



Province of Alberta

The 27th Legislature  
Fourth Session

# Alberta Hansard

Thursday, April 14, 2011

Issue 23

The Honourable Kenneth R. Kowalski, Speaker

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

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## Legislative Assembly of Alberta

1:30 p.m.

Thursday, April 14, 2011

[The Speaker in the chair]

### Prayers

**The Speaker:** Good afternoon and welcome.

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

Please be seated.

### Introduction of Guests

**The Speaker:** The hon. President of the Treasury Board.

**Mr. Snelgrove:** Thank you, Mr. Speaker. On behalf of the Premier it's a great privilege to introduce to you and through you to all members of the Assembly some visitors today from Our Lady of the Angels school. There are 60 of them here. They are accompanied by their teachers, their group leaders: Mrs. Erin Croft, Miss Nikki Doege, and Mr. Garry Kumpf. I want to say that they're probably here today with a bus driver. As we are all aware of the conditions out on our roads and highways today, I think we also want to acknowledge the very important job these bus drivers do every day across Alberta. They haul the most important cargo that moves every day. With that, I would like the students and teachers to rise and accept the traditional warm welcome of the House.

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

**Mrs. McQueen:** Thank you, Mr. Speaker. It is indeed my pleasure to welcome a wonderful group of students from Calmar school in my constituency of Drayton Valley-Calmar. These 31 bright grade 6 students along with seven parent helpers and two teachers, Mrs. Jeanette Wilson and Ms Kelsey Podgurny, are here and have toured the Legislature. I would ask them all now to rise and receive the traditional warm welcome of this Assembly.

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

**Mr. Rodney:** Thank you very much, Mr. Speaker. It's truly an honour to rise today to introduce Dan Bartholomew Poyser and the Glenmore Christian Academy grade 9 band. They will be performing classical, jazz, pops, and traditional music right across Alberta and especially Edmonton in the next few days. GCA is a Christian alternative school under the Palliser regional school division and is consistently recognized by the Fraser Institute as one of the top 4 per cent of elementary schools in Alberta. Next month they'll be celebrating their 30th anniversary, and last month GCA students and staff shaved their heads to support young adult cancer survivors in their second annual Shave for the Brave event. A total of 52 shavers raised over \$32,000, which was the most of any school in this country.

Mr. Speaker, our guests will be joining us in the middle of question period after their tour of the Legislature, and they will include Mrs. Brenda Rousseau and Mrs. Brenda Cameron. I ask and encourage all members of this fine Assembly to offer GCA their very warm welcome at this time.

Thank you very much, Mr. Speaker.

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

**Mr. Marz:** Thank you very much, Mr. Speaker. It's a pleasure for me today to introduce to you and through you to all members of the Assembly a group of students from Kneehill Christian school, which is just outside of the thriving village of Linden, Alberta, which many of you know is very close to where I live. Accompanying them today are Miss Terri Miller, teacher, and parents Mr. and Mrs. Dalin Reimer, Mr. and Mrs. Darren Toews, Mr. and Mrs. Gerald Barkman, and Mr. and Mrs. Galen Penner. They're here today to tour this wonderful building and to learn much about the history of the province of Alberta. I'd ask you all to give them the traditional warm welcome of the Assembly as they stand in the members' gallery.

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

**Mrs. Fritz:** Thank you, Mr. Speaker. It is an honour and a privilege to introduce to you and through you to members of the Assembly two outstanding pediatricians from the medical community here in Edmonton who are leading the development of an innovative program called pediatrics for kids in care. Children and youth who are in child intervention will be quickly assessed and looked after by a team of pediatricians. We have Dr. Tami Master-son, who championed PKIC here in Edmonton and recently opened a clinic at the Grey Nuns hospital, where her patients will only be our children in care. We also have Dr. Bob Moriarty, clinical professor and director in the department of pediatrics at the University of Alberta. He is the lead pediatrician for the program. I want you both to know how much we deeply appreciate what you have done for our children in care, and I ask that all members give them the warm welcome of the Assembly.

Thank you.

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

**Mr. Weadick:** Thank you, Mr. Speaker. It is an honour and a privilege today to introduce to you and through you to the members of this Assembly members of the Alberta Research and Innovation Authority, or ARIA. ARIA members have come to Edmonton this week from around the world to discuss where research and innovation in Alberta should go next. Yesterday morning they met with cabinet ministers to get their input and ideas on the subject, and I am pleased to introduce these qualified members of the ARIA board, leaders in their fields from around the world. I'll ask them to rise as I introduce them, and then we can give them the warm welcome of this Assembly. Seated in the members' gallery this afternoon are Mr. Marvin Fritzier, chair of ARIA from Calgary; Oryssia Lennie, vice-chair of ARIA from Edmonton; Florence Gauzy-Krieger from Bavaria; Riikka Heikinheimo from Finland; Chris Henshall from England; Laura Kilcrease from Austin, Texas; Peter Nicholson from Ottawa and Austin, Texas; Peter Riddles from Australia; and Dr. Howard Tennant, all the way from Lethbridge.

Thank you.

### Members' Statements

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

### National Volunteer Week

**Ms Woo-Paw:** Mr. Speaker, throughout the province in every community thousands of Albertans are volunteering their time to many worthwhile and necessary causes. The contributions of Alberta's volunteers are all around us. It's there in the rinks and the

arenas and on the playing fields. It's there in the schools and in the hospitals and seniors' clubs. It's in the excited laughter of a child who has learned a new skill and the applause of the audience at the musical performance. And it's there in the selfless work of those in the nonprofit, voluntary sector as they deliver community-based programs valued at an estimated \$9 billion, many to Alberta's most vulnerable citizens.

Volunteering is a wonderful opportunity that is open to all and something that almost anyone can do. Volunteers are part of a family of individuals coming from diverse backgrounds and experiences but united by a common purpose, to build better communities and a better Alberta.

I know that no one who volunteers does so for recognition or praise, but it's important that their contribution not be taken for granted. This week is National Volunteer Week, a time to recognize the innumerable contributions of volunteers and volunteering, a time to honour the men, women, and young people who make it all happen in our communities, a time to make visible the often underrecognized yet indispensable role that volunteers play day in and day out.

I would like to ask this Assembly for its unanimous support in recognizing April 10-16 as National Volunteer Week in Alberta. I encourage all Albertans to thank the people who make a difference in their communities and to use today as an opportunity to reflect on where we can make our contribution, where we can be the ones to make a difference and build a better Alberta.

Thank you, Mr. Speaker.

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

#### Sikh Community Generosity

**Mr. Kang:** Thank you, Mr. Speaker. Millions of people around the world were horrified by last month's earthquake and tsunami in Japan. We watched in horror and sympathy as nature's fury devastated entire towns, washing thousands of people out to sea and creating a nuclear crisis that continues to threaten countless lives.

As the people of Japan bravely cope with the disaster, I'm proud to say that Albertans have stepped forward to help. The Sikh community has been particularly generous. On March 27 I attended a special event organized by the Punjabi Media Club with the co-operation of the Dashmesh Culture Center committee. It was the brainchild of Raj Brar. At the temple they set up two tables with volunteers to collect funds for disaster relief in Japan. In less than five hours, Mr. Speaker, the congregation raised over \$20,000 for the Red Cross.

**1:40**

Generosity is, of course, one of the foundations of the Sikh faith. Over the years Sikhs have given from the heart to many good causes all across Alberta, including women's shelters, food banks, Tom Campbell's park, the Mazankowski Alberta Heart Institute, the Children's hospital in Calgary, and fundraising drives for people devastated by the disasters in Haiti and Kashmir.

Mr. Speaker, I offer my thanks to members of the Alberta Sikh community and, indeed, to Albertans from all communities who have donated so generously to so many worthy causes over the years. When disaster strikes, when people go hungry or lack health care, we all have an obligation to step up and do what we can to help our less-fortunate neighbours, whether they live close to home or on the other side of the world. We are all brothers and sisters, part of one big family, and I'm very proud of my fellow

Albertans for opening their hearts and their wallets for the benefit of humanity.

Thank you, Mr. Speaker.

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

#### Inclusive Education

**Mr. Dallas:** Thank you, Mr. Speaker. The goal of an inclusive education system is to provide students with the most appropriate learning environments and opportunities for them to achieve their potential. In Alberta inclusion is about ensuring that each student belongs no matter their ability or disability, language, cultural background, gender, or age. It's about valuing all students the same way.

Part of this shift requires us to rethink how teachers plan for student success. A new digital resource, the inclusive education planning tool, focuses on helping teachers change their instructional practice to better meet the diverse learning needs of all students. The new digital tool is currently being piloted in grade 1 to 9 classrooms in 16 schools across the province, including one in my constituency, Joseph Welsh elementary school.

Joseph Welsh elementary is using this resource to support a planning process that incorporates most of the elements traditionally found in the individual program plan. Teachers and parents have been encouraged by the new tool. Individual student goals are replaced with supports and strategies that are matched to the student's individualized strengths and needs.

As implementation of action on inclusion moves forward, requirements around special education will be revised. Feedback gathered from the pilot project will provide information that Alberta Education will use to revise policies and requirements to better support an inclusive education system. In addition to broadening the current pilot to all school authorities during the 2011-12 year, there will be further development of content for the IEPT.

I look forward to hearing more and learning how the tool will further enhance the supports teachers will be able to provide, particularly in the Red Deer area.

Thank you.

**The Speaker:** The hon. Member for West Yellowhead.

#### Land Reclamation

**Mr. Campbell:** Thank you, Mr. Speaker. I'd like to rise today and discuss the success of various reclamation projects that are going on throughout our province. Our government has ensured that there are strict requirements in place for reclamation, and the Environmental Protection and Enhancement Act states that reclamation must return the specified land to equivalent land capability. This has been the case with coal mines, where 75 per cent of land disturbed by coal mining has been reclaimed.

The examples of reclamation of our coal mines are numerous. For example, in the constituency of Drayton Valley-Calmar at the Genesee mine 600 hectares of agricultural land have been developed, earning Capital Power and Sherritt Coal the 2009 Alberta Chamber of Resources major reclamation award. In my own riding of West Yellowhead at the Coal Valley mine sport-fishing lakes have been developed, making the area a valued recreational destination.

I could go on on numerous examples, Mr. Speaker, but I'd also like to discuss some of the success stories of the oil sands reclamation. At the Kearl oil sands Imperial Oil has started an extensive reclamation project which will replenish the fish stock among other things, and Syncrude has begun reclamation of pond

1, which was established in the 1960s. This pond will eventually be turned into a mixed-wood forest and wetland area.

These are just some of the many examples of reclamation projects that are under way in our province. These projects show that industry and this government are partnered and committed to ensuring that the footprint left by natural resource extraction is limited so that we are leaving sustainable landscapes for future generations of Albertans.

Thank you, Mr. Speaker.

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

### DNA Day

**Ms DeLong:** Thank you very much, Mr. Speaker. In April 1953 James Watson and Francis Crick published what we know today as the double helix structure of DNA. This understanding of DNA resulted in further research and eventually to the human genome project in April 2003.

Being such an influential month for the field of genomics, it's only fitting that Albertans celebrate DNA Day through Genome Alberta activities on April 15. Thanks to the efforts of Genome Alberta, DNA Day will be a special day where students, teachers, and the public can join a variety of experts to learn more about genetics and genomics through an online forum hosted by Genome Alberta.

The government of Alberta is a strong supporter of genomics research. Through our investments in Alberta Innovates: Bio Solutions we are exploring the applications of genomics in the agriculture, forestry, food, and health sectors. We're working with organizations like Genome Alberta and the Alberta Prion Research Institute to use genomics to develop stronger, more abundant crops such as flaxseed, to combat major issues such as BSE, and to find cures for crippling diseases like Alzheimer's and Parkinson's.

Genomics is an important platform that will play a critical role in the continued prosperity of the province in the same way that nanotechnology and information technology do today. These critical technologies set the stage for tomorrow's competitive industries and products.

As Albertans recognize DNA Day, I'd like to recognize the hard work that scientists and researchers commit to the pursuit of excellence in the field of genomics. I'd also like to congratulate Genome Alberta on bringing DNA Day to Alberta.

Thank you very much, Mr. Speaker.

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

### Education Funding

**Ms Notley:** Thank you, Mr. Speaker. The government presented its Education budget this spring so that many people were led to believe it involved increases, but with time to look at the actual numbers, a much more troubling story is clear. The real story is about cuts, cuts that will impact the education of children in Alberta, and our children deserve better.

Teachers are a part of the school system we know well, caring professionals who often pour lots of their own time and their resources into their work above and beyond job requirements, yet we're beginning to hear the first decisions from some school districts about the number of teachers that will have to be let go at the end of this year.

We can anticipate a stream of announcements over the next weeks that cut not only teachers but many other important staff, including aides, librarians, custodians, and more. It will be more difficult for individual children to have the attention they need to

learn to their full potential. With crowded schools and fewer specialized staff the gap between what children with special needs need and what they realistically will receive will grow even wider, and we will build on the record of fundamentally failing to provide for their education.

There are other consequences, too. We have heard from the Peace Wapiti school division that long hours for children on buses will increase even further, hours that affect learning success, health, and quality of life overall. We have seen schools close and programs close and the damages that this causes to whole communities. Reports of more closures are already beginning. School districts are pushed to consider troubling options such as the proposal by Edmonton public schools to rent space in schools to a large for-profit child care corporation.

We do not need to see such deterioration of our public schools. We could easily ensure that Alberta had the revenue to provide our children with the best schooling anywhere in the world. That would be a proud legacy and a legacy that would be a strong foundation for the growth and prosperity and well-being of Albertans.

The value of education is immense for individuals and societies. It is worse than careless of this government to try to create a myth of providing improved support for children and their schooling when actually shortchanging it. It is wrong. It is sacrificing smart, long-term building of a well-educated society that will make us competitive with . . .

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

### Campaign for Prostate Health

**Mr. McFarland:** Thank you, Mr. Speaker. I rise to speak about a generous donation given to an Edmonton group in the continuing battle against prostate cancer. Approximately half of all Albertans will develop cancer in their lifetime. For men prostate cancer is the most frequent form of cancer and the third leading cause of death from cancer. Even though prostate cancer is a large risk, awareness of it is extremely low, and it's talked about in whispers and sometimes even embarrassment.

Alberta needs a wake-up call, and at an event on Tuesday Prostate Cancer Canada gave us just that. As part of their Wake Up Call national tour Prostate Cancer Canada donated \$1 million to the campaign for prostate health, monies that were actually raised in Alberta. The campaign for prostate health is made up of the University Hospital Foundation, the Royal Alexandra Hospital Foundation, and the Alberta Cancer Foundation. It's helping to develop a prostate cancer clinic here in Edmonton. Prostate Cancer Canada is a national foundation dedicated to the elimination of prostate cancer through research, education, support, and awareness.

**1:50**

The prostate cancer clinic being developed as part of the Edmonton clinic will improve access for patients to health professionals focused on diagnosing, managing, and treating prostate cancer. It will act as a one-stop centre offering support for patients and families to guide them through their individual treatment plans. The clinic, expected to open in 2013, will reduce wait times from diagnosis to treatment, which will increase survivability.

As someone who has experienced this cancer, I encourage all men over 50 to get a regular PSA test. Thank you to Prostate Cancer Canada for your generous donation to the campaign for prostate health in Alberta.

Thank you.

### Oral Question Period

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

#### Patient Advocacy by Physicians

**Dr. Swann:** Thank you, Mr. Speaker. Yesterday Dr. Allan Garbutt added his name to the growing list of people who have asked for a public inquiry into the culture of fear and intimidation this government perpetuates. Like others, Dr. Garbutt was told to stop advocating or he and his patients would, quote, suffer the consequences, end quote. Interestingly, Dr. Garbutt chose to go public through the Official Opposition and the media, not the Health Quality Council. To the minister: given that doctors are raising their concerns publicly about the Tories' bully tactics, will the minister admit that the Health Quality Council cannot guarantee legal protection to doctors who have been intimidated?

**Mr. Zwozdesky:** Mr. Speaker, I've answered this question numerous times. Perhaps the hon. member did not hear the answer, so I'll give it again. The Health Quality Council has embarked on an independent review with very capable, very qualified people involved in the review plus equally capable people, well-renowned and respected people, overseeing it in an advisory capacity. As part of that, they also have assured anyone who wants to come forward the full protection as given under the Alberta Evidence Act.

**Dr. Swann:** Well, given that Dr. Garbutt said that only a judicial inquiry will restore his confidence and that of thousands of other professionals in the accountability of the health care system, how many more times does the minister need to hear this before he calls a public inquiry?

**Mr. Zwozdesky:** Mr. Speaker, everyone is entitled to their opinion, and I hope the hon. member will afford me mine. We've made it very clear here that the process that we're following is with the Health Quality Council. They're doing an assurance quality review of the very items that were asked in this House regarding the impact of wait times in emergency rooms, regarding access to cancer care, and regarding the issue of relationships with physicians. Nobody is championing that cause more than they are, but I want to add my championship to that as well because we're encouraging doctors to speak out, and I'm glad that's happening.

**Dr. Swann:** Well, encouraging isn't working because they know the truth, Mr. Minister.

Why is the minister more concerned about letting the scandal die than doing what is right and calling a public inquiry? What are you afraid of?

**Mr. Zwozdesky:** Mr. Speaker, I think the process is working very well, and nobody is asking for it to slow down. We're simply saying that this review is just starting up, and let's give it a chance to complete itself. There will be a report in three months, another one in six months, and in nine months we'll have a report, I'm told, and we'll have some recommendations on how to address and fix whatever problems are found.

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

**Dr. Swann:** Mr. Speaker, Alberta has the world's finest front-line health care staff, yet under this government they suffer in a culture of fear and intimidation. Dr. Paul Parks again today with the AMA

emergency medical section supports the Health Quality Council on ER wait times and outcomes, not on issues of threat and intimidation. The only solution, as Parks said, is for a public inquiry, quote, to ensure a similar culture of intimidation and punishment of patient advocates never occurs again. End quote. When will the minister listen to the thousands of doctors and others? Find your backbone, and call a public inquiry.

**Mr. Zwozdesky:** Mr. Speaker, I met with Dr. Paul Parks and Dr. Sobeilman just a couple of nights ago. We had a very thorough – let's call it robust – discussion on emergency wait times, and even they acknowledged that significant improvements have been made. I'll tell you where the improvements have been made. We've reduced the overall length of stay in emergency departments by as much as 50 per cent. That's tremendously good news. We've also seen reductions of up to 60 per cent in the number of EIPs; to explain again, emergency in-patients. Those are two very significant improvements. I've acknowledged that we need to do a little bit more on the four-hour and on the eight-hour, and we're working on that as well.

**Dr. Swann:** Divert. Deny.

Given that it's the front-line staff who demand a public inquiry, which friends and senior officials is this minister trying to protect? Who are you protecting, Mr. Minister?

**Mr. Zwozdesky:** Mr. Speaker, sometimes you have to protect people in this House from accusations just like that, and I'll stand here and defend people who are after better health outcomes, which is what doctors are all pledged to do. That's why today Alberta Health Services invested an additional \$190 million specifically for emergency departments, who will get \$19 million of that, \$15 million will go to the radiation therapy speed-ups that are needed, \$46 million will go to reduce surgical wait times in areas like cardiac and cancer surgery, and \$110 million will go to reduce the number of patients who are in acute-care hospitals waiting for continuing care spaces. Tremendous use.

**Dr. Swann:** Throwing money at the problem – I'm sorry, Mr. Minister – will not restore confidence in the system.

Given that the president of the ER docs says that the culture of intimidation has not changed in six years, when are you going to stop covering up this scandal?

**Mr. Zwozdesky:** Mr. Speaker, nobody is covering up anything. In fact, quite the opposite would be true. What we're saying is that if you have an issue that you want to raise, please come forward. You'll be given confidentiality protection, you'll be given immunity protection, and you'll be given full protection against any creation of any liability under the Alberta Evidence Act. In fact, we're doing exactly the opposite of what he's accusing us of doing.

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

#### Surgical Wait Times

**Dr. Swann:** Thank you, Mr. Speaker. Last month the Canadian Institute for Health Information released its annual province-by-province comparison of wait times for the procedures first ministers agreed on in 2004 were highest priority. In a race to the bottom Alberta failed to achieve benchmark wait times for hip replacements, knee replacements, hip fracture repairs, cataract removals, and others. To the minister: given that Health and Well-



ness's most recent annual report shows wait times for knee replacement surgeries actually increased last year to nearly double the benchmark, how does the minister intend to ensure Alberta's national ranking won't be equally abysmal next year?

**Mr. Zwozdesky:** Mr. Speaker, there are areas where we're seeing the need for more attention, and that's one reason why the announcement that was just released by Alberta Health Services, the 190 million new dollars, cites \$46 million more to reduce surgical wait times in key areas, including cardiac and cancer surgeries, hip and knee replacement surgeries, and cataracts. Progress is being made, more money is being put in there, more staff are being hired and recruited to help, and more spaces are being made available for those important surgeries.

**Dr. Swann:** Well, Mr. Speaker, can the minister explain why we've had a 10 per cent decrease in the last two years in the proportion of Alberta patients who receive cataract surgery within the recommended time frame?

**Mr. Zwozdesky:** Well, Mr. Speaker, you know, it would be just wonderful if the hon. member would take a little bit of time to do a little bit more research because if he did look at cataract wait times in particular, for example, he would know that in addition to the over 30,000, 32,000 cataract surgeries we're doing, we've just added another capacity to do 3,200 more. That's important because I can tell you that in Edmonton as a result of these kinds of initiatives wait-list times have come down by 2,900 patients. In Calgary the wait-lists have come down by 2,200 patients. Tremendous improvement. Really good news.

**Dr. Swann:** Again to the minister: when will Alberta Health Services update its website and provide a current hospital-by-hospital breakdown of wait times for surgical procedures?

**Mr. Zwozdesky:** Mr. Speaker, that information is available. I believe they were talking about it yesterday and today, and that will come out in greater detail. It's part of what we talked about with Dr. Paul Parks and Dr. Sobeilman a couple of days ago. It will be reported not only in aggregate but also by hospital, at least the major ones in Edmonton and Calgary as a start. That's already under way.

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

#### **Patient Advocacy by Physicians** (continued)

**Mrs. Forsyth:** Thank you, Mr. Speaker. Earlier this week the health minister said that he only knew of one doctor who wanted a public inquiry. It's disturbing that someone on Treasury Board just can't seem to count. In fact, six AMA sections, representing 2,500 doctors, have called for this inquiry, 2,499 more than the health minister's estimate. Emergency medicine, addiction, anaesthesia, internal medicine, pediatrics, and rural family medicine have all called for this inquiry. To the minister: with such a growing number of doctors asking for this inquiry, how many more will you ignore . . .

2:00

**Mr. Zwozdesky:** Mr. Speaker, I'm glad she asked the first part of this question because I don't recall saying that he's the only one I've heard of. I recall saying that Dr. Garbutt's letter was the first one I was familiar with in writing. Now, chances are there are others who are out there.

I think I've already answered this many times. I could repeat it again. I could risk being called to order for repetition. People are quite, quite comfortable, I'm sure, with the Health Quality Council's approach. Let's give them a chance. They have to be given an equal chance to do what they've set out to do.

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

**Mrs. Forsyth:** Mr. Speaker, there are two worlds: his world and reality.

Thank you, Mr. Speaker. Given that the Health Quality Council simply can't provide the level of legal protection our doctors want, something that has been pointed out to this government over and over, how much longer will the minister continue to use this excuse to not call a public inquiry?

**Mr. Zwozdesky:** Mr. Speaker, no one is using any excuses whatsoever. If you'll indulge me, I'm going to read the Alberta Evidence Act. It's about 13 pages long. I'll read the whole thing, if you'll allow me. In particular, let me just quote section 9(5):

Neither

(a) the disclosure of any information or of any document or anything contained in a document, or the submission of any report, statement, memorandum or recommendation, to a quality assurance committee for the purpose of its quality assurance activities,

nor

(b) the disclosure of any information, or of any document or anything contained in a document, that arises out of the quality assurance activities of a quality assurance committee,

creates any liability on the part of the person . . .

**The Speaker:** Minister, thank you very much. [interjections]

The hon. Member for Calgary-Fish Creek. I hope you'll be heard.

**Mrs. Forsyth:** Well, what's amazing to me, Mr. Speaker, is that he thinks this is funny.

Will the minister at least admit that the only reason he's not calling a public inquiry is because it will confirm what we all know, that the government has used fear and intimidation to hide the truth about our health care system?

**Mr. Zwozdesky:** Mr. Speaker, I don't know what the allegations were back in '05, '06, '07, whenever that was. What I can tell you is what is going on today. Today there's a much healthier relationship. As a result of the meeting with the Premier and myself on Friday, we're going to strengthen that relationship with the AMA. That's why a news release was put out on Monday, and that's why the president of the AMA put out a letter yesterday talking about strengthening the relationship between government and the AMA and, in turn, between AHS and the doctors serving in the system, and that will happen.

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

#### **Electricity Prices**

**Mr. Mason:** Thank you very much, Mr. Speaker. Yesterday the Minister of Energy claimed that after a massive 62 per cent jump in April, power prices will go back to March's level by next month. This claim is not supported by industry experts or by common sense. Will the Minister of Energy admit that his predictions of a price decrease are based more on his fantasies than actual marketplace reality? Or does he just not understand the

unstable deregulated electricity market that he and his government have created?

**Mr. Liepert:** Well, Mr. Speaker, I think it's important to put this into context. In the month of February the annual retail price in the city of Edmonton was about 9 cents a kilowatt hour. That dropped to some 7 cents a kilowatt hour in March. It's projected that it will be about 11 cents a kilowatt hour in the month of April. If you take it from the lowest number in March, yes, it may be a 60 per cent increase. The Electric System Operator is projecting that for the month of May the average price per kilowatt hour will be back to the 6 or 7 cents.

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

**Mr. Mason:** Thanks very much, Mr. Speaker. Well, given that independent analysts have forecasted a hike in the electricity rates by as much as 50 per cent over the next few years and given that this makes a joke out of this minister's claim that prices will drop by 62 per cent next month, will this minister put his cabinet job on the line if at the end of this session power prices remain as high as they are?

**Mr. Liepert:** Mr. Speaker, I can only repeat what the history is and what the independent operator is projecting is going to be the price in the month of May. I guess if the price in the month of May is somewhere in the range of 6 or 7 cents, I'll ask the member if he'll be prepared to put his job on the line.

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

**Mr. Mason:** Thanks very much, Mr. Speaker. Well, if he will put his job on the line, I will certainly put my position as critic on the line as well.

**The Speaker:** I take it that was the question. [interjections] I take it that was the question.

**Mr. Mason:** That was the . . .

**The Speaker:** No. There are no preambles. I don't know how you can do that.

**Mr. Liepert:** Mr. Speaker, I think I heard the member say that if the price of electricity in the city of Edmonton averages 6 or 7 cents a kilowatt hour in the month of May, he'd be prepared to put his job on the line.

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

### Protection of Personal Information

**Mr. Kang:** Thank you, Mr. Speaker. The sensitive private information of 7,000 Edmonton public school board employees has gone missing. The data was stored with no security protection on a memory stick. The Information and Privacy Commissioner has said that the information should not even have been kept in the first place. To the Minister of Service Alberta: can the minister, who is responsible for privacy legislation in Alberta, tell us what action she has taken to actively promote the protection of personal information by school boards in the last year?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. It should be noted that the Edmonton public school board is following the right procedure with respect to the loss of information by notifying the Privacy

Commissioner and co-operating with the investigation. That's the first step in this. They've let the affected employees know what's missing and are providing them with other details on protecting themselves. The school board does have strong policies to protect private information, but sometimes errors do happen.

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

**Mr. Kang:** Thank you, Mr. Speaker. It should have been done before the information went missing.

Given that the minister disbanded the government's access and privacy division, which was responsible for province-wide compliance with privacy laws, for supporting the local public sector, can the minister explain who is supposed to do this now?

**Mrs. Klimchuk:** Mr. Speaker, there are privacy commissioners in every government department. As well, Service Alberta offers all the school boards information on understanding their obligations with working with FOIP. Also, we have resources available online. It's incumbent upon the school boards to do the right thing, and they are doing that right now.

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

**Mr. Kang:** Thank you, Mr. Speaker. Will the minister commit to collecting and reporting the cost to taxpayers of privacy breaches given that the Information and Privacy Commissioner has said that the privacy breaches are a big-ticket item for public bodies and that he will ask for an accounting of the costs of dealing with the breach?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. I believe that at the end of the day all of us need to be cautious when handling Albertans' private information, especially with laptops and portable iPads and all of those things. It's just absolutely critical that Albertans protect themselves. The Edmonton public school board is checking into it, and we'll continue to support them through Service Alberta.

**The Speaker:** The hon. Member for Cypress-Medicine Hat, followed by the hon. Member for Edmonton-Centre.

### Disaster Recovery Program for Flood Damage

**Mr. Mitzel:** Thank you, Mr. Speaker. My question is for the Minister of Municipal Affairs. In my lifetime I don't recall anything like this, at least not in this way. Medicine Hat, Cypress county, and Forty Mile county are experiencing damages not only along the creeks but in all areas. They're thankful for the disaster recovery program of 2010. That really helped. Can people still get assistance under the existing disaster recovery program?

**Mr. Goudreau:** Mr. Speaker, yesterday I travelled to Medicine Hat along with the Premier and the ministers of Environment and Agriculture to see the situation first-hand and assess what sort of assistance will be needed.

Earlier this month, Mr. Speaker, we authorized a \$3 million disaster recovery program to help residents and small businesses who experienced uninsurable losses from flooding between March 1 and 31. Now we recognize that new flood damage is occurring, and we'll be working with the municipalities to assess that damage.

**The Speaker:** The hon. member, please.

**Mr. Mitzel:** Thank you very much, Mr. Speaker. Given that there's new damage to residences and small businesses in the areas I mentioned and there's potential for more, Mr. Minister, will you create a disaster recovery program for them for 2011?

**Mr. Goudreau:** Mr. Speaker, as this event is still under way, we're working with the municipalities on a response presently and mitigation efforts. Our efforts are focused on helping municipalities assist their residents and make sure that they're safe, but once the threat is lowered, we'll work with them again and consider any application for disaster assistance at that particular time.

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

**Mr. Mitzel:** Thank you, Mr. Speaker. My second supplemental is to the Minister of Agriculture and Rural Development. Given that rural flooding is causing issues and with water standing on cropland and pastureland, a lot of water, how will you be able to direct your programs to address this excess water? For sure there is going to be a lot of land that will not be planted.

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

**Mr. Hayden:** Well, thank you, Mr. Speaker. In fact, we did deploy the pumps that were requested by the municipalities for the water pumping in the area. We have also deployed all extra pumps that we have now to that area with the snow conditions that we're seeing today. Fortunately, the agricultural communities in southern Alberta are very strong supporters of the insurance programs we have in Alberta; about 90 per cent of them insure. We're watching it very closely and hope to be able to help this year.

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

2:10

#### Abandoned Wells

**Ms Blakeman:** Thank you, Mr. Speaker. The Minister of Energy complained yesterday that these orphaned wells are decades old. Well, given that this government is also decades old, much of this that happened was under your watch. It is the height of hypocrisy for this government to say that polluters pay when we're talking about orphan wells. Almost nothing is required from industry to ensure that these wells are cleaned up, and the government has taken no steps to protect Albertans from the cost of future orphan wells. Back to the Minister of Energy: why hasn't the government done anything to fix the backlog and stop it happening in the future?

**Mr. Liepert:** Well, I think I answered yesterday, Mr. Speaker. The government has done a significant amount in the last few years to try and catch up on the backlog, and I did say that more needed to be done. But for this member to infer that somehow industry isn't being assessed a fee, that's incorrect. In every application there is a portion of the fee that goes towards reclamation. As I said yesterday, we will continue to try and ensure that we get caught up on these wells.

**Ms Blakeman:** Back to the same minister. It's not just about getting caught up. It's also about going forward. I mean, when wells continue to be drilled at such a rapid pace across this province, why does the government continue to ignore the need for a level of financial security, cash on the barrelhead, that is in line with the cost of reclamation?

**Mr. Liepert:** Well, as I said yesterday, Mr. Speaker, I think that

that's exactly where we are today. What we are faced with is attempting to ensure that a whole series of wells from decades ago that clearly fell behind in terms of reclamation – that's where the catch-up is happening. I think that the current model that's in process for those wells that are drilled today and tomorrow is under control.

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

**Ms Blakeman:** Thanks. Back to the same minister. Given that when this question was asked of the Minister of Environment in 2009, the minister stated that the government recognized the industry was not contributing enough to reclaim in any reasonable timeline and that the response was to inject 30 million taxpayer dollars to speed it up, just what the minister has been referencing, why has nothing been done to collect enough even today? The timelines are still years long.

**Mr. Liepert:** Well, I come back to the fact, Mr. Speaker, that the issue is around catching up on old wells, and I believe that the model that's in place today is going to address this issue as we go forward.

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

#### Pediatric Services for Children and Youth in Care

**Mrs. Sarich:** Thank you, Mr. Speaker. There are many Albertans who don't have access to a family doctor. The impact of this reality must be particularly great for children and youth coming into this government's care, many of whom have experienced the trauma of physical and emotional neglect and abuse. My questions this afternoon are to the Minister of Children and Youth Services. How does your ministry ensure that children in your care receive the health care supports that they need?

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

**Mrs. Fritz:** Well, thank you, Mr. Speaker. The member is correct. Children coming into our care do have very complex needs, and we do need to have highly qualified health professionals to look after them. As I mentioned earlier, we have a new program here in Edmonton, pediatrics for kids in care, and that's to help ensure that our vulnerable young people have a medical assessment and that they have supports, which is critical because those health supports will then assist with the care development plan for that child or youth and assist with their optimal health and well-being.

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

**Mrs. Sarich:** Thank you, Mr. Speaker. To the same minister: can you explain how this is different from the regular health care that is provided to children and youth when they come into care?

**Mrs. Fritz:** Well, Mr. Speaker, all children coming into care, as you know, must have a medical appointment within the first 12 days, but this is a very new program that is unique. It's unique in that it benefits from the wisdom and the experience of very highly qualified pediatricians that are led by Dr. Masterson and Dr. Moriarty, whom I introduced to you earlier. Their expertise is needed to care for our children and youth who have been abused or neglected, and I can also tell you that with that focus that they will have with that service, health issues are going to be diagnosed earlier, and treatment can begin much sooner.

Thank you.

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

**Mrs. Sarich:** Thank you, Mr. Speaker. To the same minister: given that there is collaboration, when can we anticipate this kind of collaboration being available province-wide?

**Mrs. Fritz:** Well, Mr. Speaker, this initiative is delivered in partnership with Alberta Health Services and with community pediatrics. It does continue to gain momentum. I mentioned earlier Dr. Masterson's clinic, that opened in April, and that is dedicated solely to the children in our care. There are plans to have a pediatrician available at the Edmonton Youth Emergency Shelter as well as new partnerships that are also in the works with dentists and pharmacists to help ensure that our children and youth in care have a full range of health services.

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

### Residential Building Inspections

**Ms Pastoor:** Thank you, Mr. Speaker. I'm going to try this again today. The residential construction file shows a fragmented system scattered among Municipal Affairs, Service Alberta, and individual municipalities. There are mandatory inspections that take place at each critical stage of construction and, in addition, an independent home inspection that buyers can have done. To the Minister of Municipal Affairs: will you admit that bringing the various elements of the residential construction file under the purview of one minister would result in a better co-ordinated and more effective system for homeowners?

**Mr. Goudreau:** Mr. Speaker, I think the system is reasonably clear. For those who are purchasing an existing home or an older home, they depend on the home inspectors, and that falls under the Ministry of Service Alberta. For those who are looking at building new homes and need the services of building inspectors, or what we call our safety codes officers, then those individuals are under our responsibility. So on the new home side for the inspections that's our responsibility.

**Ms Pastoor:** Why are municipal building inspection reports for residential properties not available to the homebuyers, or are they required to use FOIP to get that information?

**Mr. Goudreau:** Mr. Speaker, the safety codes officers are usually mandated and operate through accredited municipalities, and those particular reports are there. They're certainly subject to FOIP legislation to make sure that personal information is protected, but you could certainly make those requests to the municipalities. For those municipalities that are not accredited, then those reports are available through our ministry, through Municipal Affairs.

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

**Ms Pastoor:** Thank you. Given the failure of municipal building inspectors to identify structural problems in the Penhorwood condominium complex in Fort McMurray, how does this affect the accreditation of that department? Will it be necessary to check other projects built by that company or the same inspectors?

**Mr. Goudreau:** Mr. Speaker, it's very difficult for me to speculate on what actually happened in Fort McMurray. Those buildings are being assessed by professional engineers, as is appropriate, and because it's subject to ongoing civil litigation, it's difficult for me to provide further comments.

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

### Alberta Research and Innovation Authority

**Mr. Bhardwaj:** Thank you very much, Mr. Speaker. Alberta Innovates is often touted as being a streamlined system, neatly divided into four focused but co-operative corporations, each with its own board, its own expertise, and its own plan for the future. It sounds very efficient. But then there is another layer: Alberta Research and Innovation Authority, ARIA, a group of international experts that advise government on research and innovation. My questions are to the Minister of Advanced Education and Technology. With four corporations and the ministry already at the job, why do we need advice from ARIA?

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

**Mr. Weadick:** Well, thank you, Mr. Speaker. As you're aware, the government of Alberta is committed to making Alberta a leader in research and innovation, and to do that, we need to know what the world needs and what opportunities are out there. ARIA provides a very needed service in that experts from around the world come and provide opportunity to give feedback on where the next areas of importance are and how we may connect into the important research and innovation areas around the world so that we can continue to enhance and develop our research capacity.

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

**Mr. Bhardwaj:** Thank you very much, Mr. Speaker. My next question to the same minister: how are the members of ARIA selected given that there's all kinds of talent out there?

2:20

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

**Mr. Weadick:** Thank you, Mr. Speaker. Through a rigorous process the members were selected as experts and leaders from around the world in their various fields. We have people like Laura Kilcrease here from Austin, Texas, who is well known as a venture capitalist, has worked in that area for many, many years, and is the managing director of Triton Ventures. Dr. Peter Riddles has made broad contributions in life sciences in Australia, and Dr. Chris Henshall has worked at the University of York in England for many, many years and brings a wealth of experience.

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

**Mr. Bhardwaj:** Thank you very much, Mr. Speaker, and thank you very much, Minister, for that answer. What has ARIA contributed to Alberta Innovates so far?

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

**Mr. Weadick:** Well, thank you, Mr. Speaker. The areas where they've brought significant assistance are in areas of advice around how we can continue to connect into the research and innovation portfolios around the world. Bringing technology to market is also going to be a critical piece if we are going to grow our knowledge economy, and members of this board have experience at bringing technology to market and are going to help us in that very needed and important part of growing Alberta's future economy.

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

### Land-use Framework

**Ms Notley:** Thank you, Mr. Speaker. Three years ago this government committed to “greening our growth” by addressing competing land-use demands through a land-use framework by 2011. Instead, the deadline is here, the budget has been cut in half, and the minister is saying that the framework won’t be done until at least 2017. Will the minister admit that this delay is a failure to prepare Alberta for healthy economic growth?

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

**Mr. Knight:** Thank you very much, Mr. Speaker. I think that these things will fit together extremely well. In fact, the original concept of the land-use framework in the first place was not to stop development but to develop responsibly in the province of Alberta. That’ll be the focus of the land-use frameworks as we move them forward. What we have in place now is one draft plan that’s on the ground. We have the advice of another regional advisory council that we’re dealing with and, actually, very positive results from Albertans. This is about balancing the economy, the environment, and the social aspect . . .

**The Speaker:** The hon. member. Hon. member, you’ve been called.

**Ms Notley:** Given that completion of the framework by 2017 would require the government to double the pace of its current progress with half the resources and that, therefore, it’s very unlikely, will the minister admit that the delay has nothing to do with more consultation and everything to do with the political decision to put land-use planning and environmental protection onto the back burner once again?

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

**Mr. Knight:** Thank you very much. My stove only has a front burner, Mr. Speaker. I have no back burner. So what I’m doing is exactly – exactly – what the people of Alberta would expect me to do, and we’re doing this in a very responsible manner. At the moment Albertans understand that governments as well as people and industry in the province have a bit of a constrained budget. We’re operating inside of that budget and will deliver these programs and plans, that are going to be very constructive for Albertans in the long run.

**Ms Notley:** Given that they’re going to be delivered at least five years late, probably much more so, and given that the Tories lost control of an overheated economy before the last recession and given that this hurt Albertans in their communities last time, why is this government resorting to the same Wild West gold rush approach to development that everyone knows doesn’t work?

**Mr. Knight:** Mr. Speaker, again, one more time about this thing. What we’re dealing with right now is a situation where we have under the land-use framework seven regional plans in the province of Alberta based on watersheds. With the resources that we have prudently applied to this program, we have in front of us now a draft of the lower Athabasca regional plan, we have the advice from the South Saskatchewan Regional Advisory Council, and we’re working towards the North Saskatchewan terms of reference. They’ll all fall into place as we move through the program, and they will be in place by 2017.

### Workers’ Compensation

**Mr. Chase:** Mr. Speaker, Alberta’s prosperity depends on its workforce, and Alberta workers depend on their government to ensure workplace safety and, in the case of injury, fair compensation. To the Minister of Employment and Immigration. The Workers’ Compensation Act is clear on providing benefits when the injury involves a total loss of sight, complete paralysis, and other similar kinds of disability. Can the minister explain the policy on compensation for a disability that is less clear cut such as a work-related lung condition?

**Mr. Lukaszuk:** Most definitely, Mr. Speaker. If a worker is diagnosed with a lung condition and it is determined that this condition is a result of employment activity, long-term impact of asbestosis, or another medical condition, the worker’s lung capacity is assessed, and using bell tables or Alberta Medical Association guides, the percentage of disability is assessed, and the worker is paid out accordingly.

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

**Mr. Chase:** Thank you. Can the minister explain the policy on compensation for a disability that does not result from an immediate injury but emerges over time; for example, through long-term exposure to radiation or chemicals?

**Mr. Lukaszuk:** Certainly, Mr. Speaker. A worker who presents herself in front of the WCB usually presents herself as a result of a report being filed by a medical doctor. If there is consensus in the medical community that the medical condition that the worker exhibits is as a result of any type of employment-related activity, a claim is accepted, and the worker is compensated accordingly for the loss or percentage of loss of health.

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

**Mr. Chase:** Thank you. Given that a comprehensive workers’ compensation program is fundamental to a strong workforce and a competitive economy, will the minister commit to reviewing the Workers’ Compensation Act and the WCB’s policies on adjudication of claims so as to ensure fairness in compensating workers for work-related permanent disability?

**Mr. Lukaszuk:** Mr. Speaker, the member asked me two questions on how claims are adjudicated. I told him so. He hasn’t identified an area where the unfairness may exist. If he finds an area within the act, policies, and/or regulations where there is unfairness, please bring it forward to me, and I’ll gladly take a look at it.

**The Speaker:** The hon. Member for Drayton Valley-Calmar, followed by the hon. Member for Calgary-Glenmore.

### Compensation for Mineral Rights in Parks

**Mrs. McQueen:** Thank you, Mr. Speaker. The Supreme Court of Canada back in 1985 decided that when the B.C. government cancelled mineral rights in Wells Gray provincial park, the holders of those rights were entitled to compensation but not for loss of opportunity or loss of profits. My question is to the Minister of Sustainable Resource Development. What does the Supreme Court of Canada’s decision in B.C. versus Tener mean for the creation of conservation areas in the lower Athabasca region?

**Mr. Knight:** Well, Mr. Speaker, this information, of course, was kind of originally brought to us by the opposition. They weren’t

quite sure what this was all about, so I thought I should perhaps inform the House. The information that we have is that in the B.C. versus Tener case, from 1985, the Supreme Court found that mineral interests had been expropriated in the course of the creation of a new provincial park. The case involved freehold mineral rights, and it is not completely clear how it would apply to other types of interests. We only have a draft regional plan at this point. There will be discussion around what tenure, if any, might be repatriated.

**The Speaker:** Let's be careful about legal interpretation. This is about the fourth question today that wanted legal interpretation.

The hon. member.

**Mrs. McQueen:** Thank you, Mr. Speaker. My final question to the same minister: what kind of consents will be affected by the conservation areas?

**Mr. Knight:** Mr. Speaker, again, we usually kind of think of the situation in the oil sands as the energy region and the oil sands only in Athabasca, but in fact the region has a very diverse economy, and the proposed conservation areas could potentially affect leases for forestry and metallic and industrial minerals. Compensation provisions laid out in the relative legislation – for example, the Mines and Minerals Act or the Forests Act – support that the regional planning being done will make sure that there is clear and concise compensation.

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

#### Lower Athabasca Regional Plan

**Mr. Hinman:** Well, thank you, Mr. Speaker. Last night the Minister of SRD stated that \$1.9 million was spent on the lower Athabasca regional plan, but whenever we've asked, the government refuses to say what the economic costs to the government or the leaseholders will be if the government rescinds the leases of these companies affected by the draft plan. To the minister of finance. So that Albertans can give informed feedback, what is the actual land-sales revenue that the province received from the sale of these leases that are now proposed to be rescinded?

**Mr. Snelgrove:** Mr. Speaker, there is a document in front of the Alberta public right now that is a proposed land-use framework for the area, and no decisions have been made as to the exact location or size or substance of the conservation areas. We are working very closely with all the parties, be it lumber, be it oil, be it municipality, to work together to collectively develop the right balance.

2:30

**Mr. Hinman:** Nice dodge.

To the Energy minister: given that you've expressed faith that technological advances in reclamation efforts will enable oil sands extraction in the future with a minimal footprint, do you really support breaking contracts and declaring billions of barrels of Alberta oil off limits forever?

**Mr. Liepert:** Well, the facts are that we have some 170 billion barrels of proven reserves in northeastern Alberta. The draft plan, that lays out conservation areas, allows us to develop 170 billion barrels of proven reserves, Mr. Speaker, so I'm not sure what the member is referring to relative to contracts.

**Mr. Hinman:** Given that the Energy minister claims that this is an inconsequential government draft, that is ridiculous when the fact

is that in a short time this will be the government plan. It's clear that the only draft is between this . . .

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

**Mr. Liepert:** Mr. Speaker, I'm very happy to answer the question. As has been pointed out many times in this House, we have a draft plan, that's out for consultation. In discussions with industry that I've had since the draft plan was released, it has been very well received. There's a recognition that we have to have a balance between conservation and industrial development, and I think we've achieved that balance, Mr. Speaker.

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

#### Forest Grove Care Centre Roof Collapse

**Mr. Amery:** Thank you, Mr. Speaker. Yesterday just before 1 p.m., while residents of the Forest Grove nursing home gathered to have lunch, the facility's roof caved in on dozens of them. Luckily no one was hurt thanks to the heroic, fast-thinking, well-trained staff, who were able to evacuate the dining area and get the residents back safely to their rooms. Could the Minister of Health and Wellness update the House, the residents, and their loved ones on the situation at the Forest Grove nursing home?

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

**Mr. Zwodzdesky:** Thank you very much. I want to thank this member for immediately bringing this to my attention yesterday so that immediate action could be taken. As he has said, the important thing right now is that no one was injured. There are 245 residents there, a number of staff. Immediate action was taken. The building is not ours, Mr. Speaker. Nonetheless, an inspection has been done, and it is deemed safe to occupy again. Only one area was affected, fortunately. That was the dining room area, where some repairs were occurring. But everybody is okay.

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

**Mr. Amery:** Thank you, Mr. Speaker. To the same minister: are there any contingency plans in place in the event that residents find themselves in a similar situation and are required to be evacuated?

**Mr. Zwodzdesky:** Mr. Speaker, the short answer is yes. There are contingency plans of all sorts, including plans for emergency preparedness, including plans for emergency evacuation should that become necessary. Those plans are there. They are in place because safety is a number one concern. Should the action have to be taken, I can assure the hon. member and the residents there that it will be.

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

**Mr. Amery:** Thank you, Mr. Speaker. My third question is to the hon. Minister of Municipal Affairs. Since many of these seniors' homes are aging and in need of repair and ongoing maintenance, does your department have any monitoring mechanism in place to make sure that these places are safe for residents?

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

**Mr. Goudreau:** Thank you, Mr. Speaker. I, too, am very grateful that nobody was seriously injured in yesterday's incident. I need to remind all members that Alberta has strong building and safety

codes in place to protect all Albertans. In this particular case the city of Calgary is an accredited municipality, and they will do a follow-up on the actual event. Our building codes apply to new buildings, and our codes are still very, very strong and very applicable and okay in this particular situation.

#### Compensation for Soft-tissue Injuries

**Mr. MacDonald:** The government has quietly extended the insurance regulations setting the soft-tissue injury cap until 2016, with little consultation or evaluation on the outcomes for victims of traffic accidents. The cap now sits at over \$4,500 and is a blunt instrument that doesn't take into account, unfortunately, individual circumstances. To the minister of finance: will the government conduct a true review in public of the soft-tissue injury cap to ensure justice for victims is occurring?

**Mr. Snelgrove:** Mr. Speaker, that statement is not only not true; it doesn't represent what Albertans have been telling us. We have done extensive review. We have been all the way to the Supreme Court, which said that it is not only legal, but it is in the public interest. It has saved Alberta motorists \$1.2 billion in premiums. It has hurried up, has actually accelerated the opportunity for people in automobile accidents to receive treatment. It is working very well for them medically, and it's working very well financially, and it has been consulted on widely across Alberta. It's not very well liked by the criminal trial defence lawyers.

**Mr. MacDonald:** Mr. Speaker, given that the citizens and the innocent victims of traffic accidents know that this government looks after the insurance industry, not their interests, will the minister now gather statistics on the adequacy of the soft-tissue injury cap in allowing victims, innocent victims of traffic accidents, full and complete recovery from their injuries? When he gathers these statistics, will he present them to the public through the House?

**Mr. Snelgrove:** Mr. Speaker, the insurance industry is governed by the insurance board and the insurance superintendent. I had the privilege of meeting with him a few weeks ago. The data that surrounds the entire issue regarding soft-tissue injury – the recovery times, the back-to-work times – have very, very definitely supported the policy that the government made around the legislation. That information will be made available if the hon. member even wanted to go into the report, and certainly he could ask our office for it.

**Mr. MacDonald:** I will certainly ask your office for it, and I appreciate that, hon. minister.

Now, given that the injuries from soft-tissue damage can be life altering, does the minister guarantee that the insurance cap as it exists today ensures justice for traffic accident victims?

**Mr. Snelgrove:** Mr. Speaker, there has always been a difficult balance between paying for pain and suffering and soft-tissue injury and injuries that may stay with people for a lifetime. I'm not suggesting for a minute that there aren't whiplash and others that can, but on balance we have to take medical advice overtop of legal fees. The medical advice is that people who receive timely treatment get better faster, and that's what we're trying to achieve with this regulation, and it has done that.

**The Speaker:** The hon. Member for Little Bow, followed by the hon. Member for Edmonton-Riverview.

#### Highway 529

**Mr. McFarland:** Thank you, Mr. Speaker. My constituency office has received literally hundreds of concerns over a number of years about highway 529, a highway that services Little Bow provincial park, the Southern Alberta Bible Camp, and the Little Bow Resort. The west half is paved, and the east half is still gravel. To the Minister of Transportation: what improvements are being planned for secondary highway 529?

**Mr. Ouellette:** Mr. Speaker, I'm very aware of this member's concerns with this highway. The oil industry is very busy in that area and has heavy use of that highway. But I have some great news for the hon. member and his constituents for all of the hard work he's been doing for his constituents. We are doing an overlay this year on the paved portion of this highway from Champion to Little Bow provincial park access.

**Mr. McFarland:** Well, thanks for the good news, Mr. Speaker.

While the east half is still under gravel, are there any plans to do anything other than put down a little bit of dust control?

**Mr. Ouellette:** Mr. Speaker, I've got more great news for this hon. member. We're going to convert that gravel part that he's talked about to pavement this year. That means that by this fall you'll be able to drive on a fully paved highway on 529 from Champion junction to highway 845. That's 20 kilometres worth of brand new pavement. I would say that that's far beyond dust control. That's going to be a great highway.

**Mr. McFarland:** I know you're jealous, Mr. Speaker, but what will happen to the department's priorities if this continued adverse weather goes on throughout the summer?

**Mr. Ouellette:** Well, Mr. Speaker, every year my department sets a construction schedule, partly based on what we actually can get done in a year. Our contracts are structured to accommodate a certain amount of bad weather days, and very few projects fail to get done due to weather. I know things look pretty bleak out there today, but I'm very confident that things will turn nice and that we will get a construction season.

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

2:40

#### High-speed Rail Station

**Dr. Taft:** Thanks, Mr. Speaker. To that same minister. The government's announcement of a new location for a high-speed rail terminal in Edmonton caught just about everybody by surprise. Given that the government had already bought and paid for a different downtown site for the station, has the government done any technical or financial or engineering studies on the suitability of the new site?

**Mr. Ouellette:** Not at this time, Mr. Speaker, although on that new site we're on a right-of-way that is owned by rail today. CP rail or CN, one of the two, goes into that site. I believe that having two options within the city is great for all Albertans, and I do think that as soon as time permits, we will be doing some work on the viability, as he says.

**Dr. Taft:** Given that it's better to study first and buy second, I would have thought you'd have done it differently.

Given that the new site announced last week requires a 20-kilometre detour to the east before trains can turn south to Calgary and given that high-speed rail can cost tens of millions of dollars

per kilometre, how much more will the line cost to this station compared to the line that would have come over the High Level Bridge?

**Mr. Ouellette:** Well, Mr. Speaker, this hon. member seems to always have a little trouble deciphering things, I find, in this House. I do believe that that site is already there for something else, and it's great that we have the opportunity to possibly put high-speed rail into it when we feel the time is right to move ahead with that.

**Dr. Taft:** Well, then, perhaps the minister can help me decipher. Is it actually the case, Mr. Minister, that you don't have a clue whether this new location is going to cost tens of millions of dollars more in high-speed rail construction than the site you already own?

**Mr. Ouellette:** Absolutely not, Mr. Speaker. He's absolutely wrong. I'm today not at the point to know the exact price of one or the other. I just know that it's a great option for Albertans that we will be able to move there at some point in time.

**The Speaker:** Hon. members, that concludes the Oral Question Period for today and this week. Nineteen members were recognized today. There were 112 questions and responses.

We'll continue the Routine in 15 seconds from now.

### Notices of Motions

**Mr. Renner:** Mr. Speaker, I rise pursuant to Standing Order 34(3.1) to advise the House that on Monday, April 18, 2011, Motion for a Return 11 will be dealt with.

### Tabling Returns and Reports

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

**Mr. Zwozdesky:** Thank you very much, Mr. Speaker. It's my pleasure to provide and table the requisite number of copies of the 2010 annual report from the Alberta College of Medical Diagnostic and Therapeutic Technologists. It's all about being committed to improving patient care, according to its title.

Secondly, I'd also like to table copies of the *Crowsnest Pass Herald* from which I quoted yesterday, where Dr. Garbutt had said how pleased he was with some of the actions being taken recently, last fall by Alberta Health Services. That's October 5, 2010.

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

**Mr. Lukaszuk:** Thank you, Mr. Speaker. A pleasure to table the requisite number of copies of a report of the International Labour Conference in Geneva, Switzerland, to which now Alberta and Canada are signatories, dealing with occupational health and safety.

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

**Mr. Mitzel:** Thank you, Mr. Speaker. I'm pleased to rise today and present the appropriate number of copies of a petition with 95 names. It urges the government of Alberta to "conduct a full feasibility study of the Meridian Dam."

Mr. Speaker, my second tabling is as chair of the Standing Committee of Leg. Offices and in accordance with section 19(5) of the Auditor General Act. I would like to table five copies of a

report by the Auditor General entitled Report of the Auditor General of Alberta, April 2011.

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

**Ms Pastoor:** Thank you, Mr. Speaker. I rise today to table on behalf of the Leader of the Opposition documents which quote Dr. Paul Parks calling for a public judicial inquiry in order to protect doctors who have the backbone to speak out.

My second tabling is the requisite five copies of letters from citizens in Lethbridge who are concerned for youth who may not receive the help they need to turn their lives around because of the devastating 40 per cent funding cut to 5th on 5th Youth Services programs. They are Geoff Doeve, Robin Ray, Brenda Bryant, Theresa Lowe, Alix Kampen, Jeff Meadows, Jennifer Rogan, Bruce McKillop, Brittany Sumbalisky, Jeffrey Coffman, Margaret McKillop, A. Oishi, and Laura Nugent.

Thank you, Mr. Speaker.

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

**Mr. Chase:** Thank you, Mr. Speaker. My first tabling is an e-mail from Deborah Clarke to the Minister of Employment and Immigration in which she adamantly affirms the Alberta Liberal position that before importing temporary American workers, this government should make every effort to employ, first, qualified Albertans and, secondly, qualified Canadians.

My second set of tablings, Mr. Speaker, concerning the clear-cutting that is about to soon begin in the Castle-Crown, comes from Juell DeSpain, Terri Miller, Rose Ogorzal, Russell Blalack, Rosemary Cyr, Marjorie Olsen, Ed Baxter, Krista Murphy, Graham Smith, Ian McGrath, Allan Stein, Patti Kemp, Gail Jordan, Marleen Paulus, Anne Streeter, Jason Uttley, Pamela Wilkey, Bob Hearn, Tony Little, Linda French, Cathi Basler, Mary Alice Madden, Lynette Dumont, Matthew Herman, and Robert Cerello.

Thank you, Mr. Speaker.

**Dr. Taft:** Mr. Speaker, I rise today to table the appropriate number of copies of a program from a very special event held in Edmonton last evening. Last night the Rotary clubs of the capital region hosted the 14th annual integrity awards. Twelve non-Rotarians were recognized for their commitment and contributions to their communities in our province. There are some recipients of particular note to this Assembly, including Muriel Abdurahman, a former member of this Assembly, who was recognized by the Sherwood Park Centennial club, and Jason Stoltz, recognized by the Rotary Club of Edmonton Gateway. We probably all know Mr. Stoltz in our role as MLAs because he's the executive director of the Forum for Young Albertans, which is under way here at the Legislature this week.

Thank you.

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

**Ms Notley:** Thank you, Mr. Speaker. I'd like to table the appropriate number of copies of an e-mail I received from Paul Gibson, who says he has been diagnosed with severe chronic depression, severe chronic panic disorder, and posttraumatic stress disorder. Mr. Gibson writes to express significant concerns about the treatment that he received recently in an emergency department. He went there for help and was unable to find support or treatment for his particular illnesses.

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



**Mr. Boutilier:** Thank you very much, Mr. Speaker. It's my pleasure to table the requisite number of copies of a letter from the regional municipality of Wood Buffalo council expressing their concern with the almost half a million dollars that are going to be lost to the extra \$15 that Service Alberta is intending to charge municipalities without any notice.

### Tablings to the Clerk

**The Clerk:** I wish to advise the House that the following documents were deposited with the office of the Clerk. On behalf of Dr. Sherman, hon. Member for Edmonton-Meadowlark, an *Alberta Doctors' Digest* article dated March-April 2011 entitled Stephen Duckett, Reflections on 20 or So Eventful Months; a *Calgary Herald* article reprint dated October 22, 2010, entitled MDs Warn of ER Failure, Clear Out Beds or Emergency Will "Collapse," Province Told; an *Edmonton Journal* article reprint dated January 8, 2007, entitled Capital Health Vows to Clean up Accounting, Auditor General's Tongue-lashing over Padded Costs Sparks Change.

### 2:50 Projected Government Business

**The Speaker:** The Official Opposition House Leader, please.

**Ms Blakeman:** Thank you very much. At this point I would ask, given our Standing Order 7(6), if the Government House Leader would share with the Assembly the projected government business for the week commencing the 18th of April.

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

**Mr. Hancock:** Thank you, Mr. Speaker. Of course, on Monday the 18th it's private members' business.

On Tuesday the 19th in the afternoon in Committee of Supply all members will want to be present for the estimates of the Department of Education, I'm sure, and then as per the Order Paper.

On Wednesday the 20th in the afternoon in Committee of Supply the estimates of the Department of Infrastructure and as per the Order Paper. In the evening, as was filed with the estimates schedule, the Committee of Supply will meet to vote the main estimates. That meeting, for the reference of members, is at 7:30 rather than the start time of the policy field committees that members have been used to. Presuming the passage of Government Motion 13 this afternoon and for clarification for members, once the Committee of Supply rises and reports, we would anticipate debate of Government Motion 12 and Bill 11, the Livestock Industry Diversification Amendment Act, 2011, for second reading.

On Thursday the 21st for second reading in the afternoon Bill 16, the Energy Statutes Amendment Act, 2011; in Committee of the Whole Bill 5, Notice to the Attorney General Act; Bill 6, Rules of Court Statutes Amendment Act, 2011; Bill 12, Alberta Investment Management Corporation Amendment Act, 2011; Bill 14, Wills and Succession Amendment Act, 2011; and as per the Order Paper.

### Orders of the Day Government Motions Evening Sittings

13. Mr. Hancock moved:  
Be it resolved that pursuant to Standing Order 4(1) commencing Wednesday April 20, 2011, following the vote on

main estimates and the report from Committee of Supply, the Assembly shall meet for consideration of government business and thereafter shall meet on Monday, Tuesday, and Wednesday evenings for the remainder of the 2011 spring sitting unless on motion by the Government House Leader made before 6 p.m., which may be made orally and without notice, the Assembly is adjourned to the following sitting day.

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

**Mr. Hancock:** Thank you, Mr. Speaker. The first purpose of the motion is to clarify so that there's no misunderstanding that on Wednesday the 20th, once the Committee of Supply rises, it is in the House, and the House would be available to sit that evening. I just wanted to ensure that there was no misunderstanding about that. Then, of course, it's to deal with government business in the following weeks now that we approach the end of the estimates process.

[Government Motion 13 carried]

### Government Bills and Orders Second Reading

#### Bill 12 Alberta Investment Management Corporation Amendment Act, 2011

[Adjourned debate March 15: Mr. Dallas]

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

**Dr. Taft:** Thank you, Mr. Speaker. It's a privilege once again to rise to debate Bill 12, the Alberta Investment Management Corporation Amendment Act, 2011. I think it's worth putting this piece of legislation in some context. I assume all members of this Assembly are aware of the role of AIMCo, but I'm not sure that all people listening to this debate from homes and offices and so on will be familiar with it. AIMCo was established under legislation to manage a vast amount of public money on behalf of the various stakeholders, actually, some of it being managed on behalf of the government of Alberta and the citizens of Alberta and some of it being managed on behalf of various pension funds and others.

[The Deputy Speaker in the chair]

That organization, AIMCo, has been in place now for perhaps three years, two years maybe, and I think is still in some ways becoming entrenched or established in their role and still working on how to best manage funds in relation, for example, to pension groups and others. It's still a bit of a growing process. Part of that growing process is the need to tune up the founding legislation. I think that's what this amounts to, Mr. Speaker.

My understanding of the bill is that it basically clarifies some of the structure of the corporation. It's an attempt to remove a little bit of ambiguity that might have been in the original legislation. When I look at the bill, which, I might note, is really quite brief, it seems to particularly focus on the roles and responsibilities of the directors and officers of AIMCo.

I won't stretch this out at great length because I know the Member for Edmonton-Gold Bar has comments he wants to bring forward on this piece of legislation, so there's no need to overdo the repetition on this.

I do think that it's vitally important in this day and age, particularly with developments in the financial sector since AIMCo was established, that we ensure that the legislation guiding and con-

trolling AIMCo is to the highest standards. We have witnessed enormous scandal in the financial sector around the world in the last two or three years, and we need to make sure that the legislation of this House is at or very near the leading edge of legislation anywhere. If there's one anything that we've learned in Canada from the financial meltdown in the last two or three years, it is the importance of good regulation and the value of good government.

Now, we have some members of this Assembly and one of the opposition parties in particular that often take a role or view that, basically, government is a last resort. In fact, that's a phrase I've read written by a member of the Wildrose Alliance. Government should be a last resort. Well, our view in the Alberta Liberal caucus, Mr. Speaker, is that governments should be the first resort in some situations. Those situations might range from building roads or schools or hospitals. They also include managing the financial sector.

It may be that the biggest reason Canada didn't fall deeply into financial crisis and into problems of mass unemployment and bankruptcy and all kinds of issues in the last three years is that we have had a relatively well-regulated financial sector. If you compare the performance of the financial sector in Canada with that in the United States or that in Britain or much of Europe or much of the rest of the world, we can see how important it is for us to be vigilant and to be good regulators and to be arm's length and to avoid things like conflicts of interest and to ensure appropriate disclosure.

That brings me directly back to Bill 12, Mr. Speaker, which takes some brief but, I hope, important steps in that direction. It increases or clarifies the responsibility of the directors and officers of AIMCo. I think that's crucial because, frankly, it seems to me that within the first year or less of AIMCo being founded, there was some controversy in the financial and energy sectors over an investment that AIMCo made in a very prominent drilling company. I don't need to name the company here in the Assembly, but there was a lot of controversy around that.

3:00

Now, the debate at the time was over the fairness of the investment and whether or not the investment was made properly and following due process. The point that I think we need to dwell on is that it may very well have been made following due process, but what we have to make sure is that it is not only made following due process but that it is seen to be made following due process. That's the kind of difference that makes sure that the public can have real confidence in an organization like AIMCo, and I think Bill 12 might help clarify some of the confusion that led to controversies such as the one I just referred to.

Mr. Speaker, with those comments I will take my seat and listen with rapt interest to the comments of any of my colleagues in this Assembly. Thank you.

**The Deputy Speaker:** Any other hon. member wishing to speak on the bill? The hon. Member for Edmonton-Gold Bar.

**Mr. MacDonald:** Yes, if you don't mind, Mr. Speaker. Certainly, Bill 12, the Alberta Investment Management Corporation Amendment Act, 2011, warrants a lot of interest and scrutiny by members of this Assembly. Hopefully, it will have the scrutiny and the interest of members. Bill 12, as we have been told and our research indicates, adds the requirement that the directors and officers act honestly and in good faith. One can only hope that that's being done now.

When you look at AIMCo, the fact is that we have over \$71 billion worth of assets in one investment pool, everything from

pensions to the Alberta heritage savings trust fund through to other funds that the government holds, including one or two endowment funds. You look at the board of directors – I have the annual report here, Mr. Speaker – and we have the former chief executive officer and chairman of the board of the Toronto-Dominion Bank; we have the president and CEO of G. Capital Inc., Mr. George Gosbee; we have some fine corporate leaders from across this country; we have Daryl Katz from Edmonton here. We have 10 members on the board.

I was surprised when I asked in the House here earlier in the session, Mr. Speaker, if perhaps we should have as a representative, or maybe more than one, on the board of directors of AIMCo some individuals who at some point in time, if not already, are drawing pensions from the pools that are being collectively invested by this board. [interjection] That's true, but I think to have them directly on the board would be prudent.

For some reason whenever this board was set up, individuals such as those that may be or are collecting a LAPP pension, the local authorities pension plan, are not on there. I think, certainly, they should be, but they're not. I got sort of a brusque or a brazen answer from the minister of finance, and life went on. But when you look at AIMCo – and I would encourage all members to look at the 2009-10 annual report and see for themselves – I can't understand why we would be reluctant to put representatives from the pensions that are invested in this pool on the board.

Now, we're talking about the directors and officers acting in good faith, and we're hoping that this bill will clarify the government's ownership structure of the corporation to remove any ambiguous language around directors' conflicts of interest. We're also looking at other amendments to make sure that AIMCo must act in the best interests of its clients when delivering their investment management services.

Speaking of investment management services, this is an issue that the government goes to all the time whenever we compare internal and external costs for assets under management. It's quite interesting to compare those costs. We had a discussion on this at the Heritage Savings Trust Fund Committee quarterly meeting the other day. I asked questions on this matter in the fall session, and I came to the conclusion that the minister of finance at the time wasn't up to speed on the file because it was the most confusing of answers.

Whenever we look at the costs externally for assets under management, they're totally out of control. Totally out of control. The assets that were managed externally, Mr. Speaker, lost \$542 million in value, but of course we see performance fees for these losses of \$25 million, other investment costs for this pool of cash, which was in value over \$12 billion, that were \$126 million. It was interesting to hear that: oh, well, we're going to get these costs under control, and isn't this wonderful? My question, which went unanswered, was: who was responsible for this? Who was responsible for setting up these deals where, regardless of whether any value was created, these costs were incurred? That's why Bill 12 as we know it would be an excellent bill if we will be able to get to the bottom of this.

Now, a constituent came into the office last Friday, as a matter of fact, Mr. Speaker, and talked about AIMCo. This gentleman was an accountant by profession but retired. He asked me if AIMCo, of all organizations, was going to be investing in the new arena in Edmonton. I was quite taken aback by that question from the constituent. He's got every right to direct that question my way, as far as I can see. He had read in our householder that I had sat on the Heritage Savings Trust Fund Committee, and it was a valid question. I said: no, I don't think so, but Mr. Katz, of course, is on the board, and I don't think that is anything that's been dis-

cussed. Certainly, it hasn't been discussed, to my knowledge, in this House, Mr. Speaker. So that would be an example of an investment that AIMCo possibly, potentially could make.

They invested recently in a 3P freeway – I believe you could describe it as that – in Chile. Chile is a rapidly developing country with a lot of resources that the rest of the world wants and is willing to pay a good price for, so maybe that road is a good investment. We will see through the course of time.

The governance of AIMCo is very, very important, and that's why we need to have a close look at what is going on with this bill. The motivation behind turning AIMCo into a Crown corporation was supposedly to remove the politics from investment decisions. If investing in an oil company, for example, makes sense from an investment management perspective, it should not be impacted by politics. AIMCo's mandate is to maximize returns for pension plans and endowment funds and not to worry about the political leanings of the day.

**3:10**

Now, there should be some caution in fully supporting this bill. I haven't had a chance to go through the Auditor General's report, that was tabled here this afternoon, for April 2011, but certainly the office of the Auditor General has highlighted several concerns with AIMCo in the past. While it is desirable to have AIMCo as an arm's-length organization, again I would urge this House to consider putting some individuals that have an interest through their future pension income on the board. I see absolutely nothing the matter with that. It's not unusual. It's not an unreasonable request. But until the concerns raised by the office of the Auditor General have been sufficiently addressed, the government should not entirely set AIMCo free, so to speak. The minister of finance is ultimately responsible for the pension and endowment funds under management; thus, the minister of finance should ensure that AIMCo is functioning properly. AIMCo now has, certainly, a number of issues. We all know that we don't have effective whistle-blower legislation in this province, Mr. Speaker.

Now, if members want to refer to the annual report for 2009-10 of the AIMCo board, or the AIMCo corporation, whatever you want to call it, whatever you're familiar with, you can easily see or follow what I am saying here. When AIMCo was set up, of course, we had a lot of trouble in the world financial market. In fact, there was a meltdown of historic proportions, or of historic record, in the fall of 2008. At that time there were significant writedowns of \$2 billion to \$3 billion in paper losses in public and private investments within AIMCo. AIMCo has always operated at arm's length from the government following the creation of it by a former minister. I believe I can name him because he's no longer a member: Dr. Oberg. I think he was responsible for bringing this forward. We heard the arguments of what was going on in British Columbia and that it would certainly work as well in Alberta.

Since its creation, AIMCo has delivered minimum value-added to the investment pool. While this is going on, AIMCo has introduced what some people would call a Wall Street style investments compensation structure. This structure rewards underperformance with multimillion-dollar bonuses presided over huge budget increases at the expense of taxpayers and pension members in this province. I don't have the confidence. Perhaps I will over time. I realize that the corporation was set up at a very difficult time in our international financial history, but we have to be careful here.

Now, AIMCo introduced this Wall Street style, as they call it, compensation structure at the same time that such compensations were coming under intense worldwide scrutiny by everyone, from

the governments that bailed out some of these enterprises to the taxpayers that were footing the bill and, in some cases, homeowners and pensioners. While it is true, in my view, that compensation levels are comparable to those of the largest Canadian pension plans, AIMCo's incentive structure differs in that it is set up so as to grant these million-dollar payments even in the absence of real value-added, Mr. Speaker. Specifically, whenever we look at the 2008 writedowns with the \$2 billion to \$3 billion in mark-to-market paper losses incurred in the calendar year 2008, it's important that we remember that it's calendar years, not fiscal years here.

Now, in 2008 it was implied that there would be \$2 billion to \$3 billion of mark-to-market paper gains in subsequent years irrespective of any value-added activity by management. Indeed, over \$1 billion in gains were recognized in calendar year 2009 and, my research indicates, over \$500 million in calendar year 2010.

Now, there was a stretched value-added target of \$500 million given for calendar year 2009 and for calendar year 2010 in full expectation of exceeding the target due to the forthcoming mark-to-market recoveries on the legacy assets.

**The Deputy Speaker:** Standing Order 29(2)(a). The hon. Minister of International and Intergovernmental Relations.

**Ms Evans:** Thank you very much, Mr. Speaker. A couple of reference points in the discussion this afternoon, which I have followed with considerable interest. I hope that the Member for Edmonton-Riverview hasn't been too disappointed by some of the observations of his colleague from Edmonton-Gold Bar relative to this bill. Quite frankly, the content in Bill 12, that we're examining today, and the improvements really do not in any way impinge upon some future amendments that could be contemplated. But the Minister of Finance and Enterprise, now the minister of Treasury and Finance and Enterprise, has been quite right not to add an additional opportunity, if you will, for people who are members of the public service, both serving on AIMCo as well as our government appointing those members to pension boards. I think that the duality of that role might be wrong.

Let's not lose sight of what AIMCo was constructed for. It was a construct made to be at arm's length from government to earn as much revenue as possible in the best interests of the taxpayers of Alberta. The shareholders of Alberta want more money out of it. There are other avenues for people who are recipients of pension funds to be a part of that, but the primary purpose for AIMCo is to divest it of some of the bureaucratic impositions that might have been in place in the past to manage the funds, with the hope that we could gain even more. By the member's own acknowledgement there has been a stellar performance of AIMCo in 2010, and I want to just make that point.

The Member for Edmonton-Riverview made the point that the directors not only have to do what's right and prudent but appear to do so. I remember clearly the investment in the company that was contemplated and was done, in fact, without consultation with the political process, and by the acknowledgment of Edmonton-Gold Bar that's exactly what should be done.

The uniqueness of that investment in that particular company was that it was done at a time when AIMCo in the past had not been investing many of its dollars in Alberta-based companies. But this particular investment, which has proven to be extremely satisfactory and extremely wise because it has benefited the people of Alberta – it's gained very strong financial returns – was an opportunity not only to invest in the very best province and in a company in the very best province but to in fact illustrate where this could be something that could be contemplated.

We've gone all the way from a situation where Norwegian funds, the sovereign wealth fund, has chosen not to invest within its country, but in Alberta the delineation of AIMCo gave an opportunity to look at that through the eyes of the directors. What is our responsibility here for the directors? To appoint the very best and to make sure that they act in a prudent fashion. The wording in this assures that and talks about the responsibility of the individual and the compliance of that individual in the conduct that they're imported to have and follows through with that.

3:20

One small, additional comment I should make is that I, too, have not had a long and extensive review of the newly tabled Auditor General's report. Much to my belief, from page 101 in the April 2011 report of the Auditor General, tabled today, the outstanding things that have been contemplated are primarily centred in AIMCo around the technology and the importance of getting that technology right. That has been worked on not only by AIMCo but by Finance and Enterprise so that the management controls are in place.

It was always understood that that would take a period of time because there are many shared swap agreements. Managing those and managing the financial reporting requirements are, I think, being prudently done. The quote in the report is, "The following [management] recommendations are outstanding and are not yet ready for follow-up audits." So the AG has mentioned that.

If I might just say, I think we've heard a lot on this bill, but I'm assured, at least, that the Member for Edmonton-Riverview states that he would support it. I would hope that the rest of the Assembly would similarly support this bill and get on with it.

**The Deputy Speaker:** We have 27 seconds for Standing Order 29(2)(a).

**Mr. MacDonald:** For a question, please.

**The Deputy Speaker:** Go ahead.

**Mr. MacDonald:** I have a question, and certainly I have more than 27 seconds. Correct?

**The Deputy Speaker:** Sixteen seconds now.

**Mr. MacDonald:** Was that a speech or a question?

**Ms Blakeman:** That was a question to you.

**Mr. MacDonald:** That was a question to me? How would I know that, Mr. Speaker?

**The Deputy Speaker:** Now we get back to the bill. Any hon. member wish to speak on the bill? The hon. Member for Edmonton-Strathcona.

**Ms Notley:** Thank you. It is also a pleasure to rise and speak to Bill 12, the Alberta Investment Management Corporation Amendment Act, 2011. My comments will be quite brief. I've just been scanning the piece of legislation right now, attempting to get a sense of the purpose of this legislation. I think, just as sort of an overarching statement, my understanding is that when AIMCo was first established, in 2007, it was the position of the NDP caucus at that time that we were not necessarily in support of imposing this governance model upon the management function of these important public dollars. We were concerned at the time that there were certain key elements of the work of AIMCo over which the government must have continued accountability.

One of the areas, for example, was the issue of executive compensation. For instance, in 2008-09 I believe the five top executive positions received a total of \$5.3 million in compensation. I believe that was at a time when AIMCo had actually suffered some very significant losses, but I stand to be corrected on the timing of that. Again, in 2010 we see that these positions received \$2.7 million in compensation.

The concern at the time was that in certain areas around accountability we were losing control. Certainly, that was one area, and we see that this bill does not address that area in any way. I remain concerned about the application of different sets of rules to these staff at AIMCo. Having said that, this particular bill seems most focused on redefining a little bit the goals and the purpose of AIMCo, in particular focusing on the objectives of the board to act in the best interests of the designated entities.

Of course, there is sound reason for establishing that objective. Absolutely. These are important funds, and we want to ensure that these funds grow in the way that is best for Albertans, so I'm not unaware of the arguments around establishing that particular priority. However, in doing that, we also see the deletion of the current section which requires the board to consider whether in the exercise of a power in the best interests of the corporation the Crown or the director or an agent of the corporation has to have due regard to the interests of the Crown in doing that. It seems to me what we're doing is that we are making it very clear or we are limiting the degree to which AIMCo has to have due regard to the interests of the Crown. Again, I'm just flipping through this bill right now trying to get a sense of this, and if I'm wrong, I look forward to being corrected in subsequent bill debate on this.

I'm concerned, then, for those obvious cases where you can see the interests of the designated entities coming into conflict with the interests of the Crown and how that might be resolved. Of course, the quintessential example of that, which I think there has been discussion on with respect to AIMCo in the past, is the practice of investing in the tobacco industry. It's very clear that it's not in the interests of the Crown to promote the tobacco industry because, of course, of the cost to the public purse in health care costs that have been clearly associated with the tobacco industry. That actually has a negative impact on the interests of the Crown as it relates to expenditure on health care costs, et cetera.

[The Speaker in the chair]

On the flip side it may well be something that is in the best interests of an investor because we know that tobacco companies are awfully good at making money. That's kind of an example of the conflict. I'm curious about the impact of these changes in terms of redefining the primary objectives of the AIMCo board and the corporation. What is the outcome of those changes on that kind of scenario? I think that we need to ensure that there is some political responsibility. These are public funds, and I think the public wants to know that we're not going to be investing in, you know, companies that, say, engage in activities in developing countries which would be subject to international criminal investigation, for instance. I mean, there's a whole long list of activities that one would be concerned about. Essentially, we're talking about different levels of ethical investment.

I suppose that at the end of the day, when you look even specifically at the interests of the Crown, you have to consider how these things impact back on the government as a whole. I would be looking to see what kind of explanation would come from the sponsor of this bill with respect to what the implications are for this change on these kinds of concerns and discussions, which have taken place in this House in the past.

With those brief comments I will take my seat, and I look forward to receiving more information as the bill debate progresses. Thank you.

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

Are there additional speakers? The hon. Member for Fort McMurray-Wood Buffalo.

**Mr. Boutilier:** Thank you, Mr. Speaker. I would like to just follow up. The hon. member made reference to executive compensation relative to the amendment on Bill 12. She did reference the fact that, I believe, there were five executives on the AIMCo board that, I think, received executive compensation of something like \$5 million. I just wanted to clarify if, in fact, that was the case based on what she understood.

**The Speaker:** The hon. member if you wish.

**Ms Notley:** Thank you. Again, I certainly stand to be corrected, but my understanding is that in '08-09 the senior executives of AIMCo did receive bonuses in the amount of roughly \$5 million. That's the kind of thing where, as you decrease government accountability, as you revise the structure to ensure greater independence, you're more likely to get those kinds of compensation packages coming into play. I would suggest that that is not necessarily something that taxpayers as a whole would be in support of, that we need to keep these kinds of things in line with reasonable expectations, and that in that particular case those did not fit that description.

3:30

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

**Mr. Boutilier:** Thank you, Mr. Speaker. As a follow-up, of course, in terms of what was taking place both on Bay Street and on Wall Street with these executive bonuses, I'd be very interested to see if the member believes that, you know, the executive bonuses – I understood that in terms of this Legislature there are no bonuses, and I'm proud to say that as we're members of the House. The fact is that AIMCo is an extension of the government, so I guess I would be wondering on the amendment if the member supports these executive bonuses at a time when the economy is literally going into the sewer.

**Ms Notley:** Well, in general, of course, we don't, and I think most Albertans don't. I think that's why executive bonuses have been limited in the public service overall. That, of course, is why when AIMCo first came into play, we were concerned about the structure, that didn't give the government accountability over that.

Now, the reason I raised this concern was simply that here we are amending the act, and it would have struck me as an opportunity to address this issue. It's not addressed in this particular piece of legislation, and it's a disappointment that we're not in fact focusing on creating more accountability rather than ignoring what seems to be a fairly major lapse in accountability.

**The Speaker:** Hon. Member for Edmonton-Gold Bar, are you on the Q and A?

**Mr. MacDonald:** Yes, I am.

**The Speaker:** Through the chair.

**Mr. MacDonald:** Yes, certainly, and I apologize, Mr. Speaker.

The hon. Member for Edmonton-Strathcona indicated that in 2009 there were long-term incentive plan bonuses, whatever you want to call them, paid of \$4.4 million. I'm looking at page 47 of the annual report of AIMCo.

It also indicates that there was an annual incentive plan – I'm referring to page 41 – in 2009 that paid out or set aside \$2.3 million, and in 2010 it set aside \$9.8 million. That's a significant increase of well over \$7 million from 2009 to 2010. How does the hon. member feel about that? In particular, it wasn't sort of an exceptional year for the investments.

**Ms Notley:** Well, I must say that I really appreciate the Member for Edmonton-Gold Bar pointing that out because my information just talked about this \$2.7 million, and I had missed the \$9 million figure. I must be one year behind in that. Certainly an increase to \$9 million suggests that, indeed, the concerns of our caucus, at least initially, about this train sort of going off the tracks as you continue to distance this organization from any form or mechanism of true government accountability seems to be coming to fruition.

Certainly, the Member for Edmonton-Gold Bar is correct that those kinds of bonuses and compensation packages are not the kind of thing that most Albertans would ever believe are reasonable. Indeed, in the face of the economic performance of the province at the time that those types of wage packages were developed, it seems that we have two different sets of rules.

**The Speaker:** The time for the question-and-answer section has now left us.

Additional speakers on this bill?  
Shall I call the question?

**Hon. Members:** Question.

[Motion carried; Bill 12 read a second time]

#### **Bill 14 Wills and Succession Amendment Act, 2011**

[Adjourned debate March 15: Mr. Drysdale]

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

**Mr. MacDonald:** Yes. Thank you very much, Mr. Speaker. We had a look at Bill 14, the Wills and Succession Amendment Act. It is a legislative initiative that will clarify the power of the courts under the recently passed Wills and Succession Act, and it applies only to a will of a person who dies after the act comes into force. I understand this act is expected to come into force in January of next year.

This is an example of drafting legislation quite quickly. I can appreciate the discussions that have gone on between the House leaders regarding this matter. This is a technical amendment, we could say, but this amendment affects legal rights, and I'm not surprised, Mr. Speaker, because there have been many exceptions in the last couple of years of legislation or statutes that quickly need to be amended. Well, what's the best way to quickly get something amended? Miscellaneous statutes.

**Ms Blakeman:** No, it isn't.

**Mr. MacDonald:** Well, I agree with the hon. Member for Edmonton-Centre that, no, it isn't.

**The Speaker:** It would really be helpful if you spoke through the chair, who listens very attentively.

**Mr. MacDonald:** Yes. And I appreciate that. I really do, Mr. Speaker.

Now, Mr. Speaker, miscellaneous statutes, as you know from your long and storied career as a parliamentarian in this Assembly, are just used on occasion for housekeeping matters and making sure that i's are dotted and t's are crossed, so to speak, from a legislative drafting perspective.

Alberta Justice requested this amendment in miscellaneous statutes. The amendment, as I pointed out before, is to correct the transitional provision in the Wills and Succession Act. The analysis provided by the Justice ministry indicates that while the amendment may be a small fix, it is also very important since parties have taken legal steps on the basis of the existing wording.

Any amendment to the act which affects significant rights should be brought back to the Legislative Assembly, where the bill sponsor has an opportunity to explain the intent of the amendment and the Assembly has the opportunity to debate the bill without limits placed on the consideration of a miscellaneous statutes amendment act.

Now, I know that the hon. Member for Edmonton-Beverly-Clareview has very strong and passionate feelings about miscellaneous statutes amendment acts, how they should be used and what they should be used for, and I agree with the hon. member. But this amendment from our perspective is surely not housekeeping. It is important to persons whose rights have been affected.

Certainly, some of the key changes, quickly, as I understand them in Bill 14, Mr. Speaker, that relate to the wills in the Wills and Succession Act focus on meeting the testamentary intent of the deceased. Some of these changes, I think there are more than five where the courts will be able to validate a will where the intentions can be ascertained even if the will does not perfectly meet legal formalities. When interpreting wills, the courts will now be able to rely on outside evidence for any intentions that may have been given by written direction. Rules on the interpretation of commonly used words and phrases are updated; for example, the definition of "child" now includes all the children of a testator regardless of parentage. Where a marriage or partnership ends, Mr. Speaker, a gift in the will to the spouse or the partner is deemed to have been revoked. The previous interpretation that a will is immediately revoked upon marriage or the establishment of an adult interdependent partnership is repealed, and rules addressing situations that affect a will but are unlikely to be covered by the will are modernized.

3:40

Certainly, there are different sections that we will have an opportunity to go through in committee, but that, I think, sums up this legislative initiative. The amendments may be a small fix, but they are very important, in conclusion, Mr. Speaker, since parties may have taken legal steps on the basis of the existing wording.

With that, Mr. Speaker, I will cede the floor on Bill 14 to another hon. member of this Assembly. Thank you.

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

**Ms Blakeman:** Thank you very much, Mr. Speaker. I'm glad that this act was brought forward. I think that for any of us that are of an age where our parents are in that sort of red zone, where they're closer to the end of their life than the beginning, we want as much clarity as possible around wills and estates. I've been doing a lot of work on my mother's estate recently, just trying to make sure that everything is lined up as well as it could be. Man, what a tough thing to get through, especially when you're upset or emotional about things. There is all kinds of stuff to be filed and

done, and everybody wants you to do it yesterday, and then they want you to wait for it. Egads.

I can see, looking at this act, what the problem was. The way the current text is under section 8(1), it says:

Unless otherwise expressly provided in this Part or another . . .

- (a) this Part applies to wills made on or after the day this section comes into force,
- (b) the former Act continues in force, as if unrepealed, in respect of wills made under that Act;

in other words, before this comes in.

- (c) The Wills Act, RSA 1955 c369, continues in force, as if unrepealed, in respect of wills made before July 1, 1960.

Basically, the act applies to when the will was actually made. I think that's sort of what it's saying.

Then section 2, which is the section that's being repealed here, is:

Despite subsection (1),

which I just read,

sections 26 and 37 to 40 apply to wills or alterations of wills regardless of when the will or alteration was made.

I think that's what caused the problem. Now it's a bit clearer.

Despite subsection (1),

which I already read through, these sections apply to

a will or other writing, a marking or an obliteration regardless of when the will, writing, marking or obliteration was made, if the testator died after the coming into force of this section.

That's the clarification that we needed.

I appreciate the minister carrying through and bringing this before the House. It was not appropriate to do through miscellaneous statutes. I'm very happy to have it come through the House so we get a chance to review it more fully and see it in context and ask questions and have them answered. Having had an opportunity to go through this now and to look at all of those things, I have no problem with what's being proposed here. I think it's going to clarify things, for which, as I said, I'm grateful. Anything that can make this process easier and less stressful, given that it's already a stressful time, is much appreciated.

So thank you to the minister for carrying through. I'm more than happy to support this in second reading.

**The Speaker:** Standing Order 29(2)(a) begins to apply on the third and subsequent speakers, so it is available now.

Are there additional speakers?

Shall I call the question?

**Hon. Members:** Question.

[Motion carried; Bill 14 read a second time]

## Bill 15

### Victims of Crime Amendment Act, 2011

[Adjourned debate March 15: Mr. Oberle]

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

Additional speakers? The hon. Member for Edmonton-Gold Bar.

**Mr. MacDonald:** Yes. Thank you very much, Mr. Speaker. We had quite a discussion on the victims of crime fund and the governance around that here the other evening. It's a pleasure to get an opportunity to say a few words about Bill 15, the Victims of Crime Amendment Act, 2011. This clarifies the processes for applying for financial benefits for injury and for death benefits. It sets out detailed procedures for reviews of decisions on applica-

tions. These are consistent with procedures in other administrative tribunals. It removes some existing powers of review boards; for example, to call expert witnesses and to require a medical examination by an approved physician.

Certainly, I think we can support this bill. The amendments, as I see them, in Bill 15 are mostly proposals that provide helpful clarifications as well as establish procedures for reviewing decisions on applications for financial benefits and death benefits that are consistent with the procedures of other administrative tribunals.

The amendments with respect to benefits for injury or a death as a result of a crime add clarity for users of the act. The procedural changes not only promote clarity and fairness for applicants; they are likely to promote good practices in the review process that result in fewer requests for judicial review. There have been seven cases of judicial review since 2005, a relatively high number for a rather new program.

It is particularly welcome that the act's current provision empowering the Criminal Injuries Review Board to require a medical examination by a physician of its choosing is being removed.

We have concerns about the fact that the amendment act provides provisions as to who may apply for benefits, and these concerns, again, are about the regulations. These provisions affect rights under the act, and they should be in the act rather than in regulation, which should be for procedural matters and details. We've had over the years many, many discussions and presentations on how this government loves to rule by regulation, and we're not going to get into that in the discussion of Bill 15 this afternoon, Mr. Speaker.

Certainly, we also continue to have concerns about a previous amendment empowering the director of the act to collect health information from health service providers without notice or consent by the individual. That's in section 13. The fact that health information can be collected without an individual's knowledge or consent and that this sensitive information can go into government files with the possibility of secondary disclosure, as is permitted under the FOIP Act, for some unrelated purpose in the future could be a major disincentive to a legitimate claim.

Finally, I note on behalf of the Official Opposition caucus that the net assets of the victims of crime fund amount to over \$48 million while victims received just under \$14 million last year. While we applaud the fine work of the many nonprofit organizations that receive grants to support victims' services, we do not wish to see the fund created for the benefit of victims being hoarded or diverted into government programs that do not directly benefit victims.

3:50

Now, I heard the other night from the hon. Solicitor General and Minister of Public Security about the consultation on the Victims of Crime Act from December of 2010 through to the end of January of this year. This was an online consultation. The amendment act was introduced in the Legislative Assembly on March 14. One may well ask, Mr. Speaker, how there was time to consider the responses to the consultation, develop recommendations and have them approved, and go through the legislative drafting process in just seven weeks. No report that I'm aware of on the consultation or review process was published. That's a record. The last bill we discussed here in the last half an hour was a bill to correct some of the deficiencies that occurred during the drafting of it. Hopefully, we won't be back in the near future with this bill.

Certainly, I would hope that other hon. members will talk about the history of the Victims of Crime Act, the victims of crime fund, and put some more details regarding this fund on the record. With that, Mr. Speaker, I would like to thank you for giving me the time

to speak on Bill 15, and I look forward to the comments of others on this very important piece of legislation.

Thank you.

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

**Ms Blakeman:** Thanks very much, Mr. Speaker. You know, I've always kept an eye on the victims of crime acts and the fund in particular. It was a very exciting day for me, when I was working for the Advisory Council on Women's Issues. We all came over – the chairwoman of the council, a number of the appointed council members, and myself as executive director – to listen to I'm pretty sure it was the hon. Elaine McCoy, now a senator, who was then the Minister of Justice, perhaps, announce this victims' fund. At that time it would have been the victims' programs assistance fund. We were very excited because it was going to allow that women who were victims of what we now call family violence – it was called domestic abuse then, I think – would be able to access some of the funds in here.

Actually, since then this fund has paid for various programs that were offered by sexual assault centres, a court assistance program, and some counselling services. It's done some good work. I have been critical of it because the program stockpiled an enormous amount of money, in my belief. It had quite a surplus. It may still have quite a surplus – I haven't recently checked, actually – but I felt that that money should not be sitting there.

I think the first time I looked at it was when I was the Solicitor General and Justice critic somewhere between '01 and '04, I think, and it had – I don't know – \$3 million or \$4 million in it. At that time that was still a chunk of change that could have been going out to victims of violence. I think the last time I looked, it was in the \$35 million or \$40 million range, so a significant amount of money that was not going out to victims of crime or victims of violence.

The excuse was always: well, you know, the money for this fund comes from the levy on provincial and federal fines, and it gets collected and gets sent off, and then it finally comes back to the province. The reasoning always given to me was: well, we don't want to spend the money because we don't know how much is actually going to come back to us once everybody takes their cut. I felt that they really did have an ongoing surplus that should have been addressed.

To see this come up again, this Victims of Crime Amendment Act, 2011, of course, piqued my interest. This is no longer the fund that I sat in the audience with such excitement awaiting the launching of. It was replaced by the Victims of Crime Act in November of 1997. I was actually elected by the time that came into being.

It has always been administered by the Solicitor General. What this amendment is looking to do, we're told, is to clarify processes for applying for financial benefits, set out the details of the reviews of decisions or applications, so a sort of appeal process there, make sure that they're consistent with the procedures that are used in other administrative tribunals, and remove some of the powers of the review boards, particularly calling witnesses. Now, my colleague has already talked about that, so I'm not going to go over it again.

What I am concerned about here. God bless them. They have finally done what I have complained about for years. Section 2 of the act is repealing section 1(b) in the original act, in which child includes an illegitimate child, which I was always really offended by. I don't see how any child could be illegitimate. I know there was a legal definition that was very commonly in use. I'm just offended by it. I think every child is legitimate. How could you

possibly put a stamp on some kid's forehead? [interjection] Thank you. My colleague is trying to keep me from getting on a rant here.

Times have changed, and we no longer separate and categorize children based on the marital status of their parents. That to me is very appropriate, but I do note that that is now being changed in April of 2011. It took us a while to get there. I'm shocked sometimes by how long it takes us to get to doing some things that seem pretty self-evident, so a pat on the back to the Solicitor General for finally removing that. Thank you very much. It has been duly administered on my behalf by the minister for seniors. Thanks for getting to that. I just wish it hadn't taken us until 2011 to do it, but a pat on the back for taking that out so we no longer distinguish between children and illegitimate children. Thank you for that.

Now, the second piece that's in here that is causing me, as always, some frustration is a section that my colleague also talked about, which was to share some information. Again, boy, I think we've got to be careful about that. I know that we're trying to track people in the system for reasonable reporting. Fine. We want to make sure people don't rip off the system. But you know what? Every time they do a scientific study on people ripping off government benefits, it comes back with the same numbers. There is 3 per cent of the population which is incorrigible. They are going to try and rip off whatever system they are involved with, and they will probably . . .

**Dr. Taft:** Like Mr. Carson in Ottawa.

**Ms Blakeman:** Yes. Actually, that's not a bad example, Mr. Carson.

But they are going to do it in whatever system that they're involved with, and they are usually successful because they're pretty persistent in trying to do it. All of these other imagined rip-offs of government benefit programs just aren't there. I can't believe the number of people that buy into this. It's like an urban myth. The people that phone my office and say: well, I know that person was ripping off welfare because I saw them smoking a cigarette. Well, smoking is still legal if you're over 18, and nothing says that when you get a welfare benefit, you can't go out and buy cigarettes with it, but: oh, it's ripping off welfare.

Anyway, collecting information, trying to track the reporting of it is fine, but I think when we get into Committee of the Whole, I'm going to make more of a point of coming back about potential challenges or what I would think could be breaches of individual privacy around what's contemplated in this act. I can sense that the patience of the Assembly to follow me through this convoluted story today is not quite there, so I will return to it when we're in Committee of the Whole because I think this is important, and I have no wish to see people victimized twice, which is what happens.

4:00

I cannot begin to describe to you guys how important privacy of personal information is but also how easy it is to breach that, whether it's just one little child's finger on a send button or an enter button and your information or someone's information has gone across the world forever. You cannot get it back. You can't stop it once it's gone into cyberspace.

Government is the last bastion of protection of people's personal information, and, yes, we are the people that are responsible. We as government are also responsible for collecting information and making sure that we're tabulating and keeping statistics. But you don't need to use people's defining information to do that.

You need enough information, but – you know what? – sometimes we keep all this information that we don't need to.

We have an example of that that was before us in the news today. Information was to be used when people were applying for a job and starting a job with the school board in Edmonton. It wasn't to be kept in a file forever, but indeed it was. Then it was on somebody's electronic thingamajig.

**Dr. Taft:** Memory stick.

**Ms Blakeman:** Memory stick. Thank you for the technical term, but everybody knew what I meant.

It was on the memory stick, and somehow it's gone missing. Therefore, we now have for 7,000 people that were involved in some way with the Edmonton public school board: their personal information, including banking information, and, you know, their resumé details, so that's going to include a home address, a phone number, a date of birth, a social insurance number – whoosh. This is what makes my hair catch on fire. Why do we keep repeating the same mistake over and over and over? And we do.

I'll be honest with you. The Minister of Service Alberta has not helped by disbanding the group that was in her department that actually gave advice because, Mr. Speaker, when I took this seriously and went out and tried to encrypt my laptop so that I couldn't be accused if I left it somewhere of letting information out, it was not easy.

Frankly, the Information and Privacy Commissioner could not help me with how I was supposed to do this. They said: well, just do it. I said: "But how? Do I buy a program? Is there a thingummy that I plug into it? What do I do?" And they said: just do it. Great. Thanks.

IT couldn't help me. I ended having to phone around to a bunch of other people to get information on how the heck I was to encrypt this computer. I ended up buying a computer program for 150 and some-odd dollars and loading it onto my computer. So now it encrypts everything I do, and if it got lost or walked away or whatever, what they would get out of it would be gobbledygook. Without the encryption password they can't get anything from it.

I had to do the same for the thingamajig that I back up everything with every Friday. That was another 100 and some-odd dollars. [interjection] Well, you know exactly what I mean as long as I've described it well.

So it's not easy, but, boy, you've got to do this stuff. I'll just put the fire in my hair out and sit down now that I've given everyone a lecture on that. Sorry. I do get carried away, don't I?

Generally I'm in agreement with the principle and the direction of where this is going in second reading. I just have some very particular problems with certain sections of it. I will come back and address those in Committee of the Whole, which is the appropriate place to go word by word, sentence by sentence, clause by clause.

Thank you for the opportunity to speak to the principle of the bill in second reading, Mr. Speaker.

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

Then I will recognize the hon. Member for Fort McMurray-Wood Buffalo to participate in the debate.

**Mr. Boutillier:** Thank you very much, Mr. Speaker. I just wish to stand and compliment the Solicitor General and Minister of Public Security on Bill 15, the Victims of Crime Amendment Act, 2011. I do believe that this is a noble bill, and it's intended to help the victims of crime. I think this is positive. We'll have more comments to add when it arrives at committee, but I stand to



compliment the Solicitor General on what I believe is to be in spirit potentially a good bill.

Thank you, Mr. Speaker.

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

Additional speakers? The hon. member for Edmonton-Strathcona.

**Ms Notley:** Thank you. It's a privilege to be able to rise and speak to this bill in second reading. There's a lot of stuff going on in this bill, and I have information that both supports the bill but also raises some concerns about what's going on in the bill. I'm going to just flag some of those concerns in the hope that, again, as debate goes forward, perhaps we can hear some answers to the concerns that are raised.

My understanding is that the bill appears to do, essentially, two things. One, it talks about making some changes to the processes around the Criminal Injuries Review Board, and then the second part deals with the issue of benefits and to whom those benefits would be payable.

Also, it talks about targeting grant funding for programs and organizations.

I guess the area about which I actually have some concern initially is the changes that are being proposed with respect to the processes that would be relied upon under the Criminal Injuries Review Board. Although they are characterized in the briefing notes that we've received from government as adding flexibility and speeding up the process, I have to say that as I review them – and I reach to my own experience of acting as an advocate on behalf of people within administrative tribunal processes – in fact, what we may well be doing is setting up a process of extreme frustration for the appellant, who in most cases is the victim of crime.

In short, the first thing we're doing is saying that when the person goes to have a review or a hearing, should they be allowed to have one – they go to the hearing and prepare their submissions, prepare their argument, prepare what they're going to say in order to convince the person that's reviewing their decision to change the decision, you know, and they'll put together all the information they can find – the minute they bring in information that's new information, that wasn't before the director or a delegate of the director in the initial decision, the hearing stops, and all that information has to go back to a delegate of the director to make another decision.

So here you finally got sort of your day in court. You've had your chance to have your hearing, and you're hoping that you will get it all out at once and deal with it, and hopefully the decision will go your way and you're done. No. Instead, you have to stop the whole process, shift the evidence back to the director, and then the director or their delegate will re-adjudicate the issue. Then if you don't like it, well, you can try going back to the review board again. Well, in the review board's mind I suspect that makes things easier for them, but I'm not convinced that it actually makes things easier for the victim. I'm really not.

The other thing I see and hear is that the ability of the review board to actually change the decision is also limited. Instead, if they review everything and decide that the initial decision they're reviewing was not made appropriately, they send it back to the director to re-adjudicate. I have to tell you, Mr. Speaker, that in my previous job I had the really unfortunate experience of being in a situation where I would have the person I was representing caught in this no-man's-land between an appeal board that would say: "You know what? This was a really poorly rendered decision." They would then send the decision back to the decision-making body, who would then make the same decision again.

Then it would go back to the appeal board, and the appeal board would go: "Yeah. No, we still think this is a really bad decision. You should change it." And it would just go around and around and around.

I remember that right before I got elected, I had one particular decision that had done that two or three times, and the poor person in question had been subjected to this idiocy for about a year and a half. It was finally resolved about a couple of months after I was elected.

The last thing you want to do in administrative law is hamstring a review body from being able to get to the heart of the matter and fix the problem and instead force them to create these bureaucratic turnstiles. So I'm a little concerned when I see in this bill that that appears to be the system that we're setting up. As I say, while it may make things easier for the Criminal Injuries Review Board, it is not going to make things easier for the victims that come before them. Now, if I've misinterpreted that, I look forward to having somebody lay that out very clearly in bill debate going forward, but that's certainly what I see in what I've read thus far. I'm quite concerned about that.

**4:10**

The other thing that I am also a little bit concerned about is the introduction of a 10-year limit on applications. I understand certainly that you would have a two-year limit applied after the time you became aware of the injury or became aware of the criminal act. That there would be a two-year limitation makes some sense. But I am concerned about the piece that says that in any event nothing will be done after 10 years.

As we know, there's a fair amount of literature out there that would suggest that particularly where people are victims of crime in their youth, it may take a very long time for them to come to terms with that fact and to develop the capacity to respond to or address the fact that they were victims. Indeed, the very damage that the victim compensation review board is designed to address may well interfere with that person's ability to pursue their rights under the Criminal Injuries Review Board. By putting a blanket 10-year limitation in place, I'm worried that what we actually are standing to do is exclude and disqualify people from gaining access to this fund, and I'm a little concerned that the profile of the group that we would be most likely to disqualify are, in fact, children who suffered criminal abuse and injury, perhaps at the hands of their caretakers. That's a concern that I see potentially becoming a problem as a result of this bill.

The third piece of it, I understand, is that what we are looking to do is expand the scope of the organizations that would be eligible for funding through that part of the fund that works with groups that assist victims, and I do think that that piece of the legislation is a good development. I think it allows groups that are not necessarily working directly within the court system but are in fact working within the community with populations who are primarily victims of crime – with this, of course, I'm thinking often about women's shelters – the opportunity to gain access to these funds. I think that from that perspective that is an improvement. If I'm interpreting the implications of this amendment correctly, I do see that that is a definite improvement with the bill.

I remain concerned about the first two pieces that I've just mentioned, so I do genuinely hope that I'll receive some advice on those issues from the sponsor of the bill as we move forward with further debate and further progress of the bill in the House.

Thank you.

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

**Dr. Taft:** Yes. Thank you, Mr. Speaker.

**The Speaker:** Under 29(2)(a)?

**Dr. Taft:** Under 29(2)(a), yes.

**The Speaker:** Proceed.

**Dr. Taft:** Thank you. I was interested in the comments from the Member for Edmonton-Strathcona. I really appreciated her brief account of a client she had who got caught in this sort of a catch-22, I guess.

I've noticed that the victims of crime fund now is expected to have net assets of \$47 million, and I am wondering if the Member for Edmonton-Strathcona has seen anything in Bill 15 that might enable more of these assets to be distributed to victims of crime. They do hand out several million dollars a year, but this fund has grown and grown and grown. I'm wondering if the member has any sense of victims of crime who may have legitimate concerns or claims that are not being met or if there's anything in this legislation that does expand the scope of the fund or if the member believes that if it's not in here, it should be here to make sure that this fund just doesn't keep growing immensely when we have victims of crime who are perhaps not getting adequately compensated. If she has thoughts on that, I'd be interested to hear them, Mr. Speaker.

Thank you.

**The Speaker:** The hon. member if you wish.

**Ms Notley:** Well, thank you, Mr. Speaker. Again, I'm just sort of doing a provisional review of the bill as it's going forward, but, you know, I think that the Member for Edmonton-Riverview raises two very good points. I think that from the perspective of the direct awards of payments to victims I'm concerned that what this may well result in doing is actually limiting the amount that is paid out through that particular mechanism, as I said, through what I was describing before, by imposing this limitation period and also potentially creating a bureaucratic pathway that will just leave people with so much frustration, they just walk away from it.

My understanding – again, I certainly do stand to be corrected – is that this in theory opens the door for more organizations to become eligible to receive funding out of this growing fund, and in that sense I think that would be a good thing. Obviously, it makes no sense to have this fund simply accrue value and not be paid out

to those very important organizations throughout our community, all of which are struggling horrendously to provide the services that are so important to Albertans.

I'm not sure what the current statistics are, but I certainly know that within the last five years we've been at one point or another identified as having the highest rate of domestic violence in the country. I know that we also, at times anyway, have been identified as having the lowest per capita funding for support to victims of domestic violence, and we know that that is a primary area that remains unaddressed. As a result, it would certainly be much appreciated, I think, by all Albertans if we can find a mechanism to improve distribution of these kinds of funds, particularly to those areas and to those service providers who work so hard.

Then, of course, as I said before, we had I think the Member for Calgary-Varsity talking about a young child in care. I can't remember the particulars of it, so actually I probably shouldn't refer to that because that's probably not the indications of what happened to that child.

I do know that we have a lot of kids in care who are themselves victims of crime. That's why they're in care. The services that we are able to provide to those victims, particularly when they are in the range of 12 to 18, are sorely, sorely lacking in this province. We have way too many kids who are not able to find any kind of secure home or any sort of consistent level of support. They're on the street, and they're bouncing from place to place to place. What we need is more support for services that provide the kind of assistance to those kids because so often they are themselves the victims of crime.

**The Speaker:** Alas, hon. member, the time has elapsed.

Additional speakers?

Shall I call on the hon. Solicitor General and Minister of Public Security to close the debate?

**Mr. Oberle:** I'll call the question, Mr. Speaker.

[Motion carried; Bill 15 read a second time]

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

**Mr. Hancock:** Thank you, Mr. Speaker. Given the hour and the weather I would move that we call it 4:30 and adjourn until 1:30 p.m. on Monday the 18th.

[Motion carried; the Assembly adjourned at 4:20 p.m. to Monday at 1:30 p.m.]

## **Bill Status Report for the 27th Legislature - 4th Session (2011)**

**Activity to April 14, 2011**

The Bill sponsor's name is in brackets following the Bill title. If it is a money Bill, (\$) will appear between the title and the sponsor's name. Numbers following each Reading refer to Hansard pages where the text of debates is found; dates for each Reading are in brackets following the page numbers. Bills numbered 200 or higher are Private Members' Public Bills. Bills with lower numbers are Government Bills. Bills numbered Pr1, etc., are Private Bills.

\*An asterisk beside a Bill number indicates an amendment was passed to that Bill; the Committee line shows the precise date of the amendment.

The date a Bill comes into force is indicated in square brackets after the date of Royal Assent. If it comes into force "on proclamation," "with exceptions," or "on various dates," please contact Legislative Counsel for details at (780) 427-2217. The chapter number assigned to the Bill is entered immediately following the date the Bill comes into force. SA indicates Statutes of Alberta; this is followed by the year in which it is included in the statutes, and its chapter number. Please note, Private Bills are not assigned a chapter number until the conclusion of the fall sittings.

### **1 Asia Advisory Council Act (Stelmach)**

First Reading -- 6 (Feb. 22 aft., passed)

Second Reading -- 132-33 (Mar. 1 aft.), 189-95 (Mar. 3 aft.), 553-62 (Mar. 24 aft.), 618 (Apr. 12 aft., passed)

### **2 Protection Against Family Violence Amendment Act, 2011 (Brown)**

First Reading -- 18 (Feb. 23 aft., passed)

Second Reading -- 133-34 (Mar. 1 aft.), 380-82 (Mar. 15 aft., passed)

Committee of the Whole -- 408-16 (Mar. 16 aft., passed)

Third Reading -- 438-39 (Mar. 17 aft., passed)

Royal Assent -- (Mar. 18 outside of House sitting) [Comes into force on proclamation; SA 2011 c4]

### **3 Engineering, Geological and Geophysical Professions Amendment Act, 2011 (Rogers)**

First Reading -- 18 (Feb. 23 aft., passed)

Second Reading -- 134-35 (Mar. 1 aft.), 313-14 (Mar. 10 aft.), 382-83 (Mar. 15 aft., passed)

Committee of the Whole -- 416 (Mar. 16 aft., passed)

Third Reading -- 439-40 (Mar. 17 aft., passed)

Royal Assent -- (Mar. 18 outside of House sitting) [Comes into force on proclamation; SA 2011 c3]

### **4 Securities Amendment Act, 2011 (Brown)**

First Reading -- 18 (Feb. 23 aft., passed)

Second Reading -- 135 (Mar. 1 aft.), 383-84 (Mar. 15 aft.), 416-17 (Mar. 16 aft.), 440-41 (Mar. 17 aft.), 618 (Apr. 12 aft., passed)

### **5 Notice to the Attorney General Act (Rogers)**

First Reading -- 18-19 (Feb. 23 aft., passed)

Second Reading -- 136 (Mar. 1 aft.), 618 (Apr. 12 aft., passed)

### **6 Rules of Court Statutes Amendment Act, 2011 (Olson)**

First Reading -- 19 (Feb. 23 aft., passed)

Second Reading -- 136 (Mar. 1 aft.), 618 (Apr. 12 aft., passed)

### **7 Corrections Amendment Act, 2011 (Oberle)**

First Reading -- 73 (Feb. 28 aft., passed)

Second Reading -- 137 (Mar. 1 aft.), 618 (Apr. 12 aft., passed)

### **8 Missing Persons Act (VanderBurg)**

First Reading -- 73 (Feb. 28 aft., passed)

Second Reading -- 137 (Mar. 1 aft.), 618 (Apr. 12 aft., passed)

### **9 Appropriation (Supplementary Supply) Act, 2011 (\$) (Snelgrove)**

First Reading -- 113 (Mar. 1 aft., passed)

Second Reading -- 185-86 (Mar. 3 aft., passed)

Committee of the Whole -- 244-47 (Mar. 8 aft.), 254-57 (Mar. 8 aft., passed)

Third Reading -- 305-08 (Mar. 10 aft., passed)

Royal Assent -- (Mar. 14 outside of House sitting) [Comes into force March 14, 2011; SA 2011 c1]

- 10 Alberta Land Stewardship Amendment Act, 2011 (\$) (Knight)**  
First Reading -- 122 (Mar. 1 aft., passed)  
Second Reading -- 247-54 (Mar. 8 aft.), 257-58 (Mar. 8 aft.), 618 (Apr. 12 aft., passed)
- 11 Livestock Industry Diversification Amendment Act, 2011 (Prins)**  
First Reading -- 208 (Mar. 7 aft., passed)  
Second Reading -- 313 (Mar. 10 aft.), 552-53 (Mar. 24 aft.), 618-27 (Apr. 12 aft.), 661-62 (Apr. 13 aft., adjourned)
- 12 Alberta Investment Management Corporation Amendment Act, 2011 (Dallas)**  
First Reading -- 208 (Mar. 7 aft., passed)  
Second Reading -- 364-65 (Mar. 15 aft.), 675-79 (Apr. 14 aft., passed)
- 13 Appropriation (Interim Supply) Act, 2011 (\$) (Snelgrove)**  
First Reading -- 328 (Mar. 14 aft., passed)  
Second Reading -- 365-67 (Mar. 15 aft., passed)  
Committee of the Whole -- 403-08 (Mar. 16 aft., passed)  
Third Reading -- 432-38 (Mar. 17 aft., passed)  
Royal Assent -- (Mar. 18 outside of House sitting) [Comes into force March 18, 2011; SA 2011; c2]
- 14 Wills and Succession Amendment Act, 2011 (Drysdale)**  
First Reading -- 328 (Mar. 14 aft., passed)  
Second Reading -- 365 (Mar. 15 aft.), 679-680 (Apr. 14 aft., passed)
- 15 Victims of Crime Amendment Act, 2011 (Oberle)**  
First Reading -- 329 (Mar. 14 aft., passed)  
Second Reading -- 363-64 (Mar. 15 aft.), 680-684 (Apr. 14 aft., passed)
- 16 Energy Statutes Amendment Act, 2011 (McQueen)**  
First Reading -- 482 (Mar. 22 aft.)  
Second Reading -- 552 (Mar. 24 aft., adjourned)
- 201\* Health Insurance Premiums (Health Card Donor Declaration) Amendment Act, 2011 (Sandhu)**  
First Reading -- 55 (Feb. 24 aft., passed)  
Second Reading -- 73-86 (Feb. 28 aft., passed)  
Committee of the Whole -- 464-68 (Mar. 21 aft.), 579-88 (Apr. 11 aft., passed with amendments)
- 202 Legislative Assembly (Transition Allowance) Amendment Act, 2011 (Anderson)**  
First Reading -- 55 (Feb. 24 aft., passed)  
Second Reading -- 209-24 (Mar. 7 aft., defeated on division)
- 203 Alberta Get Outdoors Weekend Act (Rodney)**  
First Reading -- 152 (Mar. 2 aft., passed)  
Second Reading -- 588-89 (Apr. 11 aft., adjourned)
- 204 Justice System Monitoring Act (Forsyth)**  
First Reading -- 304 (Mar. 10 aft., passed)
- 205 Municipal Government (Delayed Construction) Amendment Act, 2011 (Taylor)**  
First Reading -- 362 (Mar. 15 aft., passed)
- Pr1 Alberta Association of Municipal Districts and Counties Amendment Act, 2011 (Rogers)**  
First Reading -- 550 (Mar. 24 aft., passed)
- Pr2 Galt Scholarship Fund Transfer Act (Pastoor)**  
First Reading -- 507 (Mar. 23 aft., passed)
- Pr3 Auburn Bay Residents Association Tax Exemption Act (Johnston)**  
First Reading -- 515 (Mar. 23 aft., passed)
- Pr4 Cranston Residents Association Tax Exemption Act (Johnston)**  
First Reading -- 516 (Mar. 23 aft., passed)
- Pr5 New Brighton Residents Association Tax Exemption Act (Johnston)**  
First Reading -- 516 (Mar. 23 aft., passed)

**Pr6 Tuscany Residents Association Tax Exemption Act (Johnston)**

First Reading -- 516 (Mar. 23 aft., passed)

**Pr7 Hull Child and Family Services Amendment Act, 2011 (Rodney)**

First Reading -- 516 (Mar. 23 aft., passed)



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