guilty of manipulating electricity pricing in markets and, in fact, did some of their early experimentation with these manipulations right here in Alberta under the nose of this government through a project well known as Project Stanley. While that scandal has been pursued in the courts and in various other forums in the United States, here in Alberta this government just turned a blind eye to it.

How has deregulation played out? Well, pretty much the way one would expect. People were promised lower prices, better service, and more choice. Prices have been much more erratic and in many cases are worse than they used to be, there's not a lot of meaningful choice, and frankly service is lousy.

I can tell you that just recently, within the last two weeks, a neighbour of mine had gone to bat to get a single lamplight installed on a post in the back alley, disconnected by EPCOR because the charges for this one light bulb, Mr. Speaker, just administration costs alone, were running, you know, a hundred dollars a year or something to administer one light bulb. Maybe there's a joke in there somewhere. How many EPCOR employees does it take to administer a light bulb? Apparently, a huge number of them. He ended up having to speak to a number of different people because under deregulation we've shattered, we've dismantled what was once a coherent system.

Consumers initially and for several years were genuinely and rightfully angry about deregulation. I think they've sort of resigned themselves to it now. They've seen that the government is not going to budge on it, that the government is serving its ideology, as confused as that is, and is serving some investors but isn't serving consumers.

I think that's the motivation behind this piece of legislation. The Member for Calgary-McCall and, I bet, all of us in this Assembly have heard from constituents who are sick and tired of electricity bills they can't understand, sick and tired of getting bills on properties where they don't even use electricity and they still get significant bills every month. They want an advocate, and they want an advocate with teeth, not an advocate that reports up through cabinet ministers and government channels and is subject to all the controls that government employees are, but an independent advocate. That's what this piece of legislation is all about. If we're going to be stuck with deregulation – and it's probably too late to put that dragon back in the cave – then at least let's do something for consumers, something genuine.

The Member for Edmonton-Decore mentioned that there are 250 contacts a day to the current advocate, who's a government employee – 250 a day. That speaks to the volume of discontent and confusion on this. If there are over a hundred regulatory proceedings annually, that again speaks to how big this problem is.

So, Mr. Speaker, I think we need to take that problem seriously, and I think this bill proposes that. The Member for Edmonton-Decore and probably others, as we hear from them, will criticize the idea in this bill in section 2(2) to make the advocate an officer of the Legislature. I think that's crucial. I disagree respectfully with the Member for Edmonton-Decore. I disagree. I think that making this Utilities Consumer Advocate an officer of the Legislature gives that position the independence that's needed. We know from various public policy research that the public trusts officers of the Legislature and independent bodies more than they trust government spokesmen, and if we're looking to build confidence and consumer trust, then we need to make this person an officer of the Legislature.

I think, for example, continuing through the legislation at section 3(1)(a), I'm going to quote here because it's a good line to quote. Responsibilities: "to represent the interests of residential, farm and small business consumers of electricity and natural gas in Alberta."

Mr. Speaker, surely that's something we can all support, and surely it's something we all understand needs to be done with the independence that would come with this advocate being an officer of the Legislature.

4:30

You know, time and again, actually, I feel like this government serves corporate interests above consumer interests. My view of government is that it should be an independent representative of all citizens. Whether it's in utilities, whether it's in auto insurance, whether it's in so many other fields, this government defaults, it seems to me, to the interests of big business rather than the interests of the consumer. There used to be, actually, a minister of consumer affairs, and now I think there's maybe a desk of consumer affairs or something in this government. That shows you how far this government has dropped the priority it places on ordinary people. This bill is an attempt to build that back up.

Section 3(1)(c) says, "to receive, review and investigate consumer complaints." Well, I think that's a good idea. I think that's a great idea. I think we need that capacity. It's kind of ironic that this government is bringing forward a health charter that has a health advocate in it, albeit a completely toothless health advocate, but it won't support a piece of legislation that advocates for a Utilities Consumer Advocate that's actually independent. Maybe it's because this legislation would give the Utilities Consumer Advocate some real clout, some real authority, some real credibility, and that's what this government is so frightened of.

I also want to refer, Mr. Speaker, to another paragraph under section 3. It's paragraph (f), and it reads, "to inform and educate consumers about electricity and natural gas issues." I think that's vital. How many of us – I bet all of us – have had constituents talk to us about their confusion around electricity issues? Obviously, some of those relate to how complicated the billing is, but there are questions around the electricity industry itself and the pricing of electricity: how is my electricity priced? How many people realize that it's a price set hour to hour? Well, people should know that, and we should have a mechanism in place to help people learn that. How many people know how natural gas is priced when it goes into their monthly bill? How many people understand what the impacts are of transmission and other costs?

Mr. Speaker, this is a good piece of legislation, important for the people of Alberta, and I hope everybody supports it. Thank you.

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

Mr. Rogers: Thank you, Mr. Speaker. I'm pleased to join the debate today on Bill 206, the Utilities Consumer Advocate Act, being proposed by the hon. Member for Calgary-McCall. The intent of this legislation, from what the member has put forward, is to improve consumer protection for users of natural gas and electricity. The member proposes to do this by creating the office of the Utilities Consumer Advocate. This office would be charged with providing information and advice to small businesses and home consumers.

Mr. Speaker, while I agree with the intent of this member's proposal, I would argue that the provisions proposed in Bill 206 are not needed because, frankly, we already have them in place. Currently under the Government Organization Act we have an existing Utilities Consumer Advocate. So as you can see, we have a proposal to do the same thing again. Laudable but, frankly, I think very unnecessary. This advocate is already entrusted with the same powers as the advocate proposed in Bill 206. The question then becomes: what does this bill really do?

When reviewing the bill, it quickly became apparent that the biggest change proposed by the legislation is, of course, making the Utilities Consumer Advocate an officer of this Legislature rather than its current position under the Ministry of Service Alberta. Mr. Speaker, this would mean that all of the funding for this office would come from the budget of the Legislature rather than from its current source, the Balancing Pool and the gas utilities. So we have a proposal to go from an industry-funded office under a government ministry to one directly reporting to the Legislature and funded by the taxpayer.

In addition, this would mean that the consumer advocate would need to be appointed by the Legislature every five years. When we look at the legislation, it states that the Utilities Consumer Advocate can only serve two terms, so at a maximum we would see an individual serving for 10 years. I'm very concerned with this arrangement for one reason: a 10-year maximum term limit could potentially force the government to remove a qualified individual from this office. After all, Mr. Speaker, a skilled Utilities Consumer Advocate could be hard to find, and arbitrarily removing them based on a term limit could, I believe, harm consumer advocacy.

This is a very important office, and as such every effort should be made to retain on behalf of the consumer an effective advocate. Mr. Speaker, under our current system the Utilities Consumer Advocate is not restricted by term limits; thus, their skills can be retained as long as they remain qualified in the position. In addition, the current structure allows the government to fill vacancies in this position quickly, without having to go through the Assembly. This creates a scenario where we can keep qualified individuals longer and appoint new ones quicker. I would argue that changing this structure would in the end do more harm than good.

The case will then be made that making the consumer advocate an officer of the Legislature will increase the accountability of the office and could ultimately improve consumer protection. Again, Mr. Speaker, I must disagree on both of those points. First, the office is already viewed with respect and credibility. In fact, in March of this year an Ipsos-Reid research project revealed that Albertans were very happy that the Utilities Consumer Advocate was a part of the government. They felt that this arrangement boosted the credibility of the office and that the government provided adequate oversight.

Second, I fail to see how altering the structure of the office would lead to any improvement in consumer protection. The Utilities Consumer Advocate is already a successful advocate for consumer needs. In fact, Mr. Speaker, this body currently assists an average of 250 consumers every day, working out to some 54,000 people every year. In addition, since 2007 there have been over 170 investigations launched against door-to-door energy retailers. These figures tell me that this office is already operating very effectively. Changing the current structure and imposing new obligations on the office of the advocate may actually weaken consumer protection.

Finally, Mr. Speaker, and perhaps most importantly, I disagree with the proposal to make the Utilities Consumer Advocate an office of the Legislature because it increases costs for no real gain for our public. Not only is this proposal coming at a time when it falls on all governments to look at controlling spending, but it seems to run contrary to some of the opinions voiced even by some of these members of the opposition. Time and time again we have heard from that side that the government needs to limit spending or only spend on areas that are maybe of concern to a particular member or that we should spend better rather than spending more.

When I look at Bill 206, I see an item of unnecessary expenditure. We already have a body that performs this very identical function. The Utilities Consumer Advocate is effective in what it does. It is

effective when hearing and responding to consumer complaints, it is effective when investigating energy providers, and it is effective when viewed from a cost perspective. Turning this body into an office of the Legislature, Mr. Speaker, will add no real benefits to the consumer. Frankly, I don't believe that consumers care how; they just want the job done and done well. This proposal is change for the sake of change only. It may sound cute under this dome but has no relevance to most Albertans.

4:40

To sum up, Mr. Speaker, I would like to again highlight that this government is committed to consumer protection for all of its utility customers. After all, it is important that small consumers have a voice. As government we have recognized this need and created an effective body to act as that voice. This body has always functioned in an accountable and credible manner, and I see no reason to change its current set-up.

Mr. Speaker, I'd like to thank the Member for Calgary-McCall for introducing this piece of legislation as it gives us an opportunity to talk about our successful programs, but I will not be supporting this bill because I believe that, frankly, it's not necessary. With that, I would conclude my remarks and urge members to not support this bill.

Thank you.

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

Mr. Hehr: Well, thank you, Mr. Speaker. It is indeed a privilege to rise and speak in favour of Bill 206, which calls for the creation of a Utilities Consumer Advocate that would be an independent body that would present its findings to this hon. House and allow for a more independent body that would be seen not only by this Legislature but also by other individuals in Alberta as truly representing the interests of consumers. I have been listening intently to the debate in the House and was particularly impressed with both the comments of the hon. Member for Calgary-McCall, who brought this bill forward, as well as the hon. Member for Edmonton-Riverview.

We look at what's happened here in Alberta over the course of the last 10 years and the change where we've gone from a regulated electricity system, which was seen to be understood by consumers, and governments could monitor and regulate the activities of the electricity business. For all intents and purposes it was doing very well at that. Albertans at the time were receiving some of the most competitive electricity prices anywhere in the world. You can't argue statistics.

I appreciate the comments by the Member for Edmonton-Riverview that this was merely that at the time you changed to a private system, it was the flavour of the month. It was simply: hey, it looks like the cool kids are doing it, so let's jump on board. It was halfway through what was, I guess, being called the right-wing revolution here in Alberta. Oil money and natural gas money was coming in, so we thought about privatizing it. It was the right-wing agenda that was bringing the wealth into this province, not merely the fact that we sit on 25 per cent of the world's oil resources. Nevertheless, it's easy to get swept up in believing that you're all that and a bag of chips, which I think is what happened here in the '90s. If you look at that, we did privatize an industry that was working well.

I'm brought back to our discussions on Bill 50, that got sent to committee. I believe that we actually were at that time allowed to speak to the new Minister of Energy, who is not here in the House this afternoon. I was interested in the comments from my colleague from Edmonton-Centre when she asked the minister about deregula-

tion. He was frank on the matter and said: "Well, our analysis of that was wrong. At the time we did it, we thought there was going to be a whole bunch of synergies at play, that have never evolved." It was a candid admission from someone who is still involved in this government, a recognition that what they did at that time hasn't turned out to be in the best interests of Albertans.

I think what would happen here by the introduction of Bill 206 is that with an independent advocate we may have an individual who reports to the Legislature who can look out for the best interests of the Alberta consumer and may, I guess, protect the Alberta citizen from some of the extremes of government, whether they're on a right-wing agenda, a left-wing agenda, or a centrist agenda, and not get caught up in the hype of the moment, not get caught up in the hype of going forward with something that sounds interesting, that sounds cool, that sounds like everybody is doing it when it may not in fact be in the best interests of the Alberta people. I don't believe this position would now fundamentally add many costs to the current administration that is going on. What is a real difference here is that you're going to transfer a system right now that reports to a minister. She decides what to report. She decides the final information that goes in the report. She decides the final information of what's going to be presented to the public. It can be massaged in any number of different fashions and ways to present a picture that the minister wants.

What the hon. Member for Calgary-McCall is proposing is something different, something that open and transparent governments are supposed to be doing: creating independent systems like this that report to the Legislature, that allow us in to look at the information presented in a clear fashion, not torqued by rhetoric or not torqued by protecting a government or not torqued by an opposition trying to make hay with whatever arguments they wish to on the day. It just merely presents the information as it is to the people of Alberta.

If you look at the public policy debates that have been out there, individuals or citizens of Alberta prefer independent commissions who are reporting to the government. Institutions like the Auditor General, the Chief Electoral Officer, the Information and Privacy Commissioner, the Ethics Commissioner all present their information to the Legislature, and they're seen to have a greater respect amongst Alberta people when these things happen. On the simple fact of openness and transparency, on the simple fact of having a person separate and apart from government that is seen as bringing the truth, not seen as just delivering spin, I would support the hon. member's motion. I think it's a good motion, that we should be enacting. Really, I can see very little reason besides rhetoric that is out there saying: appoint this to have simply what is available now transferred to an independent body. Have that independent body run similar to the way it is now, but just have the information presented right to this Legislature. I don't believe it would cost more, and secondly, I believe the Alberta people would be better represented, and on a simple trust factor it would go a long way.

I thank you for allowing this, and again I'd like to commend the Member for Calgary-McCall for rolling up his sleeves and putting this forward. It's good legislation that leads us down a path to openness and transparency.

Thank you very much, Mr. Speaker.

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

Mr. Sandhu: Thank you, Mr. Speaker. I'm pleased to rise today to speak to Bill 206, the Utilities Consumer Advocate Act, being brought forward by the hon. Member for Calgary-McCall. The

purpose of this bill is to create the office of the Utilities Consumer Advocate. This would be done in the interest of consumer protection for users of natural gas and electricity in the province of Alberta.

The Alberta government already has a functioning Utilities Consumer Advocate under the Government Organization Act. In addition to the UCA, the government has established the Alberta Utilities Commission, the AUC. The AUC is a quasi-judicial, independent agency established by the government of Alberta. The commission is currently responsible for regulating the utilities sector, natural gas and electricity markets in the interests of social, economic, and environmental protection. It ensures the delivery of Alberta's utility services in a manner that is fair, responsible, and in the public interest. The AUC's fairness, openness, and transparency in the regulatory process have delivered and continue to deliver sound decisions.

4:50

Mr. Speaker, Bill 206 implies that the current Utilities Consumer Advocate is not carrying out to the full extent the functions it was intended for. This is not the truth of the matter. In the first 18 months following its establishment in 2003, the Alberta Utilities Consumer Advocate represented consumer interests in more than 30 regulatory proceedings, resulting in more than \$85 million in reductions to rates requested by utility companies.

Presently in Alberta an average of 250 consumers contact the current Utilities Consumer Advocate every day. This is a clear indication that Albertans are seeking the help of the Utilities Consumer Advocate and that it is in place to provide utility consumers with a voice. The UCA has remained committed to providing support to all Albertans. Earlier this year as part of a survey Albertans were asked how familiar they were with the UCA. They told us that the UCA's position inside the government provides credibility and oversight.

[The Speaker in the chair]

Mr. Speaker, currently the Utilities Consumer Advocate functions under Service Alberta. If Bill 206 is supported, the proposed UCA would be an officer of the Legislature and would be required to report annually to the Legislative Assembly. Being independent from the department, it would require the hiring of more support staff. The process of acquiring new staff and preparing them for the job would take time and financial resources away from the day-to-day functioning of the office of the Utilities Consumer Advocate. Furthermore, it's not in this province's best interest to create a new legislative officer because it would demand more spending in general. It is always important to control government spending, and during a time of more limited means this becomes crucial.

Mr. Speaker, Bill 206 would require funding over and above what is currently being spent on an already efficient system. As a responsible government one of our main priorities is to allocate resources efficiently. I do not believe this bill merits the amount of funding it would require simply because the current consumer advocate is doing a good job, and there is no need for changes.

Mr. Speaker, I recognize that the grounds for Bill 206 are based on good intentions and introduced to improve consumer protection. However, creating the office of the Utilities Consumer Advocate would only add an unnecessary layer to our bureaucracy. This bill would impose a layer of duplication, uncertainty, and regulatory burden that would be detrimental to both consumers and utility companies. In addition, this bill upsets a hundred-year regulatory framework that balances the interests of consumers and utilities.

Another apparent problem with this bill, Mr. Speaker, is that the consumer advocate would hold office for a term of only five years. Moreover, he or she would be restricted to serving only two terms. This restriction would make it impossible to keep an efficient and experienced consumer advocate for longer than 10 years. As a result, it may be difficult to attract individuals who are experienced and qualified to fill this position. If there is no need to select a new consumer advocate due to the term restrictions, the experience and knowledge of the acting advocate would be carried over year after year.

Furthermore, Mr. Speaker, spending resources to select a new consumer advocate simply due to the term restrictions may not be the answer. I have to wonder: is this the best way to use Albertans' money? Having read about all the great work that the current Utilities Consumer Advocate has done since its establishment, the answer is clearly: no, this is not the best way to spend Albertans' money.

Mr. Speaker, it is in this government's best interest and in the interest of all Albertans that we keep the operations of the UCA as simple and efficient as possible. I do not see how the changes proposed by Bill 206 would greatly enhance the way Albertans receive support with regard to their utilities. I would like to thank the hon. Member for Calgary-McCall for introducing this legislation for debate. It has allowed us all the opportunity to further discuss possible improvements in services to Alberta's utility consumers, and exploring ways to improve Alberta's public services is in everyone's best interests.

I believe that the current Utilities Consumer Advocate is working hard for Albertans who require their assistance and will continue to do so in the future. For this reason I do not support Bill 206, and I encourage all members to do the same.

Thank you, Mr. Speaker.

The Speaker: Hon. Member for Edmonton-Strathcona, did you wish to participate at this time?

Ms Notley: Yes. Thank you, Mr. Speaker. I will participate. I'm afraid I don't have too much time left before we change to the next topic.

The Speaker: Hon. member, you will have your maximum allocated 10 minutes of speaking time but only three minutes today.

Ms Notley: Thank you. I will attempt to get some thoughts in in the first three minutes and then not repeat myself next week, when I get back to it.

I want to start by congratulating the Member for Calgary-McCall for bringing forward this piece of legislation. I think it's an important piece of legislation. It's important maybe not because it's perfect in its construction – I think there are a few concerns that I have about it – but it certainly is important in terms of identifying an issue which, contrary to the points made by some of the other members who have spoken thus far today, I believe is of critical importance to Albertans.

Albertans suffer from really quite crazy fees and costs associated with electricity, and that is because of a clear, ideologically driven political decision made by this government almost a decade ago now, I guess. Consumers have clearly paid the price for it, and they pay it all the time. To think that they don't care about it is really quite something, and I was quite surprised to hear members opposite suggest that. I find it ironic to hear members opposite say: oh, we ought not to clean up or attempt to clean up our mess because it might cost money.

When you consider how much money the former Premier of this province kicked out the door in the form of rebates year after year to try and distract Albertans from the fact that his misplaced plan was costing them extensive amounts of money that they would not have had to pay had the government not embarked on the strategy to deregulate the energy market, I find all of that rather ironic. When you look at the cost of those rebates, let me tell you that the cost of having a truly independent utilities advocate pales – pales – in comparison to the almost bribe-like expenditures that went out the door to distract Albertans from the costs imposed upon them by this government's decision to deregulate.

The Speaker: I hesitate to interrupt the hon. member, but the time for this matter has now elapsed on today's agenda. The hon. member will be invited to return next Monday, and she will be the first person identified to participate.

Motions Other than Government Motions

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

Oversight of Provincial Sheriffs

511. Mr. Hehr moved:

Be it resolved that the Legislative Assembly urge the government to establish a civilian oversight body, modelled on the Law Enforcement Review Board, to investigate all public complaints lodged against provincial sheriffs.

Mr. Hehr: Well, thank you very much, Mr. Speaker. It is indeed an honour and a privilege to rise and speak in support of my Motion 511, independent oversight of provincial sheriffs. What I'm going to attempt to do is give a little background on the philosophy of civilian oversight, try and tell a little bit about how currently the system works, and compare it to the law enforcement review agency, looking over our sheriffs and their performance, which is the direction that I think civilian complaints should go. Without further ado I'll try to piece together all that, and no doubt, hopefully, we'll have some debate on this.

5:00

As background, police oversight refers to the ongoing monitoring of police activities with a view toward holding each police service accountable on its service provision, its policies, and the conduct of its members. The term "governance" is used to refer to the process and structures used to direct an organization's operations. It defines the division of power within an organization, establishes mechanisms to achieve accountability between stakeholders, the oversight bodies, and the police service management.

Civilian oversight of law enforcement is an essential component of our democratic society. Effective civilian oversight and governance of police is essential to ensure that the police service uses its power and authority in a manner reflecting respect for the law and individual rights and freedoms. Ultimately, the essential task is to strike a balance between police independence to conduct investigations and to maintain order without undue political or other influences with the need for accountability to the public.

In Alberta civilian oversight of law enforcement begins with the Solicitor General and Public Security through legislated authority in the Police Act. In Alberta the police complaints, discipline, and appeal process is stipulated through legislation found in the Police Act and regulation. Under the Police Act the primary bodies providing oversight and governance are the police commissions appointed by the local municipal government. For municipalities who engage the RCMP as their municipal police service, official policing committees are established with a similar mandate.

Police commissions and policing committees provide a vital link between the community and the police, with their role being to balance the requirements of public accountability and those of police independence and provide an interface between the police service and elected officials. The Police Act of Alberta gives a commission responsibility for appointing the chief of police and a role in selecting a detachment commander. Both work in establishing policing priorities, allocating funds provided by a city council, and establishing policing policies. The day-to-day operation of the police service is the responsibility of the chief of police or detachment commander, and the commission or committee does not become involved operationally.

As a means to sort of take us to where I believe we need to go, I'm going to go through a little bit about what is the adjudication of complaints regarding personnel of our sheriffs branch and where I think our current oversight measures are falling short. Right now when a complaint happens, the conduct of the Alberta sheriffs is monitored by the professional standards unit. The professional standards unit is not part of the sheriffs branch. The unit, though, is housed within the law enforcement and oversight branch. The PSU's mandate is to investigate public complaints against Alberta sheriffs as well as the investigation of all internal sheriffs branch matters. Simply put, the mission objective of the PSU is ensuring that Alberta's sheriffs are providing ethical, effective, and professional service, so you can't argue with the mandate.

The unit is also supposed to receive general feedback from Albertans, both positive and negative, to ensure the sheriffs branch is improving its policies, training, and service delivery. As a function of this relationship with the community the PSU requires that all formal complaints, those requiring a code-of-conduct investigation, be submitted in writing to the PSU. Most of the public concerns that are received by the unit are handled informally with the consent of the complainant and the sheriff involved and through participation by a member of the professional standards unit.

On occasion formal mediation processes may be relied upon. These would include the complainant, the member of the PSU, the supervisor of the sheriff who is the subject of the complaint.

The investigation outcomes process. Within 30 days of the PSU having receipt of submission, complainants are notified, acknowledging the receipt of the complaint, and will receive updates every 45 days on the progress of the investigation. Upon conclusion of the matter the individual is notified concerning whether the complaint has merit. At this point of the investigation the sheriffs branch is provided with the findings, and it is left for them to determine what action, if any, will be taken. Finally, the complainant is notified in writing of the sheriffs branch decision regarding the appropriate remedy.

Now comes the appeal process. Any complainant who is not satisfied with the decision has a right of appeal to the director of law enforcement. This must be submitted to the sheriffs appeals delegate within 30 days of receiving the initial decision. Like the initial complaint the appeal must be submitted in writing and contain the findings of the investigation, where the complainant disagrees, as well as the reasons why. All correspondence and matters are managed by the police officer program.

Now here is where it gets interesting. The sheriffs appeal delegate is a member of the public who is appointed to the position by the Solicitor General and Minister of Public Security. During the course of the appeal the sheriffs appeal delegate may direct either the public security peace officer program manager or the program investigator to contact the complainant for further details. A review of the appeal will be undertaken, and the person will be notified within 45 days as to the progress of the decision. The decision of the sheriffs appeal delegate is final.

If we look at that and how that compares to how the Law Enforcement Review Board is run, if we look at the sheriffs appeal delegate under the Peace Officer Act, where that decision is final, when we look at the process that is involved in the PSU, the information shows that some level of oversight does exist; however, it falls considerably short of the kind of independent adjudication provided by the Law Enforcement Review Board.

Let me just go through what that Law Enforcement Review Board does. The Law Enforcement Review Board is an independent, quasi-judicial board established under the Police Act. The principle activity of the board is to hear appeals from citizens and police officers alike, but these are separate and apart from the police service involved. The principle objective of the board is an independent and impartial review. At the request of the minister the board may also investigate any matter relating to policing. Individuals who can appeal are a citizen, a police officer, a private security investigator, or a peace officer. Once the board has made a decision about an appeal, it is binding. There is a further appeal process, and that can be made to the Court of Appeal only if the board has made a legal error in its decision or is called upon by a point of law.

The ultimate object of this motion will be to create something more akin to the LERB or perhaps local police commissions. If we look at the makeup of what this would hope to establish, it is that it would be establishing an independent civilian auditor with the power to call witnesses and who has unfettered access to sheriffs' records and other evidence. Such a body would be able to spot systemic conduct problems and do internal investigations. Part of this would involve creation of an independent law enforcement oversight board consisting of, for example, three civilians with legal and civil rights backgrounds that would hear misconduct complaints brought against individual sheriffs from citizens and internal whistle-blowers. That panel would be located outside of the sheriffs' office and outside of the ministry. [Mr. Hehr's speaking time expired]

5:10

The Speaker: I'm sorry, sir, but I have to move on now.

I'll recognize the Solicitor General and Minister of Public Security, and then the Member for Edmonton-Riverview.

Mr. Oberle: Well, thank you, Mr. Speaker. I truly appreciate the opportunity to rise and speak to this motion. I wanted to thank the member at the outset for raising the issue and for the sentiment that lies behind it, which is effective public oversight of police or peace officers in our province. I happen to agree that's an important thing.

There's interesting wording in the motion that calls for a parallel – in fact, I'll read the exact wording – “to establish a civilian oversight body, modelled on the Law Enforcement Review Board, to investigate all public complaints lodged against provincial sheriffs.” Just let me visit very briefly the actual process that the Law Enforcement Review Board follows, which the member partially covered but, I think, glossed over in a very important way.

First of all, in the event of a serious criminal activity on the part of a police officer or an event that involves the death or serious injury or injury to a civilian, initially the investigation would likely be moved to another police force or to ASIRT, possibly, the Alberta Serious Incident Response Team. So that's an important distinction there. Nonetheless, once a civilian or another police officer, if you look at the current act before the House, files a complaint, that complaint is not owned by the police commission; it's owned by the police chief who does the investigation. The member said himself that the police commission does not involve itself in operational issues. That complaint is investigated by the police chief of the force of that offending officer unless it's a serious investigation moved somewhere else already.

Once the police chief determines the outcome of that investigation, that complainant or the police officer involved can appeal that to the Law Enforcement Review Board, which does not investigate the complaint. As you said in your introduction in your speech, the Law Enforcement Review Board adjudicates appeals. It doesn't independently investigate. So the Law Enforcement Review Board can in fact find that the investigation was incomplete and send it back, or they can uphold the investigation. The decisions of the Law Enforcement Review Board are final unless an error was made in a point of law. Right?

Given that process, an exactly parallel process exists today for the sheriffs as near as I can tell. That process would be: first of all, in the event of a criminal activity or serious incident, that would automatically be moved to another police force or to ASIRT. Sheriffs cannot investigate or recommend criminal charges, so that would require the activities of a police force. Typically the complaints that the sheriffs would get that would be investigated internally would be, you know, using profanity during a traffic stop or disrespectful behaviour during a traffic stop. So the complaint is investigated by that sheriff's employer, in a sense, quite rightly. The unit that investigates those, although independent of the sheriffs branch, still operates under this minister's department. It's the same thing in the police force. The original complaint is investigated by that officer's employer, really.

In the event that the complainant does not agree with it, they can appeal to the sheriffs delegate, who is independent of this ministry but appointed by this ministry, as the member pointed out. I'll point out that the quasi-judicial board or any quasi-judicial board is also appointed by that same ministry, so I also appoint the Law Enforcement Review Board members. Yes, they're appointed, but they are independent. The current delegate is not a member of the sheriffs, is a former RCMP officer, actually, and has done some independent work on behalf of this province before to rave reviews, if you will.

Again, I think the sentiment is good, but it creates some problems. First of all, the Police Act is currently open before this Legislature. This cannot be done under the Police Act. Sheriffs are not police; they're peace officers. It requires changes under the Peace Officer Act.

The member made a couple of interesting comments that the sheriffs branch applies the discipline in the event of an investigation. So does the chief of police in the initial incident, and that could be the subject of appeal. It's the same with the sheriffs branch. But as for anybody with employees, typically it's the employer that determines what the discipline is going to be. In the case of sheriffs, you know, they're members of the public service union, and there's a collective bargaining agreement in place, which the government has to adhere to. That initial discipline has to be meted out by the employer in accordance with that collective bargaining agreement. So not only would we have to change the Peace Officer Act but also the public service bargaining agreement, which would be difficult.

While I understand and agree with the sentiment, I question the methodology of installing an external board that does nothing different than the process that's in place today and does not in fact do what the motion suggests it does, which is investigate. The Law Enforcement Review Board does not investigate. We could have a couple of options. We could maybe leave it as is with a couple of tweaks, and I'd certainly over time be willing to talk to the member about that. We could appoint an additional sheriff delegate and call that a board, which in my mind would be adding cost but little value. The delegate has overseen something like four complaints since the position was established. It's not a busy shop.

The other thing is to establish a full civilian oversight board to investigate, which is what the motion implies, although it compares

it to the Law Enforcement Review Board. That, I would suggest, would require significant changes in legislation, would also require changes to the Police Act because we'd likely have to do the parallel thing for the Police Act and provide unimaginable utility at the moment. I have real trouble seeing how we would improve the system by doing that, at least without adding very significant cost of establishing a full civilian investigative board. How would you do that? It would have to be police officers who provide investigation, which we've discovered in ASIRT. Led by a civilian, there are police investigators in there because they're the guys that know how to investigate. So you build in checks and balances, but you don't go to a full civilian oversight board. It would be too difficult to do.

I suggest that, first of all, the fact that the appeals delegate is appointed is not at all scary. You know, there are checks and balances about how people are appointed and how they do their jobs, and we accomplish that with the Law Enforcement Review Board. The fact that the sheriffs branch metes out discipline: that's true in any case with any employer.

I'll raise one other possible issue, and that is that this can't be done under the Police Act. It would have to be done under the Peace Officer Act. Sheriffs aren't the only peace officers in the province nor the only peace officers that interact with the public. There's a broad array, fish and wildlife officers and others, that interact with the public out there. Where would you draw the line?

I see this motion as calling for a costly oversight process adding limited, if any, additional value to the process. I wholeheartedly agree on the sentiment. Given the flow of how sheriff oversight and discipline is done today, any time that member wants to talk about ways that we could do that better, residing within that principle, I'm more than open to doing that. I have great respect for the sentiment that that member has laid out here, but to depart significantly not just from the current sheriffs process but also from the process that we have established for our police services is quite a leap for me and one that I can't support.

Again, while I strongly support the member's sentiment here, I can't support the motion that calls for such significant change. Thank you, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-Riverview, followed by the hon. Member for Leduc-Beaumont-Devon.

Dr. Taft: Thank you, Mr. Speaker. Well, I want to begin by commenting that I really appreciated that exchange between the minister and the Member for Calgary-Buffalo. I learned something from it. It felt like a really genuine exchange, and we don't get all that many of those in here, so that was very helpful to me. I noted the minister's concerns, but I also noted, you know, that he is indicating support for the sentiment if not for the details and mechanics of this particular motion.

5:20

Partway through the minister's comments, when he talked about some of the complaints like the use of profanity by a police officer giving out a ticket, it made me think of a story I read years ago – it was out of the United States – of a police officer who was called in by his supervisor and was dressed down because they'd had a complaint that he was too rude and gruff when he was giving out traffic tickets, and the officer was instructed to spruce up his manner. Then a couple of months later he was called in because they'd received complaints that people he was ticketing felt like he was really enjoying the process of giving them the ticket because he was so happy. So it's sort of a you-can't-win kind of story. Who knows? That might happen here.

I want to begin this debate by reflecting on the principles behind this motion. I think the basic principle that we're all concerned about here is protecting the rule of law. I think the rule of law is one of the real hallmarks, certainly, of a modern, civilized society, where the idea is that the law applies equally to all members and that it's enforced equally. I think that's absolutely vital to anything approaching the kind of society that we've come to cherish in Canada and in what I would call the developed world. There are still many countries in this world where the rule of law is not respected, so we cannot take it for granted.

A big factor in whether the rule of law is sustained in this society, I would argue, is the competence and credibility of the police. Our police forces are fundamental to the success and prosperity of our societies, and that competence and credibility of the police also has to correspond with public trust. Those two go hand in hand. If the public has confidence and trust in our police and the police are competent and credible, then we are much more likely as a society to enjoy the rule of law. I think that's really what this motion comes down to.

One of my sons in May was actually travelling in Ukraine. He was walking with some friends down the street one evening, and a police car came by and stopped. It was actually like an SUV sort of vehicle. Several officers got out with guns and proceeded to stop my son and his friends, who were doing nothing but walking down the street. They were clearly westerners. There was a prolonged exchange. The police took their papers into custody and gave these young Canadians a real scare. In the end what were they looking for? There were no laws broken. They wanted money. At the end of the episode they ended up taking cash from my son and his friends and drove away. That's the extreme, but we need to watch out and protect against that. Certainly, the history of the Canadian west versus the history of the U.S. frontier illustrates that in Canada we cherish and value and have a remarkable history concerning the rule of law and competent police who earn public trust.

There is some concern about what's happening with public confidence in our police forces these days. Everybody knows, I'm sure, of too many examples involving the RCMP, a police force that has a very glorious history but right now is struggling, I think, to maintain public confidence: the episode we saw with the Robert Dziekanski tasing at the Vancouver airport, where the police investigation into their own activities was proven to be very suspect. That hurts the police. That hurt the RCMP when that information eventually came out in the big public hearing. The public confidence in our police force generally and the RCMP, in particular, took a real blow. If those blows continue – and it's not limited to the RCMP – then we risk something very fundamental in our society.

I know there are concerns in Edmonton with some activities of certain officers in the Edmonton police force. There have been a few cases just in the last month, two that I can think of, that undermined our confidence in the police. We must be diligent, and we must be vigilant as MLAs, who make the laws that we ask the police to enforce. We must be diligent and vigilant to protect police credibility.

Now, the minister used the phrase “checks and balances,” and I think that's crucial here. He did speak about the mechanics of police discipline and sheriff discipline, and it helped me understand a bit more clearly the different process involved in disciplining a police officer or investigating a complaint against a police officer versus investigating a complaint against a sheriff. I appreciated the minister's explanation there.

Nonetheless, I would like to reinforce with the minister the spirit of this motion, which is to beef up the civilian oversight concerning

sheriffs. I would argue that in the end that's good not only for the public but for the sheriffs themselves. We're lucky, I think. As the minister said, there have only been, if I understood him correctly, four complaints brought against sheriffs. If that's what I understood, that's a remarkable record and a commendable one.

But times will change, and cultures will change. As the sheriff organization in this province grows and, shall we say, ages and gets a longer and longer track record, the baggage will build. If we don't address that baggage – in other words, those controversies, those potential abuses – very clearly and effectively, it will accumulate, and the people who will suffer first will be the sheriffs, who will go from being respected peace officers to being, you know, open to suspicion from the public.

This particular motion, Motion 511, brought forward by the Member for Calgary-Buffalo, is intended to protect the public by strengthening public oversight concerning complaints about sheriffs. I would make the point that that doesn't just protect the public, but in the long term that protects the sheriffs themselves because if the public sees complaints against sheriffs being effectively dealt with, openly and fairly dealt with, then the public will accept that: okay; in every organization there are a few mistakes made, but overall I have confidence in my sheriffs. If, on the other hand, a case arises in which a complaint against a sheriff is handled badly and it looks like it's concealed or there's something underhanded about it, then all the sheriffs will be cast under the same light.

With those comments, Mr. Speaker, I would urge the minister and the Member for Calgary-Buffalo to continue that dialogue and to do what they can to strengthen public oversight of our peace officers in Alberta. Thank you.

The Speaker: Thank you.

Before I call on the hon. Member for Leduc-Beaumont-Devon, might I have your approval to revert briefly to Introduction of Guests?

[Unanimous consent granted]

Introduction of Guests (*reversion*)

The Speaker: This week is the annual fall convention of the Alberta Association of Municipal Districts and Counties, and it's being held here in the city of Edmonton. Of course, October 18 was the last municipal election, so I've invited some friends to come today to join us for a few minutes, and I'd like to introduce them to you. As I call them out, I'd ask them to rise. Please withhold your approval until you've heard from them all.

First of all, from the county of Barrhead Reeve Bill Lee and members of his council and administration, from Westlock county Reeve Charles Navratil and members of his council and administration, from Woodlands county Mayor Jim Rennie and members of his council and administration, from Sturgeon county Mayor Donald Rigney and members of his council and administration, and from the municipal district of Big Lakes Reeve Alvin Billings and members of his council. They're all here for the convention this fall. If they'd all rise, please, and be warmly welcomed. Very nice. Thank you very much.

For our guests, what we've got right now is a motion under debate, and it's presented by the hon. Member for Calgary-Buffalo. Each speaker has 10 minutes to speak, and we've had a number of speakers speak. I'm going to now introduce the hon. Member for Leduc-Beaumont-Devon to give his remarks.

5:30 Motions Other than Government Motions

Oversight of Provincial Sheriffs (*continued*)

Mr. Rogers: Thank you, Mr. Speaker. I, too, would like to welcome our guests.

Mr. Speaker, I'm pleased to rise today to speak to Motion 511, which is being proposed by the Member for Calgary-Buffalo. For the record, this motion proposes to "urge the government to establish a civilian oversight body, modelled on the Law Enforcement Review Board, to investigate all public complaints lodged against provincial sheriffs." Now, I'm very excited to speak to this motion because it gives me the opportunity to highlight some of the amazing work done by our provincial sheriffs.

It is important to note, Mr. Speaker, that our provincial sheriffs are not police officers. They are, in fact, peace officers. As peace officers they are tasked with certain powers that are considerably different than those given to our police forces, but this is not to say that they do not play a critical role in the law enforcement continuum for the protection of our communities.

In fact, of the approximately 680 sheriffs, 411 work in security operations protecting government buildings and personnel throughout Alberta. Many of them can be found around the Legislature, around the Annex building, as well as government facilities across the province.

The second major detachment of sheriffs is the section dedicated to traffic enforcement, and this is without a doubt the section of the sheriffs department that is best known and, I'd say, loved by many Albertans as they interact with most of our public. Connecting back to Motion 511, these are the sheriffs who are most likely to receive public complaint. In fact, the vast majority of complaints levied against sheriffs deal with traffic-related issues. Now, that is not to say that they're not doing an outstanding job. In fact, since their inception we have seen a significant drop in traffic-related fatalities.

In addition to their roles in traffic enforcement and protection services Alberta sheriffs also help our police forces in areas such as fugitive capture and the transportation of prisoners.

All in all, Mr. Speaker, sheriffs play an incredibly diverse role in our society, and we need to be conscious of this when we design an oversight body like the one proposed by the hon. Member for Calgary-Buffalo. After all, the Law Enforcement Review Board was designed to oversee police services, who have a relatively well-established role in society. With sheriffs engaged in such a wide variety of tasks, we must step back and make sure that the model that works for police services would also work for peace officers like sheriffs.

Mr. Speaker, we need to create a system that provides effective oversight while at the same time is not financially burdensome. I believe that establishing clear oversight for our provincial sheriffs will improve this already very professional force. It will raise their respectability and credibility in the eyes of the public at large and will give us the opportunity to reflect on all the valuable work sheriffs perform in our day-to-day lives.

I do not think that the motion proposed by the Member for Calgary-Buffalo is perfect, Mr. Speaker, but I do understand and recognize his intent, and as such I will be supporting Motion 511. Thank you.

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

Ms Pastoor: Thank you, Mr. Speaker. I would like to get on the record as speaking to this motion, and actually I'd like to perhaps

narrow it down to private security firms. I know that we're speaking of rule of law, but I think we're also speaking of perception. I want to see a perception, as has already been mentioned, of a person in uniform giving a feeling of protection, safety, and trust.

I'm going to go off on my tangent again about my seniors. All of our hospitals now have private security firms, and I can only speak for two that I actually saw. A large portion of people that go to hospitals actually are seniors. I'm not talking about the ones that are being treated; I'm talking about the ones that visit. I've just seen such rudeness. People aren't moving fast enough, and they're not hopping to just because someone in a uniform has told them to. I'm really concerned about the power of intimidation that private security firms have. Frankly, I'm not sure who they actually answer to. If they have a contract with the Alberta Health Services, maybe that's who overlooks them. I'm not sure. I would like the minister to perhaps address that concern.

The other thing is that I really feel that – maybe it's my age, Mr. Speaker, but I was in the House of Commons in May. The House of Commons, as we all know, as this building is, is absolutely gorgeous. To walk down the halls of this beautiful, magnificent building and see nothing but these scanners all the way down the hall, I mean, yes, security is one thing, but I think sometimes we overdo it, to actually have the House of Commons, this gorgeous building, ruined in my mind, to be able to enjoy it, because of all the scanners.

I guess those are just a couple of things. It's got really nothing to do with this House, and, big surprise, I went off on a tangent. Big surprise. But I am really concerned about perhaps the training that goes on. [interjections] What? Oh, you guys, don't leave. I'm just getting wound up.

I really am concerned with how we can oversee the perception of people in uniform because a uniform is intimidating. Perhaps the minister could address it in terms of the private guards. Some of these young people that I see are actually quite young, and I'm not sure what kind of training they get in terms of the psychological attitudes that they should create when they approach people.

Thank you, Mr. Speaker.

The Speaker: Hon. member, this is a motion put forward by your colleague, the hon. Member for Calgary-*Buffalo*. This is not a motion that the hon. Solicitor General is in a position to respond to.

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

Mr. Benito: Thank you very much, Mr. Speaker. I am pleased to rise today and share my comments on Motion 511, which is being proposed by the hon. Member for Calgary-*Buffalo*. This motion proposes to “urge the government to establish a civilian oversight body, modelled on the Law Enforcement Review Board, to investigate all public complaints lodged against provincial sheriffs.”

[Mr. Mitzel in the chair]

I must say that the intent of this motion is laudable. It is important to have firm oversight of law enforcement officers in order to ensure that the public at large have confidence in their security services. This is not to say that I don't have some concerns with Motion 511. First and foremost, there needs to be recognition that sheriffs are not police officers. Rather, they are peace officers, and as peace officers they are restricted in the actions they can take to uphold the law. In addition, there are many types of peace officers currently working in Alberta, and it may not be necessary to have civilian oversight for all of them. People like fish and game officers and inspectors are all types of peace officers who have worked successfully for years without an oversight system like the one proposed in Motion 511.

Secondly, sheriffs play a very diverse role in our society, and some of them do not interact with the public at large and may not need the same level of oversight as those who deal with the public on a daily basis. Many sheriffs provide security services to government buildings and personnel, while others work internally, helping police services. These sheriffs by and large do not interact with the public and may not need the level of oversight proposed by Motion 511.

Mr. Speaker, this is not to say that I disagree with the hon. member about the need for oversight of the sheriffs that do interact with the public. Far from it. Oversight of security services lends them a sense of legitimacy in the public's eyes, and this is something that our sheriffs have earned time and time again.

5:40

Mr. Speaker, sheriffs are a crucial part of our province's security services. They play a crucial role in the safety of Alberta's roads, and they should be recognized for their contributions. Yes, sometimes recognition comes with additional responsibilities and oversight. It now falls on us as a government to decide how to create an appropriate oversight body. We need one that effectively handles civilian and internal complaints while at the same time does not create an expensive layer of bureaucracy at a time when it doesn't make sense to spend needlessly. I am not convinced that creating a system modelled after the Law Enforcement Review Board, as advocated by Motion 511, is the most effective way to create an oversight body for this diverse force, but I do recognize the need for some form of oversight. Therefore, I will be voting in support of Motion 511.

Thank you, Mr. Speaker.

The Acting Speaker: Any other members wish to speak?

I invite the hon. Member for Calgary-*Buffalo* to close debate.

Mr. Hehr: Well, thank you, Mr. Speaker. I, too, would like to reiterate what the Member for Edmonton-*Riverview* stated earlier. I really appreciated the dialogue with the minister and his pointing out some of the successes and possible failures of the motion that I have put forward in this case. Nevertheless, I think the motion as it stands is to try and establish a civilian oversight body that is modelled after the Law Enforcement Review Board. By that, if we look at the Law Enforcement Review Board, we have people with skill sets, have an actual board assembled to look at complaints that are coming up through a system. It's not simply an individual who is the final arbiter of any appeal process that goes through to the sheriffs department.

I think that's necessary for a couple of reasons. Our sheriffs are doing more than they ever have before. They are being entrusted to monitor not only our streets but enforce our liquor violations when people are over the legal limit. They are now being charged with doing some of our drug enforcement and looking after grow ops and things like that in the city. In my view, although I'm not the Solicitor General, I have a feeling those duties may be expanding as we continue to go along. I also know that if a sheriff were to come up to a member of the public, they are often given the same level of credence as a police officer and have a lot of ability to influence the public in what they do.

There is a concern by the honour and privilege that we give them in our society as well as the rightful opportunity they have to represent the rule of law. Like we've discussed, it is our obligation as an honourable House to try and provide the independent oversight, to add legitimacy to our sheriffs and to continue down that path of policing. You've got to have the separation where the police

and our sheriffs unit need the power to conduct their own operations and own investigations while at the same time an independent civilian arm has an opportunity to go through and investigate complaints.

I really appreciated the comments of the minister. I think that with his comments and with the sentiment of this motion and his skill and understanding of what some of the problems are that maybe with the passing of this bill the minister could work with it and stickhandle some of those problems that he identified. With his ability to see some of those pitfalls, yet have an understanding of the intent and where the system could be improved, this could go on the books as one of those things that gets passed, and the minister, I trust, would go to work on it and in due course come back with a better system than what's already there.

I thank the minister and the other members of this hon. House for discussing this issue. It's been a pleasure to take part in this debate. Thank you very much, Mr. Speaker.

[The voice vote indicated that Motion Other than Government Motion 511 lost]

[Several members rose calling for a division. The division bell was rung at 5:46 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Benito	Pastoor	Swann
Hehr	Rogers	Taft
Kang		

Against the motion:

Bhullar	Drysdale	Renner
Blackett	Groeneveld	Rodney
Brown	Johnson	Sandhu
Calahasen	Johnston	Sarich
Campbell	Klimchuk	Snelgrove
Dallas	Knight	Tarchuk
DeLong	Mitzel	Xiao
Denis	Oberle	

Totals:	For – 7	Against – 23
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[Motion Other than Government Motion 511 lost]

The Speaker: The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Speaker. I move that we now adjourn until 7:30 this evening.

[Motion carried; the Assembly adjourned at 5:59 p.m.]

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