



Province of Alberta

The 27th Legislature  
Fourth Session

# Alberta Hansard

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Issue 41

The Honourable Kenneth R. Kowalski, Speaker

# Legislative Assembly of Alberta

## The 27th Legislature

Fourth Session

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Alberta Liberal: 8

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## Legislative Assembly of Alberta

1:30 p.m.

Monday, November 28, 2011

[The Speaker in the chair]

### Prayers

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

On this day, as our work in this Legislature continues, let each of us pray for those whom we remember who died and those who had the courage to stand up to their oppressors during the Ukrainian famine and genocide, the Holodomor. We resolve to comfort the families, friends, and communities who have keenly felt the loss of loved ones through these acts of violence and the disregard for the sanctity of that which is most precious, life. Amen.

Hon. members, ladies and gentlemen, boys and girls, we'll be led today in the singing of our national anthem by Mr. Paul Lorieau, who is in the Speaker's gallery. I'd invite all to participate in the language of one's choice.

#### Hon. Members:

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

**The Speaker:** Please be seated.

### Introduction of Visitors

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

**Mr. Johnson:** Thank you, Mr. Speaker. It's a privilege to rise and introduce to you and through you two gentlemen in the Speaker's gallery: Mr. Peter Bidlock, along with another good friend of ours, Mr. Mike Cardinal, someone who is no stranger to this Assembly. As we all know, Mike served as an MLA for 19 years representing the constituencies of Athabasca-Lac La Biche, Athabasca-Wabasca, and Athabasca-Redwater, the constituency that I now serve. Mike held five cabinet posts during his time in elected office and was Alberta's first-ever First Nations cabinet minister. He is a true pillar of his community and certainly has left me with big shoes to fill.

Peter Bidlock is a member of the Strategic Tourism Marketing Council of Alberta and the owner of four hotels in the Edmonton area. He's an active member of his community and the province and has served as director of the Edmonton airport authority, chair of the Royal Alexandra Hospital Foundation, director of the Alberta Hotel & Lodging Association, and in many other roles. I would ask both of these gentlemen to please rise as we give them the traditional warm welcome of this Assembly.

**The Speaker:** The hon. Leader of the Official Opposition.

**Dr. Sherman:** Thank you, Mr. Speaker. I'd like to start three introductions today by introducing to you and through you to all members of this Assembly someone who should be familiar to many of us here, a former colleague and, we hope, someone who will serve us again. Weslyn Mather was the Alberta Liberal MLA for Edmonton-Mill Woods from 2004 to 2008 and a lifelong edu-

cator. Before entering politics, she was vice-principal at J. Percy Page high school in Mill Woods. She is here today with a group of seniors to help them voice their health care concerns to all members of this Assembly and to all Albertans. She is seated in the Speaker's gallery, and I would ask her to accept the traditional warm welcome of the Assembly.

I would also like to introduce to you and through you to all members of this Assembly some guests that are very close to my heart. In fact, they will be very close to all of our hearts once they graduate. Twenty-one years ago I graduated from the U of A medical school, and today the next generation of bright, young doctors is here to meet with us and with many members of the House. They are the future of medicine, and after meeting them this morning and listening to their concerns, I'm confident in their ability to care for all Albertans and seniors, like the ones here today, once our generation retires. They are seated in the members' gallery, and I would ask them to rise and receive the warm welcome of the Assembly as I read their names: Sheehan Chowdhury, Mila Luchak, Kevin Zuo, Max Buchko, Sarah Stonehocker, Haitham Kharrat, Amirali Surmwala, Amandy Cheung, Charley Switzer, Stephanie Lim, and Roshan Abraham.

Finally, Mr. Speaker, those seniors I spoke of. We have 10 members of a large group of Edmonton seniors concerned about health care. They're here to advocate for better health care and better care for our seniors. These seniors want to make sure that they are looked after. I ask the seniors from Mill Woods to rise and receive the traditional warm welcome of the Assembly.

### Introduction of Guests

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

**Mr. Zwozdesky:** Thank you very much, Mr. Speaker. It's indeed a great honour for me today to introduce to you and through you to all members of the House some truly extraordinary guests who are here to help all of us commemorate the third anniversary of the Ukrainian Famine and Genocide (Holodomor) Memorial Day Act. As noted during the special commemoration that you hosted today in our rotunda, which was attended by members from all parties of this House, this particular famine and genocide is one of the worst tragedies of modern times.

I would ask these guests to rise as I call their names individually and to please remain standing until all have been introduced, and then we can salute and thank them with our accolades. I'll begin with Mr. Roman Krutsyk, a visitor from Kyiv, who is head of the Kyiv Memorial Society in Ukraine and director of the Museum of Soviet Occupation of Ukraine; Mr. Jaroslaw Szewczuk, president of the League of Ukrainian Canadians; Mr. Petro Dackiw, vice-president of the League of Ukrainian Canadians, and his wife, Motria Dackiw; Ms Luba Feduschak, president of the Ukrainian Canadian Congress, Edmonton branch; Mr. Steve Romaniuk, vice-president of the Ukrainian Canadian Congress, Edmonton branch, and his wife, Maria Romaniuk. I would also like to thank Ilia Simcisin and that wonderful crowd who provided the memorial borscht and bread in commemoration of this event. Hon. members, please welcome these special guests we have with us today.

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

**Mr. Horne:** Thank you very much, Mr. Speaker. It's indeed a pleasure to rise today and introduce to you and through to all members of this Assembly a group of 37 students and their teacher

and an accompanying parent from St. Stanislaus school in my constituency of Edmonton-Rutherford. These students are here this week participating in School at the Legislature. St. Stanislaus is a French immersion school. I'm very proud to have them all here this afternoon. I'd ask them to please rise and receive the traditional warm welcome of our Assembly.

Thank you.

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

**Mr. Lukaszuk:** Well, thank you, Mr. Speaker. With us today in the Assembly are some 30 students, parents, and teachers from St. Timothy school. They are in grade 6. As you know, as per the Alberta curriculum they are studying democracy and government right now in their classrooms, so coming to the Legislature is definitely a treat for them. Those fine students are accompanied by parents and teachers, and they are Mrs. Leana Perri, Miss Laura Hebert, and Miss Elaine Wu. I would ask them all to stand and receive our traditional welcome.

Thank you.

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

1:40

**Mr. Anderson:** Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of this Assembly 58 students from one of the greatest schools out there, George McDougall high school in Airdrie. It just so happens to be the same school that I spent some time in during my younger, more colourful years. With them today are some teachers and parents, including a former classmate of mine, who was a very good example. I didn't follow that very much, unfortunately. It's Mrs. Devon Sawby and Mrs. Stephanie Fitzgerald as well as Ms Bijal Dattani. Their parents helpers today are Mrs. Deb Bachand and Mr. Drew Siewert. They made the trek up those dangerous roads all the way from Airdrie to here, so I hope we can give them a warm welcome from the Assembly.

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

**Mr. Weadick:** Well, thank you, Mr. Speaker. It's an incredible honour today to introduce to you and through you to all members of this Assembly an accomplished team of student researchers from the University of Lethbridge. These students are from the International Genetically Engineered Machine, or iGEM, competition, as it's referred to. I'd like them to rise as I introduce them. We have the VP academic and provost, Andy Hakin. We have the U of L chancellor, Shirley McClellan. We have the student supervisor, Hans-Joachim Wieden. We have student researchers Issac Ward, Justin Vigar, Jennifer Hill, Ryan Pederson, Boris Lam, Dipankar Goyal, Harland Brandon, Sutherland Dube, Dominic Mudiayi, and Dustin Smith. I would ask that they receive the warm welcome of this Assembly.

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

**Mrs. Sarich:** Thank you, Mr. Speaker. It's indeed an honour and a privilege to rise today to introduce to you and through you to all Members of the Legislative Assembly eight individuals representing Catholic Social Services, here in recognition of their organization's 50th anniversary. I would ask the guests, that are seated in the public gallery, to rise as I mention their names: Mr. Peter Murray, the chairman of the board; Mr. Chris Leung, the chief executive officer; board members Gloria McKee, Muriel

Dunnigan, Esmeralda Agbulos, and Donna Farrell; and two long-time staff members: Mr. Marc Barylo, senior manager, and Father Brian Jayawardhana, the chaplain. I would ask that the Assembly please give them the traditional warm welcome.

Thank you.

## Members' Statements

**The Speaker:** The hon. Member for Bonnyville-Cold Lake.

### Holodomor Memorial Day

**Mrs. Leskiw:** Thank you, Mr. Speaker. [Remarks in Ukrainian] As a proud Albertan of Ukrainian heritage it is truly an honour for me to rise today to recognize the third anniversary of Bill 37, Ukrainian Famine and Genocide (Holodomor) Memorial Day Act, as introduced by my good friend and colleague from Edmonton-Mill Creek.

The Holodomor was a tragic event in Ukrainian history that occurred between the years 1932 and 1933. It was a horrific man-made famine that resulted in the death of approximately 6 million to 10 million people due to a forced starvation by the Soviet regime of the day. The Holodomor was a crime against the people of Ukraine that must never be repeated or forgotten, and it's important now more than ever that we continue to preserve the memory of those afflicted by those atrocious acts. We must also honour the determination of those who survived and their ability to recover after such tragedy.

Mr. Speaker, I believe in the importance of tying together Ukraine's past with its future. The Holodomor act seeks to do this by honouring the memory of those fallen victim to this cruel act of genocide by proclaiming that every fourth Saturday in November will be a day of remembrance for Albertans. This day helps to memorialize the victims of Holodomor and to preserve the legacy of its survivors for the more than 300,000 Ukrainian descendants living here in Alberta.

I know that the Holodomor act is very meaningful to all the members of the Assembly, and I'm so proud to be part of this very same government that passed the act three short years ago. May eternal memory be upon them. [Remarks in Ukrainian] Never again.

**The Speaker:** The hon. Leader of the Official Opposition.

### Physician Supply in Rural Alberta

**Dr. Sherman:** Thank you, Mr. Speaker. This morning I had the privilege of meeting with a dynamic group of Alberta medical students. These gifted young men and women represent the future of our health care system and our province. I was glad to have the opportunity to listen to their concerns, along with many other MLA colleagues here, and their hopes for health care in this province.

We discussed several important issues, including accessibility, not just for patients but students themselves, especially rural students. Here's what I mean. Think about the state of health care in rural Alberta. Citizens have a right to accessible quality health care, whether they live in a big city or a tiny hamlet, but right now rural Albertans often have to travel hundreds of kilometres to access important medical services.

What we need to do is start by training family doctors, nurses, paramedics, and all other health professionals right in rural Alberta: in Grande Prairie, Medicine Hat, Fort McMurray, Fort

Macleod, Camrose, you name it. We need to make this education affordable, and right now our faculties of medicine are filled. Well, Mr. Speaker, frankly, they're filled with a lot of rich kids from the big cities. Everyone with the brains and the talent and the drive should have the opportunity to attend postsecondary education, yes, even medical school, and serve the public in the health care field.

Just as patients don't always have access to our crowded system, many future fine doctors and nurses don't have access to an education. Unfortunately, there are high barriers stopping kids from reaching their full potential: high tuition fees, long distances away from home, high costs of living. We need a comprehensive strategy to lower these barriers. Young rural Albertans need opportunities. Rural Alberta needs family doctors and nurses and other health professionals. It's our collective responsibility to commit to fixing the public health care system by training Alberta kids in Alberta, especially rural Alberta.

Thank you, Mr. Speaker.

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

#### University of Lethbridge IGEM Award

**Ms Pastoor:** Thank you, Mr. Speaker. It is with great pride that I share with you today the exceptional accomplishments of a team of undergraduate students from the University of Lethbridge. At the recent International Genetically Engineered Machine, or IGEM, world jamboree held at the Massachusetts Institute of Technology near Boston the U of L proved to be the best team from Canada and made it to the sweet 16 round from a field of 66 international entries.

IGEM is the world's foremost undergraduate synthetic biology competition. Essentially, Mr. Speaker, organizers provide teams with a list of parts and ask them to design and build an entirely new genetic machine. The U of L team researched and developed a petrochemical-eating bacteria that can be used to help clean water in the oil sands tailings ponds. Their work has attracted support from several organizations, including the Oil Sands Leadership Initiative. Considering they were in competition with teams from such prestigious institutions as MIT, Harvard, Imperial College London, Tokyo Tech, and Zhejiang University in China, the U of L team certainly proved that they can hold their own with the best students and bioengineers that the world has to offer.

I would also recognize the University of Calgary's IGEM team, whose project won the best environmental project award.

Mr. Speaker, I believe these results illustrate clearly how the undergraduate experience is enriched when students have the opportunity to work with world-class researchers like Dr. H.J. Wieden, who supervised the U of L's impressive group. These results are also indicative of Alberta's postsecondary system.

Once again, Mr. Speaker, congratulations to the students on a remarkable result.

1:50

#### Oral Question Period

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

#### Long-term Care for Seniors

**Dr. Sherman:** Thank you, Mr. Speaker. This government's assault on our seniors began in 2008 by cutting public long-term care beds, privatizing the delivery of home care and long-term

care, and nickelling and diming our seniors with fees to make up for a growing list of delisted services. The Premier said that allowing industry to meet seniors' needs will create more jobs, quote, unquote. The only extra jobs will be for bankers to count the profits off the backs of our seniors. To the Minister of Seniors: why is this government turning our seniors into commodities to be sold on the market to the highest bidder?

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

**Mr. VanderBurg:** Well, thank you, Mr. Speaker, and thank you for that question. You know, I totally disagree with the member's comments. The aging policy framework, that I was very much involved with, dealt with the demographic change and where this new department is going with the Department of Seniors. There is nothing of more importance than the seniors for me as a new minister. I will make this commitment to you and to everybody here that seniors are not a commodity. They are a very important piece of this province, and they'll be treated that way.

**Dr. Sherman:** Mr. Speaker, I wish that were true. In fact, standing up for the seniors is what got me chucked out.

Given that the previous and current Premiers promised to add 1,000 new continuing care beds to the system without mentioning if any of them would be publicly delivered, to the minister of health: what are your marching orders from this Premier, and exactly how many of those beds will be both 100 per cent publicly funded and 100 per cent publicly delivered?

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

**Mr. Horne:** Well, thank you very much, Mr. Speaker. It is, in fact, the position of this government that we are working to offer a range of housing options for seniors across Alberta and, for those seniors who need health care, to offer a health care component that allows those seniors to age and to be served in place.

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

**Dr. Sherman:** Thank you, Mr. Speaker. Given that the only options are a range of private, for-profit options and given that the Premier has made a promise to increase funding to home care, which has also been overly privatized, to the Minister of Finance – yeah, you over there – how much more money will go into public home-care delivery, or is it all earmarked for private contracts and your PC privatization buddies?

**Mr. Liepert:** Well, Mr. Speaker, this member knows very well that that will be part of the budget that will be delivered in the new year.

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

**Dr. Sherman:** Thank you, Mr. Speaker. The Premier's maiden speech shows that this government has no clue how to fix public health care. It doesn't see the link between jammed emergency departments and ideological starvation of public home care and public long-term care. Now couples who can't afford private facilities face involuntary separation or abandonment in the hospital emergency departments. To the Minister of Finance: will you end this government's betrayal of our respected seniors and the values that Alberta was founded on and invest more in the public delivery of health care services to our seniors?

**Mr. Liepert:** Well, Mr. Speaker, I'm not sure where this member has been. This government supports seniors better than any other government in the country of Canada, and this minister here will ensure that that continues to happen.

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

**Dr. Sherman:** Thank you, Mr. Speaker. I know exactly where I've been. I was on the wrong side.

Given that the Premier plans to open Pandora's box by lifting the seniors' housing cap and allowing private operators to charge whatever they can get away with, will the Minister of Seniors, please – will you, please – show some mercy to middle- and lower middle-income seniors, who will be priced out of the market by the Premier's decision, and please reverse this ill-advised plan?

**Mr. VanderBurg:** Well, Mr. Speaker, I want to make sure that all people on the programs that we have today know that low-income seniors will always be guaranteed the support of this government. I was just looking at a list of recent announcements. Banff, Beaumont, Black Diamond, Calgary, Camrose, Claresholm, Edmonton, Leduc, Red Deer, Rocky View, Spruce Grove, St. Albert, Vegreville, Tofield: we're building seniors' facilities, and the Premier has made a very strong commitment that . . .

**The Speaker:** The hon. leader. [interjection] The hon. leader, please. [interjection] Third time, the hon. leader.

**Dr. Sherman:** Thank you, Mr. Speaker. Given that Albertans are waiting for action and results, not announcements, and given that the Premier's misguided quota system creates a huge crowd of second-class citizens waiting in the breadline for affordable housing and home care and the line grows every single day, doesn't the Minister of Seniors see how wrong – how wrong – it is to leave so many of our seniors without any options that they can actually afford?

**Mr. VanderBurg:** Again, Mr. Speaker, let's not feel that the public sector is the only way to resolve this issue. The private sector does have an opportunity to play a great role in this. It's the outcome that I'm interested in – the outcome. Let's talk about some of these projects that will be completed in the next 12 months: Grande Prairie, Edmonton, Peace River, Strathmore.

Mr. Speaker, we are acting on our commitments.

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

### PC Party Benefit Plan Trust

**Mr. MacDonald:** Thank you. My first question is to the Minister of Justice, who is responsible for the Election Finances and Contributions Disclosure Act. Under that act are the contributions to the benefit plan trust for the former Premier eligible for tax receipts? You don't shake your head. Let him answer the question.

**Mr. Olson:** Mr. Speaker, the short answer to that question is: as I stand here right now, I don't know the answer to the question, but I'll get it.

**Mr. MacDonald:** You should.

Again to the same Minister of Justice: what is the value of the benefit plan trust of the former Premier, which is outlined on page 2 of the Premier's public disclosure statement, made pursuant, Mr. Speaker, to the Conflicts of Interest Act, an act under your authority and one which you tabled in this Assembly last week.

**Mr. Olson:** Mr. Speaker, that's information that I don't have top of mind. I'll undertake to provide the information to him.

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

**Mr. MacDonald:** Thank you. Again to the Minister of Justice: why is it necessary to have a benefit plan trust for the former Premier and the former leader of the Progressive Conservative Association of Alberta when in 2008 we all received such large substantial pay increases?

**Mr. Olson:** Same answer again, Mr. Speaker.

### North West Upgrader

**Mr. Anderson:** Mr. Speaker, last week it was reported that this PC government had guaranteed \$3 billion of taxpayers' money over 30 years to the company North West Upgrading Inc. In fact, a spokesperson for Alberta Energy said that if the North West upgrader should get built and then fail to stop processing bitumen for the government, Alberta taxpayers would still have to pay the costs of building the upgrader. To the Energy minister: this sounds an awful lot like a taxpayer-backed loan guarantee to a private business venture; is this accurate?

**Dr. Morton:** Mr. Speaker, the opposition parties are always sitting over there saying: when are we going to do more upgrading in Alberta? Right? So we've undertaken a venture with North West based on a sharing of both risk and opportunity. Are there some risks on the government's side? Yes, but there's risk on the private-sector side, too. It's a variation on the P3. If the opposition parties want to see more upgrading done in Alberta, they'd better be prepared for that type of balance of risk and opportunity.

**Mr. Anderson:** I didn't know that the Alberta government was back in the business of being in business, Minister.

Minister, given this deal's obvious risk to taxpayers as well as the uncomfortable questions that arise when government funds a private company in this manner, will you immediately release to the public the signed contract between your government and North West Upgrading so that we can verify whether this is, indeed, as you say, a good deal for Alberta taxpayers or whether this is simply corporate welfare gone mad?

**Dr. Morton:** Mr. Speaker, maybe the hon. Member for Airdrie-Chestermere should tell the people of Alberta whether he thinks the government of Alberta made a big mistake back in the 1970s when it took a similar investment to get the oil sands started. We have a long history of co-operation and partnership to get ventures like this up and going. As far as the contract goes, there is a lot of information. All of the fundamental facts of the deal are on the website now. Some of the finer detail will be released as the deal goes public.

**Mr. Anderson:** Let me restate what you are saying so that you can confirm it for all Albertans. Are you saying, Minister, that your government has guaranteed \$3 billion to a private company, which has been lobbying PC MLAs for years, including while I was still in that caucus, and that taxpayers have to pay that \$3 billion even in the upgrader goes belly up, and you're now telling the people of Alberta, you know, the ones that are paying for this whole venture, that they can't be shown the contract because it has to be kept secret? Are you serious, Minister?

2:00

**Dr. Morton:** Mr. Speaker, obviously, I'm not saying that at all. Again I repeat: it's a combination of sharing risk and opportunity. I would think somebody who has legal training such as the hon. member knows that these types of take-or-pay contracts are absolutely normal in a large capital project where the investors have to be assured of the fact that the product that will be upgraded continues over a 30-year period.

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

#### **Long-term Care for Seniors**

*(continued)*

**Mr. Mason:** Thank you very much, Mr. Speaker. This government's proposal to lift the \$40-a-day cap on long-term care fees will expose seniors and their families to gouging by the private sector. In one private facility in Alberta, photos of which I will later table, two elderly women share a small room and a bathroom with two more. Each senior pays close to \$3,000 a month for this tiny, tiny space. The question is to the Deputy Premier. Will he today rule out lifting the cap on long-term care fees, and if not, why not?

**Mr. Horner:** Mr. Speaker, I'll ask the minister to supplement, but I can tell you this. This Premier is dedicated to not only all of our seniors but to making sure that our seniors can age in place together as couples, that they can get the health care they need in the proper facility at the right order of time and in the right delivery method, where they want to be. That's what the thousand units are all about. That's what this Premier is all about.

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

**Mr. Mason:** Thank you, Mr. Speaker. Well, given that this Premier's plan is to deliver long-term care facilities by the private sector, will the Deputy Premier admit that lifting the cap on accommodation is necessary in order to allow private operators to make a profit at the expense of seniors who are struggling to make ends meet?

**Mr. Horner:** Well, Mr. Speaker, as the minister stated earlier, what we want are outcomes. We want quality care. We want good, safe places for seniors to live with dignity and respect. What we want is to change the way that we've been doing things so that we can accommodate seniors across this province. That's what we want.

**Mr. Mason:** Mr. Speaker, given that this Premier and her government's privatization agenda for long-term care facilities is one that will continue to force the elderly and their families to shoulder growing financial burden in order to benefit the government's wealthy friends, will the Deputy Premier rule out raising the cap on long-term care fees today?

**Mr. Horner:** Mr. Speaker, I'll say it again. What we're after is the outcome. I'll have the Minister of Seniors talk about what that outcome is going to look like for Alberta seniors.

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

**Mr. VanderBurg:** Thank you, Mr. Speaker. Let's get it straight. Whether you're a foundation, whether you're the Good Sam Society, whether you're a private operator, whether you're the

government of Alberta, these all play an important role in providing housing options for seniors. There is no discussion that we're going to abandon our low-income seniors. There's a policy today where we leave so many dollars in your pocket. We're not changing that.

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

#### **Political Party Financial Benefits**

**Dr. Taft:** Thanks, Mr. Speaker. My questions are to the Minister of Justice. Will the minister bring forward amendments to the Election Finances and Contributions Disclosure Act to require registered political parties to disclose the exact value of any special allowances, reimbursements, financial trusts, or any other financial benefits granted by them to their leaders and sitting MLAs?

**Mr. Olson:** Mr. Speaker, I sense a bit of a theme here. I'm going to have to investigate this question. I'm being very honest with the member when I say that I do not have the answer for him, and I'm going to have to investigate it.

**Dr. Taft:** Well, I sense a bit of a theme in these non-answers, Mr. Speaker. We'll try again. Does the Minister of Justice admit that these kinds of special allowances and so on could easily become an end run to legislative safeguards that require full disclosure and protect against conflicts of interest?

**Mr. Olson:** Mr. Speaker, I'm not sure what the member is after here, but I will say that either of these members could have easily given me a call, talked to me. I could've prepared myself for this discussion. I would have been happy to have it with them.

**Dr. Taft:** Again to the same minister. Maybe we'll return tomorrow and get full answers from him. In the interest of open and accountable government does the Minister of Justice agree that the public has a right to know who is providing what financial benefits to their Premier and other elected officials?

**Mr. Olson:** Mr. Speaker, there is already disclosure made, and if the member wants to discuss it further with me, I'd be more than happy to meet with him.

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

#### **Calgary Windstorm**

**Mr. Johnston:** Thank you, Mr. Speaker. My questions are all for the Minister of Municipal Affairs. Yesterday high winds of up to 149 kilometres per hour caused significant damage to downtown Calgary office towers and caused access to downtown to be closed by city emergency management staff. Do you think the city made the right decision to close access to downtown?

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

**Mr. Griffiths:** Thank you, Mr. Speaker. I know that I've had some media ask me about this, too. We never question the work that local emergency officials do. It's their decision to make. They manage the situation. The province is there through the Alberta Emergency Management Agency to help in co-ordinating services and that. The local staff did an exceptional job of making sure that nobody was hurt, and we're very thankful that no one in that situation was very seriously hurt.

**Mr. Johnston:** My first supplemental: what support did the government of Alberta provide to the city yesterday?

**Mr. Griffiths:** As I started to lay out, Mr. Speaker, it was about 1 o'clock yesterday when local emergency officials stated that they were going to activate their emergency operations. At about 2 o'clock they accessed the Alberta emergency alert, which is a service provided by the Alberta Emergency Management Agency, to send out a notice that we were in an emergency situation. We also sent our management field officers out to several locations to help with co-ordinating the events. Lastly, we used the Alberta Emergency Management Agency to co-ordinate with the Department of National Defence.

**Mr. Johnston:** My final question. These emergency events can be costly. What support can the city of Calgary expect for yesterday's windstorm?

**Mr. Griffiths:** Well, Mr. Speaker, the province of Alberta runs disaster recovery plans, and they come into effect when there is a widespread disaster for a unique circumstance against uninsurable items. Now, the city is focused right now on its cleanup, which it should be, but when it comes to a full assessment, they can make an application to the province. We do typically on a DRP, if it's a widespread event and it meets all the criteria, cover the operational emergency costs for that municipality.

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

### Seniors' Benefit Program

**Mr. Chase:** Thank you, Mr. Speaker. In her opening speech to this House on October 24 the Premier promised: "Couples that have loved and depended on each other for decades will no longer be split up." Yet reports have emerged of at least three senior couples in Medicine Hat driven to divorce in order to qualify for the Alberta seniors' benefits they need to pay for long-term care. To the Minister of Seniors: is this just another in a string of broken promises?

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

**Mr. VanderBurg:** Thank you, Mr. Speaker. Let me get this straight. Involuntary separation is not divorce. Whoever thinks of that as divorce and whoever thinks that this department would make anybody legally separate is foolish.

**Mr. Chase:** I suppose, Mr. Speaker, that involuntary separation is acceptable.

Given that the removal of the daily accommodation fee cap will only increase costs further, what does the minister have to say to lower income seniors driven to take such desperate measures in order to pay for long-term care: don't worry, it's involuntary?

**Mr. VanderBurg:** Mr. Speaker, just to put some further clarification into this, if a senior couple is in the unfortunate circumstance where one partner has to go into long-term care and the other partner stays at home, just pick up the phone, call our department, and we'll make sure you have an income-splitting opportunity to maximize your benefits. No form required.

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

**Mr. Chase:** Thank you. Will the minister commit today to equalizing the eligibility criteria for married and unmarried recipients of the Alberta seniors' benefit?

**Mr. VanderBurg:** Again, I'll say it slower. All you have to do is pick up the phone, let me know, let our department know. We'll make sure that you can split your income halfway down the middle, that you both get maximum benefit on the seniors' benefit plan. It has been working fine. Our department has been doing this for years. People don't have trouble with it. Involuntary separation is a federal incentive to maximize the guaranteed income supplement and the old age security. We don't require a form. We don't require anything. Just notify us.

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

### 2:10 Community Spirit Program

**Mr. Rodney:** Thank you, Mr. Speaker. There have been numerous reports lately regarding pressures on nonprofit organizations due to the sluggish economy. Representatives have been telling me for some time that their demands are growing and they have to stretch their limited funds further and further, but they are close to their limits. To the Minister of Culture and Community Services. Can she please tell us: how are these groups expected to meet their challenges with limited funds that are decreasing as days go by?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. We know there are challenges out there. We also know that Albertans are among the most generous donors to nonprofit and charitable organizations in Canada. We support Albertans by giving through the charitable tax credit, which is a community spirit program. Through the tax credit Albertans can receive a nonrefundable tax credit of 50 cents on every dollar they donate over \$200. Albertans should take advantage of this and donate to their favourite nonprofit group before December 31 this year.

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

**Mr. Rodney:** Thank you, Mr. Speaker. I do have only one supplemental for the minister. I'm wondering what proof she might have that the community spirit program is having any effect in communities across the province. What kind of specific numbers might she be able to share with the House and with Albertans?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. We know that many nonprofit groups have benefited from this program. Approximately \$52.9 million has been distributed to about 5,031 applicants in the past three years. For example, in the member's constituency there is a group that provides support for a learning environment for children with cancer and other serious illnesses, Jamie's preschool, which received \$50,000 from the community spirit program. So we know this is a very important program for Albertans.

**The Speaker:** The hon. Member for Calgary-Mountain View, followed by the hon. Member for Calgary-Shaw.

### **Inspection of Long-term Care Facilities**

**Dr. Swann:** Thank you very much, Mr. Speaker. In 2005 then Auditor General Fred Dunn found unsafe and degrading conditions in the province's long-term care facilities. Some centres used restraints without authorization. Half of the facilities visited did not ensure annual medical exams, and the majority were not following medication rules. To the minister of health: why has the minister not achieved consistent inspection and enforcement of basic service standards in the province's long-term facilities?

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

**Mr. Horne:** Thank you very much, Mr. Speaker. Well, in fact, the province has made great progress since the Auditor General's report in 2005. While we have worked to ensure the appropriate application of standards, we're currently doing some of what I think is very promising work to harmonize the inspection process, that often creates a burden on both patients and families, residents and families, and staff who operate these facilities.

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

**Dr. Swann:** Thank you, Mr. Speaker. Well, what proportion of institutions now have achieved the standards of inspection and enforcement?

**Mr. Horne:** Mr. Speaker, the inspections are carried out on a periodic basis, as the hon. member well knows. To my knowledge, all facilities in Alberta at this time are meeting the standards that are required, both for continuing care accommodation standards and continuing care health standards. Where there are deviations or where, more often, there are recommendations for improvement, I have every confidence those are being acted upon promptly and appropriately.

**Dr. Swann:** Well, Mr. Speaker, that's not consistent with the most recent Auditor General's report. Given the string of broken promises, what confidence can Alberta seniors have that they will be cared for appropriately?

**Mr. Horne:** Well, I don't know specifically which recommendation the hon. member is referring to. What I can tell you is that the last Auditor General's report expressed satisfactory progress in most cases on the recommendations upon which we had been asked to follow up. We are not satisfied, obviously, with only a satisfactory rating. There is room for improvement. In fact, Mr. Speaker, we're attempting to create a culture of continuous quality improvement.

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

### **Accessibility of Medical Education**

**Mrs. Ady:** Thank you, Mr. Speaker. As someone who's watching a hospital rise up in the south of Calgary, I eagerly await its opening this spring. I know one of the questions I get asked is: what about doctors? Today in the House we have several students from Alberta medical schools. They've been visiting with us as members, and they've talked to us about some of their concerns, one of them being a lack of diversity in our medical schools. It seems that medical schools in particular seem out of reach for students. My questions today are to the Minister of Advanced Education and Technology.

**The Speaker:** I think it's time for a question here.

**Mrs. Ady:** Why doesn't Alberta have specific financial supports?

**Mr. Weadick:** Well, thank you for that question. I am very pleased to see the medical students here visiting today. It's always great to get feedback from the students.

You know, we have strong supports for our students in this province. First off, the taxpayer does pick up a major portion of medical school costs, but beyond that, it does leave the students with a significant cost to attend school. So we have in place student loans with flexible payback available, and we also have bursaries in place for aboriginal students. We continue to meet with the students to look for other options.

**Mrs. Ady:** Mr. Speaker, what about our friends in rural Alberta? Are we doing things for them when it comes to doctors in rural Alberta communities?

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

**Mr. Weadick:** Thank you, Mr. Speaker. You know, it still is a challenge to attract doctors to rural settings. We are working to speed up the process to supply doctors into rural communities. We're increasing the number of doctors graduating. We're providing opportunities for rural clerkships and opportunities for students to get out and have an opportunity to sense what smaller communities are like to see if we can get more doctors to move into rural practices.

**Mrs. Ady:** Finally, Mr. Speaker, what that hospital also needs is medical professionals and nurses. Are we ensuring that we're going to have enough to fill these new hospital beds?

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

**Mr. Weadick:** Thank you. You know, it is important that we have all of the support staff, like practical nurses and nurses. We've expanded the programs across the province for nurses and for practical nurses. A good example is the new midwifery program at Mount Royal University, which this year had its first intake of midwives, with some of the positions protected for aboriginal midwives. This is a step forward within our medical system and will really provide an opportunity to enhance the training of these.

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

### **Grain Marketing**

**Ms Notley:** Thank you. This PC government showed their antidemocratic colours today when the agriculture minister put out a press release outlining his support for Harper's decision to slash the Canadian Wheat Board's single-desk selling power. Now the PCs are thumbing their nose at the 60 per cent of wheat farmers across the prairies who voted this summer to preserve the Canadian Wheat Board. To the Deputy Premier: why has this PC government, under a Premier who has yet to face the voters herself, arrogantly ignored what a majority of farmers say they need to run their operations?

**Mr. Horner:** Well, Mr. Speaker, as someone who actually created a value-added industry in agriculture in this province, specifically not in a board grain because of the Canadian Wheat Board, I feel somewhat qualified to answer this question. We have had a number of referendums where farmers and producers have responded to the question: do you want choice? This is about

choice. Alberta has been on the record for a number of years to provide producers with choice for their products. That's democratic.

**Ms Notley:** Well, Mr. Speaker, 60 per cent of farmers voted against it just three months ago. Given that family farmers are in the fight of their lives to keep their smaller operations afloat with heavy debts, high fuel prices, and corporate farms creeping in and given that the Wheat Board has for decades allowed the small family farmer to punch above their weight in massive international markets, why is this government abandoning family farmers in small communities in their fight for survival?

**Mr. Horner:** Well, Mr. Speaker, a lot of good advertising in there for the Canadian Wheat Board, suggesting that they are the sole reason why the family farm survives today. I would suggest to you that the sole reason the family farm survives today is because of the quality of the farmer on that farm. They know where they can sell their product, and we want to give them the choice to show it.

**Ms Notley:** Well, Mr. Speaker, given that those high-quality farmers need, for instance, short branch lines and producer cars and that those will be at risk when the Canadian Wheat Board loses its single-desk selling power and given that these measures help farmers, especially in remote communities, why won't the minister admit that his government's attack on the Canadian Wheat Board isn't about offering more choices but, rather, about selling small farmers out to grain corporations?

**Mr. Horner:** Well, Mr. Speaker, I would challenge the hon. member to have a discussion with me about how you work producer cars. As someone who used to sell grain through a producer car and arrange for those producer cars, I can actually tell you that giving the producers choice and giving private enterprise and some of the other smaller co-operatives an opportunity to sell on an international stage without going through the Wheat Board might just surprise the hon. member in that we're a little smarter than she thinks we are.

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

#### AIMCo CEO Personal Investments

**Dr. Taft:** Mr. Speaker, my questions are to the Minister of Finance. Earlier this month the Ontario Securities Commission issued what was described as a stunning warning about the operations of real estate in a wealth management company. The top executive at AIMCo has been involved in the centre of this controversy and what is apparently his personal investment. Is the minister concerned that the top official at AIMCo, which manages some \$70 billion in money for the Alberta government, is embroiled as a director of a company under an OSC investigation?

2:20

**Mr. Liepert:** Well, Mr. Speaker, there were a lot of inflammatory words in that question, like "embroiled" and "controversy" and all of those other things, to try and make a story out of this particular incident. I was informed by the CEO of AIMCo about this unfortunate situation and have had a chance to have a look at it. I think that everything, as far as I'm concerned, the information that I have, is perfectly fine.

**Dr. Taft:** To the same minister, then: what rules are in place to govern the personal investment activities of AIMCo managers so

that conflicts of interest with their public-sector investments and other problems such as lost credibility are avoided?

**Mr. Liepert:** Well, Mr. Speaker, again, in the question the member is talking about, he used the term "lost credibility." This particular organization is recognized in the short period of time that it's been in existence as one of the premier investment organizations in the country. I had an opportunity last week to meet with the board, and I can say that we've got an outstanding board and an outstanding CEO.

**Dr. Taft:** Well, Mr. Speaker, given that before working at AIMCo, this same official managed a \$35 billion public-sector fund in Australia that was caught in a scheme that lost \$500 million in an investment that was made, according to investigations, on the basis of a Google search and a sales pitch, what oversight does this government have in place to protect Albertans' investments in AIMCo?

**Mr. Liepert:** Well, first of all, Mr. Speaker, I will look into the googling that the member did to see whether, in fact, it has any substance or not, but the organization is one that, I said earlier, is recognized internationally, and to somehow leave the impression that a particular individual within this organization can be misappropriating Albertans' funds is – actually, it borders, Mr. Speaker, on what I would say is – I'll leave it at that.

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

#### Child Poverty

**Mr. Benito:** Thank you very much, Mr. Speaker. Alberta is one of just three provinces that does not have a specific child poverty reduction plan in place. My constituents in Edmonton-Mill Woods are concerned about this. My first question is to the Minister of Human Services. What, in particular, is your ministry doing currently or planning to do to reduce and ultimately eliminate child poverty in Alberta?

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

**Mr. Hancock:** Thank you, Mr. Speaker. There are, really, essentially three elements to that. First and foremost, government policy in a number of areas addresses poverty's underlying causes, including health, unemployment, education, housing, and child care. Human Services as a department works with other departments in government and agencies to support those who need help and to assist them in acquiring the skills that they need to break the poverty cycle. Most importantly, we've been charged with developing a social policy framework for government which will look comprehensively at the issues of improving human dignity in the province.

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

**Mr. Benito:** Thank you, Mr. Speaker. My first supplemental is to the same minister. Providing child tax benefits is one of the most effective ways to reduce child and family poverty. Can your ministry introduce a child tax benefit for low-and modest-income families?

**Mr. Hancock:** Well, Mr. Speaker, one of the things that we're doing within the department through Alberta Works is helping individuals get the skills that they need so they can raise their

income level because a tax benefit doesn't help much if you don't have income to get that tax benefit against.

We could also indicate that Alberta has one of the highest personal exemptions and the lowest personal tax rate in the country. We offer parents the Alberta family employment tax credit to help them with the costs of raising their children, and our federal partners also offer all parents the universal child care benefit and the child tax benefit. So on the tax side I think there's a lot of work happening, but we can always look at that to see if it can be more effective.

**Mr. Benito:** Again to the same minister. Alberta does provide subsidies for child care, but still many low-income families cannot afford the current fee above the subsidy. What can your ministry do to address this?

**Mr. Hancock:** Well, Mr. Speaker, currently we provide subsidies for about 20,000 children to help their parents pay for quality child care. It's just one tool that we have in place to help lower income families with child care costs as they improve their work skills or take on the higher paying jobs that will help them support their families. We do closely monitor the child care fees, and we will continue to look at this issue because we want to ensure that quality, affordable child care is a high priority and will continue to be a high priority so that Albertans can support their families.

**The Speaker:** The hon. Member for Calgary-Fish Creek, followed by the hon. Member for Medicine Hat.

### Public Health Inquiry

**Mrs. Forsyth:** Thank you, Mr. Speaker. Alberta Health Services continues to state that doctor advocacy is one of the most important ways in which health care can be improved. Under the proposed Health Quality Council of Alberta Act there is no evidence that the bullying and intimidation of our health care workers will be put to an end as the decision to call a judicial inquiry still needs to be made by either this cabinet or the Premier. My question is to the health minister. Will the health minister commit today and to all Albertans and to all health care workers to call a judge-led, independent inquiry?

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

**Mr. Horne:** Thank you, Mr. Speaker. Well, as you know and as the hon. member knows, this topic is the subject of a bill currently under debate in the House. I don't propose to waste a lot of the House's time delving into that today. What I will say to the hon. member is that that bill does provide for a judge-led health system inquiry.

Thank you.

**Mrs. Forsyth:** Well, Mr. Speaker, that bill also provides for them to have the panel submit when they want it, so maybe he'd like to do that.

Given that the transparency is necessary in an inquiry for Albertans to have their faith restored in the health care system, can this health minister guarantee that any type of inquiry held will be open to the media, it will be open to the public, and it will not be held behind closed doors?

**Mr. Horne:** Mr. Speaker, the answer to all three questions is yes. Once again, all those details are covered in the provisions of the bill currently under debate.

**Mrs. Forsyth:** Good. That's what it says; we can read that.

Given that this Premier talks a lot about trust and accountability, will the health minister tell Albertans whether this government will commit to calling a judge-led inquiry and have the results ready before the next election?

**Mr. Horne:** Mr. Speaker, I'm glad those details were readily available to the hon. member and that she had the benefit of reading the bill, which is under debate.

Once again, there are provisions in the bill that deal with that specific question, and the answer, again, is: the bill provides for a judge-led health system inquiry.

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

### Cypress Hills Provincial Park

**Mr. Renner:** Thank you, Mr. Speaker. Over the past few years area ranchers, cottage owners, and park users have become increasingly concerned about the risk of fire in the Cypress Hills provincial park. This summer many were pleased to participate in information meetings that were held to discuss the integrated forest fire and management strategy for the park. My questions are for the Minister of Tourism, Parks and Recreation. A couple of weekends ago I visited the park and was surprised to see what appears to be a fairly extensive logging operation under way south of Elkwater. Mr. Minister, is this apparent destruction of our precious forest really necessary to protect it from fire?

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

**Mr. Hayden:** Thank you very much, Mr. Speaker. First, let me assure the hon. member that commercial logging is not permitted in provincial parks. We're selectively removing trees to prevent fires, and it's part of our integrated forest and fire management strategy. The local residents are very aware of the efforts that we're making. The townsite and park include hundreds of cabins, campsites, a hotel, restaurants, and other tourism facilities, and an uncontrollable fire would be catastrophic in that area.

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

**Mr. Renner:** Thank you, Mr. Speaker. To the same minister: given that the old burn area at the top of Ferguson Hill appears to be the most impacted by the tree removal program, why remove all the trees in such a wide swath next to the road rather than simply removing potential fuel and cleaning out the underbrush?

**Mr. Hayden:** Mr. Speaker, there are different methods that are used in different areas. In some areas underbrush removal is the answer, but in the area that the member is speaking about, underbrush is not the problem; the density of the forest is, so the removal will take place. Also, remediation will happen next year with new planting.

**Mr. Renner:** Given that most of the work appears to be in close proximity to the campgrounds and townsite, how can my constituents and, indeed, all Albertans be assured that the rest of this isolated forest in southeastern Alberta is protected from fire?

**Mr. Hayden:** Well, Mr. Speaker, we have of course worked very closely with SRD on fire prevention. We have mobile sprinkler systems that will ensure that we have a fast response, and we have programs and secure processes in place to be able to respond very quickly if a fire happens.

2:30

**Funding for Private Schools**

**Mr. Hehr:** During her leadership campaign the Premier openly expressed concerns that the continued development of private and charter schools placed our public education system at risk of becoming a second-tier option. Through discussions I've had with parents regarding this issue, some are choosing private schools as a result of lower class sizes. To the Minister of Education: given that most private schools have smaller class sizes, why does this government continue to subsidize these organizations with taxpayers' dollars instead of implementing the government's own Learning Commission report, that would see class sizes in the public system be smaller, a promise this government made back in 2003?

**Mr. Lukaszuk:** Mr. Speaker, this member continues to attack private schools and parents' choice for the last few days in this House already. The answer is simple. As a matter of fact, we are doing a province-wide review right now of the public education system, making sure that the public options always – always – produce the best possible education for our children. However, having said that, in this province it has always been and it will be for as long as this government is in place the situation where parents can choose what kind of a school they send their children to. There is nothing elitist about it. We simply support choice.

**Mr. Hehr:** Given that some private schools in Alberta charge parents up to \$17,000 a year and that these schools still receive a large per-student public grant, doesn't this go against the minister's own mandate to create an inclusive education system?

**Mr. Lukaszuk:** Mr. Speaker, if these parents choose to spend that kind of money on their child's education and, I would argue, not getting any better results than our children are getting in the public school system, that is their choice. Their money; their choice. But at the same time I can guarantee all Albertans that having my child in a publicly funded, not private system: she is receiving as good an education, if not better, than in a private school. I'm exercising my choice; they're exercising theirs.

**Mr. Hehr:** Given that last week the minister was lauding a private Islamic school in his community, I was wondering if the minister knew that this school's advertising campaign to attract people away from the public education system is to openly state that they do not let special-needs students enrol. Why are we funding an organization like this that clearly is not interested in supporting an inclusive educational mandate?

**Mr. Lukaszuk:** Mr. Speaker, that is offensive to the operators of these private schools. We also have a Sikh school, a Khalsa school. The fact is that private schools are mandated to accept children as long as the parents choose to put their children into those schools. We have a variety of schools, but at no point in time is the funding of public education in any way sacrificed. As a matter of fact, these children that go to private schools – those buildings are built by private dollars, which offsets some of the costs for public education.

**Peavine Métis Settlement Grade 7 Students**

**Ms Calahasen:** Mr. Speaker, I've been receiving many queries from Peavine Métis settlement parents regarding choice of educational opportunities for their children in grade 7. They have met with administration, the local school board, and the corporate board with their request and have been refused to have their children bused from Peavine to High Prairie. My question is to the Minister

of Education. Why are grade 8 students given the choice to attend school in High Prairie and allowed to ride the bus when grade 7 students do not have the same privilege? Why?

**Mr. Lukaszuk:** Well, Mr. Speaker, there is a very good answer to that. The fact is that locally the school board is developing programs year by year. Right now grade 7 is available. Next year grade 8 will be available. The year after, grade 9 will be available. As education is being made available to these parents locally in their community, the school board simply is not interested in busing children to another, distant school. Where classes are available in that grade level in their local community, parents are invited to send kids to the local school. If they choose to exercise the choice, like in the previous question, to ship far away, they have to pay the cost of shipping.

**Ms Calahasen:** Mr. Speaker, given the fact that the minister always talks about choice for parents and that the buses travelling from Peavine to High Prairie are only half-full of students, why then would Northland school division negate their use by the grade 7 students?

**Mr. Lukaszuk:** Well, Mr. Speaker, these parents who insist on having their children move to distant schools and do not want to send them to a local school are welcome to speak with Northlands school division and see if they can find an accommodating agreement. At the end of the day it's a school board decision. Yes, choice comes with cost. The fact is that if you choose to ship your children to a school that's more distant simply by the virtue of choice of not sending them to your local school, there are certain costs that come along with it. Whether the school board is willing to pick up those costs: that's the school board's decision.

**Ms Calahasen:** Thank you.

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

**Gravel Extraction Management**

**Ms Blakeman:** Thank you very much, Mr. Speaker. Ground and surface water interact, and alluvial aquifers, gravel beds, are key to this interaction. These shallow-bearing gravels bind surface and groundwater into one functioning body. Now, mining of gravel is covered by municipal, for zoning, and secondly, by environment and SRD. To the Minister of Environment and Water: since aquifers are so important to water cleanliness and movement, will this minister require local governments to consider environmental concerns in their initial stages of approval?

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

**Mrs. McQueen:** Thank you, Mr. Speaker, and thank you to the member for the question. Certainly, we'll work with local municipalities as they work through some of these applications. Groundwater is certainly important for us. As we go through different groundwater studies in the province, that's part of it as well.

Thank you.

**Dr. Swann:** I think she said yes.

**Ms Blakeman:** No. I don't think she said anything.

Okay. To the same minister: will the minister ensure that regu-

lation of water, ground or otherwise, is not included under the new energy superboard?

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

**Mrs. McQueen:** Thank you. Well, I don't believe it's called a super energy board, first and foremost. I think we're looking at having a single regulator where all three – Environment, SRD, and the ERCB – together will regulate through that process. The government of Alberta will be responsible through those departments for policy setting. The regulator then will regulate and implement the policies that we put forward.

**Ms Blakeman:** Okay. That one she answered. It's the first time out of everything I've asked her.

This question is to the Minister of SRD. Given the Auditor General has been making recommendations on reclamation, security deposits, and other issues surrounding gravel mining for years, what is the department doing to better verify quantities of aggregate mined to ensure a vigorous reclamation process and that sufficient security deposits are being collected?

**Mr. Oberle:** Well, I guess we'll continue doing what we're doing. We have no outstanding recommendations from the Auditor General's office in our department, Mr. Speaker.\*

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

### Postsecondary Education Preparedness

**Mr. Bhardwaj:** Thank you very much, Mr. Speaker. There have been reports that Alberta students are losing out on university seats and scholarships because our standards are too tough and make it difficult for our students to compete against students from other provinces who may benefit from lower standards and grade inflation. My first question is to the Minister of Education. What processes are in place to ensure that Alberta students are not being shortchanged when it comes to scholarships and access to postsecondary seats when they graduate?

**Mr. Lukaszuk:** Mr. Speaker, this is actually a very good story. A study from Saskatchewan just showed a few days ago that for an Alberta grade 12 graduate, when she completes her first year of postsecondary education, her mark only drops by 6 per cent. That's the lowest difference in the country. In Ontario and other provinces their marks drop by as much as 20 per cent, which means that our students are ready for postsecondary education, and the mark they actually receive truly reflects their knowledge base and their understanding of curriculum.

Now, there is some twisted logic. Some are arguing that we should artificially inflate their marks so they can qualify for scholarships.

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

**Mr. Bhardwaj:** Thank you very much, Mr. Speaker. As a former teacher I do know we have the best education system in the province.

My next question, first supplemental, is to the Minister of Advanced Education and Technology. What is being done to make sure that Alberta students are given equal treatment by postsecondary institutions when compared to the rest of Canada?

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

**Mr. Weadick:** Thank you, Mr. Speaker. As you know, admission requirements are set by institutions, and they vary from program to program and from institution to institution. They set the standards there; they are not set by the ministry. More importantly, our goal is to prepare our students to succeed at postsecondary, so we give them the appropriate schooling and education so that they can be successful. We don't want young people entering postsecondaries and then dropping out of school. That's not a benefit to either of us. We want to prepare them properly and get them ready for postsecondary.

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

**Mr. Bhardwaj:** That's it.

**The Speaker:** Hon. members, that concludes the Oral Question Period for today. Today 20 members were recognized. There were 114 questions and responses.

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

2:40

### Members' Statements

(continued)

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

### Catholic Social Services

**Mrs. Sarich:** Thank you, Mr. Speaker. This year Catholic Social Services celebrates its 50th anniversary. Since 1961 this organization has continuously worked towards its mission, to enhance human well-being in a spirit of compassion, justice, freedom, and solidarity throughout central and northeastern Alberta.

While its goals are rooted in the Catholic teachings of social justice, Catholic Social Services assists and employs individuals regardless of faith and culture. I'm certain its founder, the late Monsignor William Irwin, would be proud to know that his vision for the organization remains strong and true today.

Catholic Social Services, as an accredited organization, assists over 60,000 individuals and families, Mr. Speaker, each year through its offices in Edmonton, Bonnyville, Cold Lake, Lloydminster, Red Deer, Wainwright, and Wetaskiwin. They offer over 100 different programs, including adoption support, vocational programs for individuals with disabilities, and immigrant settlement services.

Mr. Speaker, one of the fundamental characteristics of Albertans is their capacity for reaching out to help others. Indeed, this trait is a living example of the Alberta spirit, and it is truly exemplified in this organization as it works to identify and respond to the needs of communities throughout northern Alberta.

Catholic Social Services has a large annual fundraising initiative called the Sign of Hope campaign, which raises over \$2 million each year. A remarkable 91 cents out of every dollar raised in that campaign goes directly to helping people in need. The Sign of Hope campaign is a tremendous undertaking which is supported by a strong team of community leaders who generously volunteer their time, talent, and resources.

Mr. Speaker, I am deeply moved by the impact this organization has made in assisting others over the past 50 years. I commend them for their deep compassion for those in need and for their tireless dedication to service in our communities. Their contribution is immeasurable.

Thank you.

\*See page 1458, left column, paragraph 1

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

### Mount Royal University/Medicine Hat College Joint University Degree Program

**Mr. Mitzel:** Thank you, Mr. Speaker. On November 7 I had the privilege to attend the launch of a very exciting collaboration between Mount Royal University and Medicine Hat College. Together these two institutions launched a joint business administration degree, which will be offered at Medicine Hat College. Students will now be able to take the full business administration degree in Medicine Hat and at the end receive a Mount Royal degree.

I want to commend both Medicine Hat College and Mount Royal University for their enduring vision, exceptional leadership, and continued drive to help students in our community reach success. Mr. Speaker, I believe this speaks strongly to the idea that Alberta's postsecondary institutions need to collaborate and co-operate to create better opportunities for students in rural postsecondary institutions. This program is a shining example of that.

This program will do a lot for Medicine Hat: for businesses, for students, and for families. First, it will help employers in my region to have greater access to the skilled workers they're looking for. Second, it will allow more of our young people to take advantage of the educational opportunities they want right in the community they grew up in. It's good for families by allowing families to stay together while students pursue their education at home, and it reduces the financial burden that will accompany students studying away from home. Finally, Mr. Speaker, it fulfills one of the minister of advanced education's mandates, to encourage more students in rural communities to pursue a postsecondary education.

This approach will provide a framework through which the vision of Campus Alberta can be realized and be a template for other rural colleges as they seek to partner with universities across our province. This fulfills our government's commitment to working alongside our Campus Alberta partners to help institutions offer the programs students want, where and when they want them. It's our commitment to support the current and future needs of all our students, all the while building an innovative and skilled workforce for today and tomorrow.

I want to once again thank and congratulate everyone who has worked so hard to make this program a reality. Thank you.

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

### Foreign Qualifications Recognition

**Mr. Doerksen:** Thank you, Mr. Speaker. Both government and Alberta employers often talk about an estimated labour shortage of 77,000 workers within the next decade. In fact, there's a good chance this number could rise substantially in the near future.

Mr. Speaker, as you know, immigration has been identified as an essential strategy among other initiatives that the government of Alberta has undertaken to address current and future labour market needs. The foreign qualifications recognition unit in the Human Services department has made great strides in ensuring our province benefits from new immigration and the talent it brings. The FQR's success over the past few years can be attributed to their ongoing dedication to collaboration and consultation with key stakeholders and ministries within government.

To date over \$1.3 million has been dedicated to the FQR

innovation fund. This government program allows professional regulatory organizations to bring forward funding proposals to improve delivery of services. The commitment to work together with professional regulatory organizations, postsecondary institutions, employers, settlement agencies, and other partners provides the foundation for meeting our current and future labour market needs.

Mr. Speaker, having newcomers work in occupations where they are qualified is important to workers, and it also provides a major benefit for Alberta and the economy as we try to fill these vacant positions with qualified workers. The FQR's focus on collaboration rather than legislation is just some of the recent progress that has been made by the FQR and the government of Alberta.

I look forward to reading the FQR's 2011 progress report, which will further highlight additional achievements and goals and which will be released in the coming months. I applaud the foreign qualifications recognition unit.

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

### Quilt Donations for Slave Lake Fire Victims

**Mr. Allred:** Thank you, Mr. Speaker. Last week our colleague the hon. Member for Lesser Slave Lake paid tribute to the many good Samaritans that provided all kinds of assistance to the residents of Slave Lake during and in the aftermath of the devastating forest fire that destroyed half of their town and left thousands homeless.

This afternoon I'd like to relate a specific story about a group from Ontario and one individual in particular who took the initiative and came to the aid of Slave Lake residents. Lynne Carr, a former resident of Devon, Redwater, and Edmonton but who now lives in Oakville, Ontario, is a member of the Oakville quilters league. When they heard about the Slave Lake disaster, they set out to sew 120 quilts: large quilts, small quilts, quilts for babies – you name it – all shapes, sizes and patterns. Through the kind auspices of WestJet Airlines the quilts were all shipped to Edmonton, where I picked them up along with their master organizer Lynne Carr, and in due course we set off to Slave Lake to deliver the quilts.

The ladies at the local quilt shop were ecstatic to receive such a large quantity of quilts which would fulfill their pledge to provide a quilt to every man, woman, and child who had lost their home. One box was immediately opened, and they hung them up on every wall, easel, desk, and door to display them. Little did I know it at the time, but Lynne had also arranged with some of her former nursing classmates from all across Canada to prepare quilts and ship them direct to Slave Lake, where they arrived at a later date.

Mr. Speaker, the object of this little story is that our country is so blessed by so many kind-hearted individuals that will always rally to the call when disaster strikes. My heart and the heart of the hon. Member for Lesser Slave Lake and I'm sure the hearts of all those residents of Slave Lake go out to Lynne Carr and the Oakville quilters league for their thoughtfulness and generosity in Slave Lake's time of need.

A special thanks also goes out to WestJet Airlines for flying the quilts out to Edmonton at no cost.

### Presenting Reports by Standing and Special Committees

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

**Mr. Mitzel:** Thank you, Mr. Speaker. As chair of the Select Special Information and Privacy Commissioner Search Committee I'm pleased to table five copies of the committee's final report, dated November 28, 2011, recommending that Ms Jill Clayton be appointed the Information and Privacy Commissioner.

## 2:50 Tabling Returns and Reports

**The Speaker:** The hon. Member for Edmonton-Riverview, then Calgary-Currie, then Edmonton-Strathcona.

**Dr. Taft:** Thank you, Mr. Speaker. I rise today to table the appropriate number of documents relating to one of my questions today. There are actually two. One is a letter that relates directly to the question I raised today, and the other is a news article directly related to the question I raised today.

Thank you very much.

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

**Mr. Taylor:** Thank you, Mr. Speaker. I'm tabling five copies of a letter from the mayor of Calgary expressing his support for private member's Bill 205, the Municipal Government (Delayed Construction) Amendment Act, 2011, which I believe will come up for debate this afternoon.

Thank you.

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

**Ms Notley:** Thank you, Mr. Speaker. I have two tablings today. First, I'd like to table the appropriate number of copies of a newspaper editorial concerning the process and deadlines involved in the construction of a new Royal Alberta Museum.

Secondly, I'd like to table the appropriate numbers of copies of a blog, which includes information and photographs which were referred to by my colleague the Member for Edmonton-Highlands-Norwood in his questions earlier today.

**The Speaker:** Hon. members, pursuant to section 17(2) of the Lobbyists Act the chair is tabling five copies of an investigation report from the Ethics Commissioner dated November 28, 2011, with respect to activities of the Canadian Association of Petroleum Producers, an organizational lobbyist registered under the Lobbyists Act.

Are there others? The hon. Minister of Health and Wellness.

**Mr. Horne:** Thank you, Mr. Speaker. I'd like to table the appropriate number of copies of a letter to the editor published in the *Calgary Herald*, dated November 27, 2011. The letter is written by Dr. Leland Baskin and Paula Hall. They are writing on behalf of the hundreds of staff and physicians who provide pathology lab services through Calgary Laboratory Services. The letter outlines the many benefits and quality validation procedures under way in connection with this transfer of service.

Thank you.

**The Speaker:** The hon. Member for Edmonton-Riverview on a purported point of order.

## Point of Order False Allegations

**Dr. Taft:** Yes. Thank you, Mr. Speaker. The portion of the standing orders that I would cite are 23(h), (i), and (j), probably most specifically (h) and (i), and it relates to the response from the

Minister of Finance to questions I asked concerning AIMCo. These are questions I took great care in drafting. The minister, as I heard it, alleged that I claimed the official, who I had been very careful not to name, the official at AIMCo to whom I was referring, had misappropriated funds. The minister alleged that I made that claim. It's a completely false statement from the minister. If that were to be done, that would be a criminal act. I was simply asking what safeguards the government has in place.

My questions were: what rules are in place? What oversight does this government have in place? I never ever suggested and, quite frankly, even thought that there were any funds misappropriated. It's particularly disturbing coming from a Minister of Finance, who carries such responsibilities for the words he utters. I believe it's pretty clear he was making allegations against me that were completely false. He was imputing false or unavowed motives to me, which is 23(i), and frankly under 23(j) it was, I believe, abusive language of a nature likely to create disorder, and that is the reason that I called a point of order.

Thank you.

**Mr. Liepert:** Well, Mr. Speaker, I don't think there's a purported point of order here at all. What the member did – and, you know, this happens very often in this particular Assembly, and I think, frankly, it's sad because, maybe with the exception of the Member for Edmonton-Gold Bar and the Member for Calgary-Buffalo, these kinds of things seem to come regularly from members of the opposition. We use someone out there who can't stand in this Assembly and defend themselves and make implications. The implication was clearly there in that member's question. I'll have a look at the Blues tomorrow and determine whether or not there was something inappropriate, but my recollection was that there was not. It was an attempt to clear the air for this particular individual because that member left the air very fuzzy. So there was no point of order here, and I hope you rule that way.

**The Speaker:** Are there others? The hon. Deputy Government House Leader on this point.

**Mr. Denis:** Yes. Thank you for recognizing me, Mr. Speaker. I just want to add to the hon. Minister of Finance's comments here. The Member for Edmonton-Riverview had pointed out that the hon. minister had used abusive or insulting language. I've done just a quick review of Beauchesne's 489 and thereabouts. There's nothing that the Minister of Finance had actually indicated that was abusive towards that member or that other individual. Rather, he was simply trying to clarify the comments that were made, and I think that, if anything, he had a duty to do so as a member of this House.

**The Speaker:** From time to time there are questions of a certain nature that do provide for a considerable degree of innuendo. Without any doubt when the hon. Member for Edmonton-Riverview presented his first question, he referred to an individual as a top executive at AIMCo and then further went on as having been "involved in the centre of this controversy."

Then the Minister of Finance's responses were a lot of inflammatory words: "embroiled," "controversy". Then the hon. minister in a further answer says: "in the question the member is talking about, he used the term 'lost credibility'."

Then the hon. Member for Edmonton-Riverview goes on to say, "this same official managed a \$35 billion public-sector fund in Australia that was caught in a scheme that lost \$500 million."

Then the hon. minister went on to say:

I will look into the googling . . . to see whether, in fact, it has any substance or not, but the organization is one that, as I said

earlier, is recognized internationally, and to somehow leave the impression that a particular individual within this organization can be misappropriating Albertans' funds actually is – actually, it borders, Mr. Speaker, on what I would say is – I'll leave it at that.

I think we've had just a bit of a clearing up here in the last little exchange, and we're going to move forward with Orders of the Day.

### Orders of the Day

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

**Mr. VanderBurg:** Thank you, Mr. Speaker. At this time I'd ask the House for unanimous consent – is it a good time to do this, sir?

**The Speaker:** Yes, it is the most appropriate time. The hon. Minister of Seniors is requesting unanimous consent. This is an administrative matter. If I understand this correctly, the hon. minister – and you'll explain this yourself – is listed in the Order Paper on page 15 for today with respect to being the author of private member's Bill 207, Seniors' Property Tax Deferral Act. Since that act was introduced, the hon. member is no longer a private member; he's now a minister of Executive Council. I believe, sir, what you're doing is asking for unanimous consent to have the authorship of this bill transferred to another member.

**Mr. VanderBurg:** That's right.

**The Speaker:** Please stand up and say that, and then we'll see if the members agree.

**Mr. VanderBurg:** Thank you for that clarification, sir. Yes, indeed, I'd like to ask the House for unanimous consent to switch the sponsorship of private member's Bill 207, Seniors' Property Tax Deferral Act, to the MLA for Red Deer-North as this bill may be coming up for debate in the House next Monday, sir. Bill 207 would establish a property tax deferral program for seniors in Alberta.

**The Speaker:** You don't have to explain the content of the bill.

**Mr. VanderBurg:** I just want to make sure we're clear.

**The Speaker:** No, no. This is the authorship of the bill.

**Mr. VanderBurg:** Okay. Thank you.

**The Speaker:** When the draw occurred, the hon. Member for Whitecourt-Ste. Anne won the position to have private member's Bill 207. Since that time, he's no longer a private member. He's now become a member of Executive Council. The bill is listed as 207. Potentially it will come up for discussion and introduction next Monday. The request is: can the authorship of the bill be transferred to another member, in this case the hon. Member for Red Deer-North? So I will ask the question, just one question. Is anyone opposed? If so, say no.

[Unanimous consent granted]

**The Speaker:** The records will show that that has happened.

**Mr. VanderBurg:** Thank you.

3:00

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

#### Bill 203

#### Alberta Get Outdoors Weekend Act

**The Speaker:** The hon. Member for Calgary-Lougheed to move third reading of Bill 203.

**Mr. Rodney:** Thank you very much, Mr. Speaker. It is indeed a pleasure to rise and move third reading of Bill 203, the Alberta Get Outdoors Weekend Act.

I would like to sincerely thank all members for the productive and thoughtful debate we've engaged in throughout the process. I truly appreciate the 100-plus organizations from across our fine province who have taken the time to officially endorse the concept of establishing the Alberta get outdoors weekend. It's been exciting to witness all the support that this bill has received over the past couple of years, as a matter of fact.

Through second reading and Committee of the Whole we better examined what this act could achieve in Alberta, and these debates offered us a long list of reasons as to how the Alberta get outdoors weekend will benefit each of us. We discussed the fact that establishing this annual event would set a great example for our residents about the importance of participating in physical activity, and I trust that we can all agree that GO weekend is an excellent way to showcase all the natural wonders that Alberta has to offer.

[The Deputy Speaker in the chair]

It will also promote additional internal tourism in our beautiful province. After all, many people who are new to Alberta and have not yet taken the time to experience our incredible backyard will have a kick-start to do exactly that. The opportunities to get outdoors in our province are so vast that even those who were born and raised here can always find new sites to discover.

Mr. Speaker, during the debate we also heard about the incredible work that countless organizations will do to promote the day which will encourage active living in Alberta. Alberta get outdoors weekend will afford these outstanding groups an invaluable venue to educate Albertans on the services and activities that they offer, and it will also provide an annual occasion for valuable collaboration between these groups.

There was also a comment on how the weekend would complement the work that our government is already doing. Programs and policies such as Healthy U and active Alberta are promoting healthy lifestyles for Albertans, and GO weekend will play a significant part in solidifying their message that physical activity is absolutely imperative for people to enjoy the best possible quality of life.

Throughout the debate we've considered how the weekend will support our government's health care goals. We've worked incredibly hard over the years to promote healthy communities, yet our entire world is facing increasing incidences of illnesses related to sedentary lifestyles. Alberta GO weekend is just one source of inspiration for Albertans to become more active, which will help to reduce the rate of obesity and heart disease and diabetes and other life-threatening illness. Again I say: it's just the start. Mr. Speaker, I trust that the relevance and importance of this weekend will become even more pronounced in the years to come as issues of lifestyle-related illnesses and rising health care costs become even more salient. People are starting to wake up to the fact that we need to shift towards a focus of prevention, and Bill 203 will play an important part in realizing that strategy.

But above all else this bill is about the quality of life for all Albertans. This is a quick, easy, inexpensive way to kick-start the process of having individuals improve things for themselves.

Mr. Speaker, getting outdoors and being active is fun, and it enhances the development of the whole person mentally, physically, emotionally, spiritually, culturally, and more. Alberta GO weekend will help Albertans to discover and often rediscover outdoor physical activities that they love. We're so fortunate to live in a place with so much natural beauty, with such a robust range of active living opportunities and with a government that's committed to excellence in health and wellness.

Our province has the written support of over 100 sport and active living organizations to create Alberta GO weekend, and it will be those organizations in partnership with the citizens of our great province who will carry this weekend forward and ensure its success.

The next step is passing Bill 203 so that we can establish this weekend officially for all of our residents to enjoy. I hope that all members will turn this little dream into a reality by simply voting in support of Bill 203, the Alberta Get Outdoors Weekend Act, as we move towards a healthier and more active Alberta together.

Thank you very much, Mr. Speaker.

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

**Mr. Chase:** Thank you very much, Mr. Speaker. I look forward to having another opportunity in third to speak to Bill 203. I am already on the record as being supportive of any piece of legislation that encourages physical activity. I have also expressed my concern that this is such a low level. This is the equivalent of putting a small seed in the ground and then hoping that that seed will sprout and action will take place and we'll have a healthy plant. [interjection] Yes. Cataract Creek is a great place to get outdoors. Unfortunately, in April it's closed off because of the upcoming elk calving, so you can't access Cataract Creek as easily.

Now, in terms of encouraging physical activity, over a period of 17 years I've played rugby, first for the University of Calgary Stags, then for the Saracens, and also at times for the Saints. Mr. Speaker, I probably would have played rugby for more years, but my wife refused to pick me up at the Foothills emergency anymore. So at that point I switched to soccer, and I played that for about 10 more years. Throughout my 34-year teaching career I participated in and coached a number of sports: wrestling for a period of 25 years. So I value the idea of getting out and getting active.

Mr. Speaker, in my community of Calgary-Varsity I believe one of the reasons I was elected was that I had been a Blizzard soccer coach for years, both indoor and outdoor. I had refereed soccer. So I get it from a very personal point of view. While my achievements fall far below the crest of Everest, which the hon. member can attest to, I did it my way, and I enjoyed doing it. I would encourage other people to get outdoors.

But my concern, Mr. Speaker, is that simply saying, "The second week of April why don't you get outdoors?" is such a low level of encouragement. To my students, to my grandsons, who, fortunately, enjoy outdoor pursuits, I encourage that kind of activity, and I don't limit it to the second week of April. Whenever we get the chance, my wife and I, when we're looking after Rohan and Kiran, we take them out to playgrounds. We take them to a variety of outdoor activities. Their favourite, I would suggest, is going camping with their grandma and grandpa. One of the places besides the Cataract Creek, that I've previously

mentioned, is the Three Sisters campground in Bow Valley. I think it's one of the grandsons' and my wife's and my favourite.

Again, simply talking about it without demonstrating it doesn't achieve the results that the hon. member is asking for. I want to encourage individuals to get out in the second week of April and every other time they get an opportunity to do so. I'm very aware, for example, of the limitations put on my personal fitness by being in this House at 1 a.m. during a two-week legislative period debating legislation. I would much rather be at home with my family at 1 in the morning, getting a good night's rest so that the following morning I could get out for my daily run, which was a large part of my teaching career. Mr. Speaker, talking about physical fitness as opposed to actually interacting in it brings me to the idea of talk being cheap.

**3:10**

This piece of legislation, which I support even though it's a minimal effort because there's no money or commitment to upgrade facilities attached to it, still has value. I do appreciate the hon. member bringing forward this get outdoors the second week of April, but I'm hoping that in future opportunities, if his draw turns out to produce further private member's bills, he'll talk about upgrading in parks; Cataract Creek, for example, where the trails have fallen into disrepair because of a lack of funding. I'm hoping that the hon. member will encourage members of the alpine club, for example, to follow in his footsteps carefully in the taking on of mountain climbing or ice climbing.

Mr. Speaker, just simply saying, "Psst; it's a good idea the second week of April to get out there and enjoy yourselves," isn't going to cut it.

Thank you, Mr. Speaker.

**The Deputy Speaker:** The hon. Minister of Tourism, Parks and Recreation.

**Mr. Hayden:** Thank you, Mr. Speaker. It's a privilege to rise today and speak in favour of Bill 203, the Alberta Get Outdoors Weekend Act. I know that the hon. Member for Calgary-Lougheed worked very hard on this bill, and I commend him for his efforts. As we've all heard in the House, he's received a significant amount of positive feedback from our local communities and organizations, which is truly encouraging.

Mr. Speaker, Bill 203 is very straightforward. Its purpose is to set aside a weekend in April each year where Albertans are encouraged to get outdoors and participate in an array of activities. Of course, many Albertans are already very active in the great outdoors. However, I believe that having a particular weekend set aside as a get outdoors weekend is going to encourage even more Albertans to take advantage of the natural beauty that we have in this province and that, I might add, people come from all around the world to enjoy.

With this legislation individuals who do not often get outdoors may be more willing to check out the opportunities that Alberta's wilderness affords them. Of course, I think get outdoors weekend can be very beneficial from a health perspective also. We all know the benefits of exercise and activity, and this bill will encourage both.

I want to focus my comments today on the benefits of the bill and those benefits that it's going to bring to the tourism industry in the province. Generally speaking, we think of tourism as people coming to Alberta from other provinces and other countries. However, internal tourism is very important to us. When people stay in Alberta for their vacation rather than going to, say, British Columbia or the United States or elsewhere, we get the benefits in

our economy. Mr. Speaker, I think that Alberta provides unmatched opportunities for those looking to explore the outdoors with an active lifestyle and interactive nature.

In particular, I believe that the spring is an excellent time for Albertans to take part in a number of outdoor activities. This, of course, is when a lot of things occur. I'm talking about traditional activities such as golf, as an example, or fishing, but there are also opportunities for far more exotic activities such as rappelling in the Rockies or whitewater rafting on many of our rivers. Perhaps the best part of these activities is that they don't cost nearly as much as a vacation abroad, as an example.

For many Albertans a camping trip is just as much fun as any other vacation or more and is, obviously, much more affordable, Mr. Speaker. Rather than spending a hundred dollars per meal at a resort in another country, as an example, a hundred dollars can feed a family for an entire weekend on a camping trip. This is especially important to many Albertans with young families, who have to tighten their belt to make everything work for them.

Mr. Speaker, the best part of internal tourism is that money that would otherwise be spent elsewhere is, instead, spent right here in Alberta. There are countless businesses in our province from hotels to retail outlets and so on that rely on a steady stream of tourists to thrive. With our Canadian dollar being as strong as it is, these businesses are seeing fewer tourists from some destinations. One weekend of people staying in Alberta can and will have a positive impact on our economy.

An Alberta GO weekend would also make Albertans more aware of the excellent opportunities that exist right here within our own province. Get outdoors weekend may encourage an Alberta family to take a fishing trip to Lakeland provincial park, as an example, by Lac La Biche or a hiking trip to the Kananaskis Country or even a camping trip in Dinosaur provincial park. As many of you here today, I'm sure, have visited many of our provincial parks, you'll know that this family may be inspired to experience and take future vacations within the province.

Of course, I'm not using just these three parks as an example. I'm sure that all members in this House have their own favourite vacation destination. There's no shortage of good vacation spots, with over 480 parks in the province and over half of those where people can actually go camping. This bill encourages Albertans to get out and check out some of these fantastic vacation opportunities.

Mr. Speaker, finally, I'd like to talk about the cost of this bill, which would be, in my opinion, very small. This would not be a weekend where employers would be obliged to give their workers a day off – that could adversely affect many businesses – nor would it be a weekend where the government would have to actively partake in activities. Instead, this is a weekend to simply encourage Albertans to take advantage of the various outdoor opportunities that already exist in this beautiful province of ours. Of course, we want to ensure that Albertans are aware of the great get outdoors weekend. However, the costs of doing this are far outweighed by the benefits that the legislation will bring to our province's tourism market and to our province's economy as a whole.

Mr. Speaker, I would like to again thank the hon. member for Calgary-Lougheed for bringing forward this legislation. We truly are lucky to have a province with an abundance of natural treasures. While many Albertans are aware of these treasures, I think that the get outdoors weekend will encourage even more Albertans to explore this amazing province. I know that this could open the eyes of many residents who may be unaware of the gems that actually exist in our own backyard. It's also going to benefit our economy and our local businesses as tourism dollars will be

spent in Alberta rather than elsewhere. And it's going to allow some Albertans to save some money.

For all these reasons, I'm going to be supporting Bill 203, and I hope that other members do the same. I look forward to hearing the input from the rest of my colleagues.

Thank you, Mr. Speaker.

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. It's a pleasure to participate in the debate this afternoon on private member's Bill 203, Alberta Get Outdoors Weekend Act. Bill 203 would designate the second weekend in April as Alberta get outdoors weekend. Certainly, we would increase physical activity, and it would improve the quality of life for all Albertans and reduce health costs in the health care system.

Now, I was looking, Mr. Speaker, at community programs and healthy living. It's a separate element in the Department of Health and Wellness budget, element 6. It is interesting to note that it was anticipated that we would spend well over \$200 million on a number of programs to make our communities and the citizens that live in them healthier. However, \$46 million of this amount went unexpended. Now, I don't know what reasons there are for this significant amount that went unexpended, but certainly the hon. member is absolutely correct that we should do everything we can to encourage individuals to get out and get active and get healthier.

I find it ironic that with this private member's bill, which has so enthusiastically to date been supported by hon. members in this House, we can fix a date, the second weekend in April, as the Alberta get outdoors weekend but that, on the other hand, with another piece of legislation we can't have a fixed election day. We've got this two-month window, and some people think it's a three-month window, a 90-day period, but the election has to be over, as I understand it – we can start March 1.

**Mr. Denis:** Point of order, Mr. Speaker. Relevance.

**Mr. MacDonald:** What? That's ridiculous. You didn't even give a citation, hon. member.

**The Deputy Speaker:** Hon. member, we are talking about the bill, so please get back to the subject.

3:20

**Mr. MacDonald:** Yes. Thank you very much, Mr. Speaker. I can understand why the hon. minister of the Ministry of Solicitor General is so sensitive about this issue, but it is quite ironic that we can have the second weekend in April devoted to this outdoor activity, the entire weekend, yet we have to have this window for a provincial election.

Now, certainly, we would have increased activity, as suggested by other hon. members. This activity would . . . [interjections] Mr. Speaker, this hon. gentleman is distracting me.

**The Deputy Speaker:** The hon. Member for Edmonton-Gold Bar has the floor.

**Mr. MacDonald:** Thank you very much. If he wants to talk, he can go outside in the government lounge and chat, and he can even e-mail and text people if he wishes, but I would appreciate it if he could remain courteous whenever I am speaking on Bill 203.

Now, while it is certainly difficult to disagree with promoting the second weekend in April as Alberta get outdoors weekend, this bill does raise a number of questions that, of course, need to be debated in this Assembly, and I think it's actually relevant that we

would be comparing this bill to a government bill that is giving us this wide-open window for a provincial election, depending upon the whim of the Premier's office and those who work in it.

First, regarding this private member's bill, the level of physical activity of Albertans is not sufficient and needs to be improved not only for the sake of Albertans themselves but – we were talking about it earlier – to reduce pressure and, hopefully, reduce costs in our public health care system. We need more than a special weekend to do that, particularly for those Albertans that would love to be more active outdoors but cannot because they are working multiple jobs or lack reliable child care or face other challenges.

Now, there have been other initiatives, private members' bills, that we have passed in this Assembly, and it's worth noting that I don't know where they are. I do know one that was to be a tax credit for tradesmen, that was introduced by the former hon. Member for Strathcona. That is resting somewhere – I don't know where; I'm totally unaware – but it can be used to reduce the cost of tools for, particularly, heavy-duty mechanics, other automobile mechanics. It was passed with great fanfare, and it was a private member's bill.

Another one is a tax credit. I don't know where the tax credit bill is that was proposed. I forget which hon. member on the government side did it, and it's hard to keep track of which bills that are debated and passed here become law and which ones sort of lay in legal limbo.

**Mr. Rodney:** Hugh, is it on physical activity?

**Mr. MacDonald:** Physical activity: that's the bill. Yes. Maybe we can get an update through the course of debate.

**Mr. Rodney:** We're waiting for proclamation.

**Mr. MacDonald:** We are waiting for proclamation on the physical activity bill. I hope, if we pass this bill, that it won't meet the same fate as the others that I referenced.

Now, this bill also reminds us of the importance of protecting and preserving our natural environment, places like Cataract Creek, very important places. The hon. Member for Calgary-Varsity spends a lot of time out around Cataract Creek, Mr. Speaker, and I understand from the hon. member that it is a very beautiful, unique place.

We can preserve our natural environment by investing in environmental protection and in our parks and protected areas. This province certainly has a lot more work to do. Efforts such as this bill do not harm, but by themselves they will certainly not solve the problem.

Now, some of the health risks associated with inactivity include premature death and disease from coronary heart disease, stroke, adult-onset diabetes, hypertension, depression, and even colon cancer.

The 2009 Alberta Survey on Physical Activity, conducted by the Alberta Centre for Active Living at the U of A, found that 41 per cent of Albertans have an inactive lifestyle – 41 per cent. That's unfortunate. I think we can do better, and if for no other reason than that, hon. members, please consider the hon. Member for Calgary-Lougheed's bill here. I think we could certainly do better.

The portion of adult Albertans who are obese increased from 16 per cent to 25 per cent between 1986 and 2004 according to a January 2010 study by Alberta Health Services. That's a significant increase, and this bill, hopefully, would reverse that trend by encouraging people to get active, get outdoors, have some fun, and see our province.

The same study also found that total costs attributable to obesity in Alberta in 2005 were approximately \$1.27 billion, and that was in budget dollars from that budget year. This figure includes, as I understand it, both direct and indirect costs.

Certainly, we all know there are a number of social benefits that flow from being active in society. They include reducing our public health care costs, as I stated earlier, improved scholastic achievement, fewer cases of employee absenteeism, and a better quality of life for each and every citizen.

Mr. Speaker, in conclusion, I would remind hon. members to please, if you can, support this private member's Bill 203. If we can have a dedicated day or a weekend, a couple of days in April, as Alberta get outdoors weekend, I would also suggest that we can have one day set aside, maybe early in May, to conduct a provincial election and take the vote that way.

Thank you.

**The Deputy Speaker:** Any hon. members on the bill? The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Thank you very much, Mr. Speaker. It's nice to be able to speak to Bill 203, Alberta Get Outdoors Weekend Act. I, like my colleagues who have spoken previously, am in support of this bill. Alberta get outdoors weekend can hopefully highlight some of those bad habits we've developed over a number of years, where we see more and more people who are not physically active and who are becoming unhealthy as a result.

We see obesity rates rising here in Alberta, yours truly included in that. We see other situations where young kids who growing up today are, due to eating habits, lack of physical activity, and the like, substantially reducing their abilities to participate later on in their lives in activities that would probably add a considerable amount of enjoyment to them. Of course, some of the health difficulties they pick up from eating habits and unhealthy living will no doubt impact our health care system. If you look at that and at the spirit of this legislation, Alberta Get Outdoors Weekend Act, we can couple that with some ideas, whether to get outdoors, get on a stationary bike, whatever it is, just do something and recognize that health is very important. It will not only add to your enjoyment of life, it will allow you to be more productive, and it will keep costs down in our society.

3:30

Not much to say other than that. It's a fairly simple bill. Much more will need to be done if this is to be successful. I think it's going to take some government initiatives on this front to really get a handle on this problem facing not only Alberta but North America and other places in the world due to our habits over the course of the last 50, 60 years, that are going to have to be reversed if we're going to live more productive, more healthy lives.

In any event, I'm in support of the bill and would encourage all members of the Assembly to support it as well. Thank you very much, Mr. Speaker.

**The Deputy Speaker:** The hon. Member for Bonnyville-Cold Lake.

**Mrs. Leskiw:** Thank you, Mr. Speaker. I appreciate the opportunity to join debate on Bill 203, the Alberta Get Outdoors Weekend Act. To begin with, I'd like to thank the hon. Member for Calgary-Lougheed for bringing forward this important piece of legislation. The objective of Bill 203 is to set aside the second weekend in April to encourage Albertans to participate in outdoor activities. Bill 203 would encourage people of all ages to get outdoors and enjoy the vast amount of recreational activities that

this great province has to offer. For example, families could organize walks, bike rides, kite flying, activities that give the whole family a chance to play, relax, and have fun, all while getting active. The provincial outdoor weekend would also provide an opportunity to educate our children on the health and lifestyle benefits of outdoor activities.

Mr. Speaker, it is important for every person to lead a healthy, active lifestyle, but it's especially important for all our children. Not only do children love to play, but getting regular outdoor activity as a child is a great way to help develop healthy habits that last a lifetime. Research shows that children who are more physically active and who demonstrate stronger physical literacy show greater perceptual skills and achieve higher grades in school. In addition, children who partake in healthy lifestyles benefit from higher self-esteem and self-confidence while developing greater leadership skills. These are just some of the reasons why it is so important for our government to promote a balanced lifestyle for all Alberta children.

Mr. Speaker, it's reported in the 2010 Active Healthy Kids Canada Report Card on Physical Activity for Children and Youth that only 12 per cent of Canadian kids meet the recommended guideline of at least 90 minutes a day of physical activity. It's also noted that obesity rates in children in this country have almost tripled in the last 25 years, and approximately 26 per cent of Canadian children ages two to 17 are overweight or obese. These statistics are concerning, and we should all be thinking about them. With these rising obesity rates and less time being spent on physical activity, it is more important than ever for us to teach our children about the benefits of active, healthy lifestyles. Physical activity can lead to a longer life expectancy, reduce stress, and improve a person's overall quality of life. Similarly, increased outdoor activity for children has the ability to reduce the costs and burdens on our health care system.

Prevention is our greatest tool to fight childhood obesity. Research continues to show a link between a physically active lifestyle and a healthy diet and chronic disease prevention. It is important to note that research shows that kids engage in more active play when they are outside as opposed to inside. When they play outside, they are free to be more active, and more opportunities for sports and physical activities exist, especially when compared to time spent indoors, which tends to offer more opportunities for things like watching TV and playing video games.

Canada's physical activity guide for children and youth recommends that parents limit the number of times their kids spend doing these kinds of activities. The guide suggests that children and teens be moderately active at least 90 minutes every single day and that screen time should be limited to no more than two hours to ensure that there's adequate time for active play.

Ultimately, there are many benefits that a child experiences when they play outdoors. For example, with lots of space and fresh air children are free to jump, run, swing, and climb. Outdoor play is a way to learn active skills and get better at throwing, catching, kicking, and jumping. When kids feel good about their abilities, they are more likely to be active.

Also, going outside helps children learn to interact with and understand the natural world, offers a chance for more social interaction with peers, and provides more opportunities for creativity and free play. Ultimately, the more time a child spends outdoors, the more likely a strong link between physical health and outdoor play will form, and I believe that the Alberta get outdoors weekend would be a great way to do that.

With that, I'd like to conclude my comments on Bill 203 and again would like to commend the hon. Member for Calgary-

Lougheed for his inspired idea. I support Bill 203 and think it's a step in the right direction for our province to take.

Thank you very much, Mr. Speaker.

**The Deputy Speaker:** Any hon. member wish to speak?

Seeing none, the hon. Member for Edmonton-Mill Woods on the bill.

**Mr. Benito:** Thank you very much, Mr. Speaker. I am honoured to rise today to join the debate on Bill 203, the Alberta Get Outdoors Weekend Act, brought forward by the hon. Member for Calgary-Lougheed. Before I begin, I would like to commend the hon. member for his hard work and dedication in bringing forward legislation that would have such a positive impact on Albertans.

Mr. Speaker, as you know, this bill would establish a weekend each year where Albertans are encouraged to get outside and be active. This is certainly an idea worth exploring. The positive impact physical activity can have on both our mental and physical well-being has long been recognized, and given the increasing incidence of chronic diseases related to sedentary lifestyles, it is important to continue coming up with new and creative ways to improve the physical activity rate in Alberta.

Bill 203 provides a new way to promote physical activity that fits right in with all of the existing initiatives in Alberta but doesn't overlap with them. As such, I believe that an Alberta get outdoors weekend would make an excellent addition to Alberta's current active living programs. For this reason I stand today in support of Bill 203.

Mr. Speaker, in this day and age Albertans are busier than ever, and sometimes it is difficult to find time to be active. The existence of a wide range of sport and recreation activities that meet a variety of interests helps to draw Albertans towards taking part in regular physical activity. After all, when you're doing something you enjoy, physical activity is fun and not a chore. To this end, our government currently supports many organizations and programs that promote a diverse set of activities.

These initiatives range from government of Alberta policies and programs to nonprofit sport and recreation associations. One organization that comes to mind when talking about outdoor activity is the Alberta Sport, Recreation, Parks and Wildlife Foundation. This agency is doing such tremendous things in our province. Reporting to Alberta Tourism, Parks and Recreation, the foundation is one of the main vehicles through which our government promotes active living. They do everything from developing and maintaining outdoor facilities to funding a variety of sport and recreation programs.

The foundation also supports our government's health and wellness goals, guiding Albertans towards better health through physical activity and fitness. They do so by encouraging active lifestyles, promoting athletic excellence, and partnering with sports and recreation associations. Mr. Speaker, this organization makes a major contribution to the variety of physical activities available in Alberta. In fact, they currently fund over 100 provincial sport and recreation associations.

These associations offer a plethora of activities for Albertans to choose from in the pursuit of a healthier lifestyle, whether they wish to train for a biathlon, a triathlon, or just want to play some lawn bowling. Other activities these associations promote include badminton, curling, karate, rowing, yoga, and wheelchair sports among many others.

3:40

Every four years the foundation also funds and co-ordinates the

Alberta Summer and Winter Games and the Alberta 55 Plus Games. These games are invaluable to our province, fostering a sense of accomplishment in our athletes and a sense of pride in the communities that host them.

Mr. Speaker, in this single foundation we find an impressive array of active living initiatives, and there are many more. This government has done a remarkable job of fostering a diverse range of active living and health initiatives in our province. Bill 203 would add to this impressive list of government initiatives designed to encourage Albertans to be more active. An Alberta get outdoors weekend would be a great way to promote physical activity on an annual basis, and it is hoped that even more will be achieved through this bill.

An Alberta get outdoors weekend would also help us to better utilize what we already have in place, acting as a gateway to guide Albertans toward existing initiatives. For example, Alberta Health Services could take advantage of the festivities on the Alberta get outdoors weekend to promote all the valuable resources available on their Healthy U website. This website contains everything from recommendations about physical activities for people of all ages to healthy recipes to details about upcoming educational events.

Another of our innovative websites, called Active for Life, could make use of the weekend in the same way. This innovative site promotes physical literacy in families in the hopes of helping our children establish lifelong healthy habits. In addition to these provincial family-oriented programs Alberta also has localized initiatives to support other groups. Bill 203 would provide an opportunity for local health providers to promote these initiatives as well.

In Lethbridge Alberta Health Services could promote its building healthy lifestyles program, which provides free counselling and classes about healthy eating and physical activity to individuals diagnosed with chronic conditions such as asthma, diabetes, and heart disease. In Edmonton the active anytime anywhere initiative could be promoted. This is a program that provides fitness opportunities and physical education sessions to low-income older adults in Edmonton to help them improve their vitality and quality of life.

The weekend would support the work of all these programs and associations as they continue to encourage Albertans to get outdoors and be active. In fact, many of the organizations I have spoken about today have already picked up on the potential of Bill 203. As we heard from the Member for Calgary-Lougheed last week and just a few minutes ago, to date over 100 communities and active living associations have signed a letter of support for this bill. These letters demonstrate that an Alberta get outdoors weekend would be a useful tool to raise Albertans' awareness about the importance of physical activity and about the options that exist to do so.

These organizations do much to support the health and wellness goals of our government. It is important that we also support them. After all, they help Albertans to stay active year-round and will continue to do so long after the Alberta get outdoors weekend will have ended each year.

With all this in mind, I will be voting in support of Bill 203, the Alberta Get Outdoors Weekend Act, today, and I encourage all of my colleagues to do the same. Thank you, Mr. Speaker.

**The Deputy Speaker:** Any other hon. member? The hon. Minister of Advanced Education and Technology on the bill.

**Mr. Weadick:** Thank you, Mr. Speaker. It's indeed a pleasure to rise today and speak to Bill 203, the Alberta Get Outdoors Weekend Act. Before I begin, I would like to thank the hon.

Member for Calgary-Lougheed for his continued efforts in promoting physical activity. His commitment to fitness and health is an inspiration to us all.

Mr. Speaker, the intent of Bill 203 is to establish the second weekend in April every year as an opportunity for Albertans to get outdoors and enjoy the world around them. There are a number of reasons why the bill would be beneficial. On the one hand, it could promote an understanding of the natural world and encourage Albertans to take an active role in protecting our environment. On the other hand, encouraging outdoor activities promotes exploration and tourism within this wonderful province.

While I appreciate the educational and recreational value of getting outdoors, I support Bill 203 for a different reason, and that is that outdoor activity leads to healthier lifestyles. Mr. Speaker, we are facing a growing concern in health, not just in Alberta or in Canada or North America but in the entire developed world. Our sedentary lifestyles coupled with an overabundance of processed and fast foods have led to a situation where close to 50 per cent – I repeat, 50 per cent – of the population is overweight or obese. Today we are experiencing the negative effects associated with obesity. Heart disease and diabetes are on the rise, and the rates of high blood pressure, blood clotting, and strokes are growing at an alarming rate.

Mr. Speaker, the causes for this development are as numerous as are the solutions. At some levels it will always fall to personal responsibility and accountability. We as individuals are the gatekeepers of our own health, but that's not to say that there is no role for government. Rather, I believe that government should take an active role in informing people about the risks of negative health choices and should actively promote healthy activities.

One way to do this is by simply encouraging people to get outdoors. Mr. Speaker, Alberta is filled with world-class parks and recreation centres. We have mountains, beaches, forests, playing fields, and wonderful opportunities across this province. There are places that almost compel people to get out and explore, places like Writing-on-Stone, Waterton, Banff, and many other places.

Setting aside one weekend every year, a weekend where we actively encourage people to get outside, may begin to create an environment where people reflect and take accountability for their own personal health. If this weekend is marketed correctly and coupled with information on healthy lifestyles, it may begin to set a positive pattern in people's lives. After all, the hardest part of becoming fit is not losing 20 pounds, running a marathon, or reaching a particular body mass index but, rather, maintaining a constant level of health over the long term.

Mr. Speaker, in order to maintain good health, people need to develop a routine or lifestyle that includes physical activity every day. One weekend a year will not develop this routine, and to be fair, this is not the intent of the proposed bill. Instead, I believe that this bill could be a starting point on the road to good health. One weekend outside could spark a passion for the outdoors and perhaps even a lifetime commitment to fitness and personal health. The reality is that we need to help Albertans improve their health. Without action our hospitals, our long-term care centres, and health care system as a whole could become overloaded with people suffering from preventable diseases. It is not outside the scope of government to encourage activities that are beneficial to citizens or to ban activities that are harmful.

Now, some may argue that it is not our government's place to tell people how to live or what choices to make, and I agree with this. People will make their own choices when it comes to their health and the health of their families. They will make these choices with the best information available to them coupled with the freedom to choose their own lifestyles. After all, that's one of

the benefits of living in a free society. But this does not mean that our government has no role to play. I would argue that our government's role is not to ban junk food or mandate physical activity but, rather, to encourage positive lifestyle changes, not with a carrot or a stick but with information and opportunities. Ladies and gentlemen, Albertans are smart, and they will make smart choices if they have the information at hand and the ability to act on it.

**3:50**

Mr. Speaker, perhaps the best part of Bill 203 is that it is so broad. It does not compel people to go hiking or jogging or kayaking. It simply asks Albertans to go outside. This could be as elaborate a production as organizing a ball tournament or a simple walk around the block. It could be as physically demanding as a 30-mile hike or a laid-back canoe ride on a quiet lake. As I see it, the effectiveness of this bill is not that it demands any specific action but, rather, that it creates opportunity for people to make their own choices.

I envision a scenario where an outdoor weekend is taken up by the community at large, a situation where people gather together to plan events that bring out people from all backgrounds, cultures, and fitness levels. This bill creates, for lack of a better word, an excuse to get out and get active. The best part is that being active outside doesn't require any money or government funding. It simply involves getting outdoors to enjoy this beautiful province.

Mr. Speaker, to sum up my comments today, I would again like to state that I applaud the intention and thought behind Bill 203. I believe that passing this bill will help promote Alberta tourism, encourage environmental consideration, and connect us with our natural heritage. Without a doubt the strongest reason I have for supporting this proposed legislation is that it has the potential to promote healthy lifestyle choices. In Alberta, as in the rest of the developed world, we are facing serious health challenges, and unless we step up as individuals and take responsibility for our own health, we will be exposing ourselves to health risks and will be passing an unhealthy future to our children. Bill 203 does not overstep the boundaries of government control or impose changes on free society. It simply aims to find a balance between encouraging what is good and allowing us to make our own choices.

Mr. Speaker, I would like to again thank the hon. Member for Calgary-Lougheed for his well-thought-out bill. I will be standing in support of Bill 203 and urge all other members to join me.

Thank you.

**The Deputy Speaker:** Any other hon. members? Hon. Member for Lethbridge-East, you have about two minutes.

**Ms Pastoor:** Two minutes. Oh, okay. Fine. That's great. That's all I was going to talk anyway.

Thank you very much, Mr. Speaker. I rise today to support Bill 203, the Alberta Get Outdoors Weekend Act, brought forward by the hon. Member for Calgary-Lougheed, and I certainly thank him for that. I also believe that one of the things that we can work on for our seniors is to encourage them to get out. Often they're afraid of weather or whatever, but if this is a weekend in April, it just might be a wonderful way to start off the spring.

We also have in this province an extensive outdoor infrastructure which includes a plethora of pathways, parks, and natural heritage sites, which make recreation activities that much more accessible. In Lethbridge we have 37 kilometres of paths that go through our entire city. They go up and down through the coulees,

which I'm proud to say are really very well used. If established, an Alberta get outdoors weekend could be used as an educational tool to foster deep appreciation of Alberta's natural habitats and to raise awareness of the importance of conservation and preservation efforts.

One of the things that I would like to talk about, too, is the fact that we keep talking about the outdoors as if they're outside of cities. Most of our cities have amazing, amazing parks. If you're in Europe or in some of the other countries, their parks are utilized all the time. Families will go for picnics. They'll have ball games. They'll have soccer games. Some parks have soccer pitches. So it isn't just to get outside of the city; I think it's to get outside and be able to get the benefits of sunshine and fresh air.

I would have a caution, perhaps, from some of the things that have been coming through my office that this may put huge increased pressure on some of our campgrounds. My understanding at this point is that some of our campgrounds are already booked for the entire summer, and then other people can't use them at all. So I would use that as a caution.

For these many reasons I'll be supporting this bill today, and I urge my fellow hon. colleagues to do the same. Thank you, Mr. Speaker.

**The Deputy Speaker:** The chair notes that the bill has received 55 minutes of debate, so Standing Order 8(7)(a)(iii) now applies. I'll call on the hon. Member for Calgary-Lougheed to close the debate.

**Mr. Rodney:** Thank you, Mr. Speaker. If you could please clarify: five minutes for my remarks?

**The Deputy Speaker:** Five minutes, maximum.

**Mr. Rodney:** Thank you.

It warms my heart, Mr. Speaker, to witness the informed and energetic discussion on this bill – that's only appropriate – and I sincerely want to thank everyone from every corner of the House who has participated, not only today but in the past two years, as a matter of fact.

Bill 203 is about improving the lives of Albertans, Mr. Speaker, just like Family Day and arts weekend, but in a completely new and different way. It's about recognizing that through active living and experiencing the outdoors, Albertans can create a more balanced and healthier lifestyle, especially after a long, cold winter. As members have suggested, considering the many letters of support, when we asked them only one time for that, it's proven that Albertans do agree with this as they value the benefits that come with such endeavors.

We all know that our lives are moving much faster, faster than ever, as people look after their families and their careers and their bills and more, but this comes with a cost often of ignoring the best care that we could possibly give ourselves. Stressful lifestyles, we see, lead to a myriad of health problems. To counteract some of these effects, it's incumbent upon us to support initiatives that encourage Albertans to engage in activities that have a positive impact on their health.

Mr. Speaker, I acknowledge very readily that Bill 203 is not at all the final answer to ensure that Albertans become more active and healthy, but it will be a huge, important kick-start to the solution, which complements other government initiatives that are related to increasing active living. Bill 203 will not only encourage people to get outside and be more physically active but also provides the perfect opportunity for all sport and recreation and other organizations in our province to work together – they do it, not us – to encourage Albertans individually to be active while

promoting tourism and encouraging people to explore Alberta's pristine natural environment.

During Committee of the Whole I started to read just the names of some of the groups – and I'll continue with the time I have – that have written us wonderful letters of support, including Alberta Recreation and Parks Association, KidSport, Alberta Trailnet, University of Alberta Faculty of Physical Education and Recreation, Alberta Association of Recreation Facility Personnel, Alberta Conservation Association, AOHVA, Alberta Equestrian Federation, Alberta Amateur Baseball Council, Alberta Sailing, Alberta Soccer, Alberta Bobsleigh. And there are more: ecotourism and outdoor leadership program, Alberta Centre for Active Living, Yoga Association of Alberta, town of Castor and its recreation department, village of Ferintosh, Point Alison summer village, county of Newell, Alberta Lacrosse, village of Coutts, AVA president, Dr. Monika Schloder, Marco Gervais, and at least one of our former MLAs, Bill Purdy.

In closing, Mr. Speaker, I once again want to sincerely thank every member, all of these folks and more who've mailed in their support in the past two years, and everyone who's spoken on Bill 203 in first reading, second reading, Committee of the Whole, or third reading, this year or last. I humbly request all members here to do the one last thing that we need to do to make this official, and that's simply to vote yes as you call for the vote.

I thank you, Mr. Speaker.

[Motion carried; Bill 203 read a third time]

**4:00      Public Bills and Orders Other than  
                Government Bills and Orders  
                Second Reading**

**Bill 204  
Justice System Monitoring Act**

[Debate adjourned November 21: Mr. Boutilier speaking]

**The Deputy Speaker:** We have a total of 46 minutes left of debate on this bill. Hon. Member for Fort McMurray-Wood Buffalo, you have five minutes left.

**Mr. Boutilier:** Five minutes left? Thank you very much.

Mr. Speaker, indeed, it is a pleasure for me to rise and speak through you to members of the House and to all Albertans relative to this important private member's bill. The hon. Member for Calgary-Fish Creek, who served in the ministry of children's services and also as Solicitor General, clearly has an outstanding record when it comes to initiatives such as this. Her ultimate goal is to streamline the system that has been in place and that requires some major help.

One often wonders when things go in front of the justice system: does the justice system actually move quickly? Clearly, in some cases it does. In this particular case and with the motivation for this private member's bill and from her vast amount of experience as Solicitor General, clearly, contrary to comments made on the other side relative to the system – and I quote – that there have been examples of the system as very efficient, we take an attitude that not only can we do things well, but we can do things well and then some.

I frame my comments this afternoon around those powerful three words "and then some." The enemy of excellent is just good old average. What I'm seeing more and more on the opposite side, on the government side – in the Solicitor General, in what's going on within Justice – is just average. We want more than average because Albertans are more than average citizens. They are truly

remarkable, and I want to compliment Albertans based on the input that has been provided to the Wildrose caucus and to the Member for Calgary-Fish Creek and this member, the Member for Fort McMurray-Wood Buffalo, from the oil sands capital of the world, I'm also proud to say.

In the important Keeping Communities Safe report and recommendations, that I'm holding up for everyone to look at, there are numerous examples where they say what needs to be done and what needs to be done more of. What needs to be done, clearly, is a greater streamlining of the existing system because this system does not provide the expediency that is required in our justice system.

I might also say that there have been examples by different ministers on that side who have indicated that our system is working very efficiently. Well, I'm afraid to say and to indicate to the Solicitor General and to different ministers involved in highways that it is far from perfect, and that's why I would be looking for their support for the Member for Calgary-Fish Creek and her initiative.

For instance, what needs to be done? I quote from the Keeping Communities Safe report and recommendations that have not been acted on.

11. Track and report on key indicators of the results of the criminal justice system in Alberta (e.g. use of diversion and its outcomes, delays in court proceedings, bail application results, lengths of sentences, breaches of court orders and the outcomes, guilty pleas to lesser charges, etc.)

Consistent with recommendation 10, steps should be taken [now].

That is the purpose of the Member for Calgary-Fish Creek and the initiatives she has taken. Steps need to be taken now. This, by the way, is from a government recommendation of indicators of the effectiveness of the criminal justice system in Alberta, particularly in areas where Albertans have serious concerns.

Where do Albertans have serious concerns? They have very serious concerns in delays in the process pertaining to sentences and bail. "Trends in these key indicators should be tracked and the results should be provided to the Minister of Justice."

Contrary to the Minister of Justice indicating that things are running along tickety-boo, the fact is that they are not. The sooner the awareness that has been created by the Member for Calgary-Fish Creek and the Wildrose caucus – I am hopeful that members from all sides will support this private member's bill because I believe that Bill 204 is an important bill in terms of enhancing and helping and then some, moving away from average and moving towards excellent. I think that's where Albertans want to be as well. "Legislation should be [clearly] implemented requiring annual reports on a number of indicators including" – for instance, you asked – "the time it takes from when a charge has been laid to the eventual outcome or court decision."

**The Deputy Speaker:** The next hon. member on my list, the hon. Member for Olds-Didsbury-Three Hills.

**Mr. Marz:** Well, thank you, Mr. Speaker. I'm pleased today to rise and join the debate on Bill 204, the Justice System Monitoring Act. I'd like to thank the Member for Calgary-Fish Creek for providing us the opportunity to showcase all the great work being done to improve timely access to justice in Alberta. I'd also like to thank the hon. Member for Fort McMurray-Wood Buffalo for his comments on the bill.

Mr. Speaker, Bill 204 requires that Alberta Justice track various measures of efficiency in relation to our criminal justice system and present these statistics to the public annually. Many of these

statistics relate to the time that it takes for an accused individual to make his or her way through Alberta's criminal court system. This, in turn, is thought to reveal ways in which the system and access to it can be improved.

Mr. Speaker, providing Albertans with timely access to justice has always been one of this government's top priorities. In fact, the Ministry of Justice is guided by the vision of ensuring that Alberta leads the most innovative and accessible justice system in Canada. To this end, there are several initiatives already under way that aim to improve the efficiency of our system.

The court case management program, for example, was implemented to help manage criminal cases before provincial courts in Edmonton and Calgary in a more effective and efficient manner. One of the goals in this program is to ensure that Provincial Court judges and Crown prosecutors only appear in court to address the most important events such as contested bail hearings, contested motions, trials, preliminary hearings, and sentencing hearings. The program aims to delegate other court appearances of a more administrative nature such as uncontested remands or adjournments to paralegals, who would appear before justices who have the appropriate jurisdiction. The goal of this initiative is to free up time in the courts for additional cases and will ensure that all resources at our disposal are used efficiently.

In addition to these measures, the court case management program also aims to make the scheduling of trials more efficient. It also recognizes the need for more specialized courts in areas such as domestic violence and youth, much like the specialized drug court already established in our province, as a way to further streamline operations.

All of these initiatives accomplish what Bill 204 sets out to do by working to ensure that court time is used in the most efficient and effective way possible in order to ensure timely delivery of justice in Alberta. If we are already addressing potential inefficiencies, I fail to see what this legislation would do to enhance current efforts.

Another measure that has been undertaken is the Crown file ownership system. This system also aims to promote proper case management and the efficient use of Crown prosecutors' time by ensuring, wherever possible, that the responsibility for a given file is vested in only one prosecutor, who can see its progress through from start to finish. This will cut down on the amount of time each case takes to navigate through the system and to ensure that it will always be attached to a specific prosecutor, who is intimately familiar with the details of the case, thus speeding up the process.

Yet another measure undertaken by Alberta Justice is the justice innovation and modernization of services initiative, or JIMS as it's called. The goal of JIMS is to streamline the ministry's business process in order to expand its ability to provide new and innovative programs that are designed to improve access to justice in Alberta and ultimately strengthen our justice system. The multiphase initiative, which began in 2008, will eliminate wasted time by implementing new technologies that will allow the ministry to successfully address existing pressures.

Mr. Speaker, JIMS is yet another example of how Alberta Justice is working to address the issues brought forward by Bill 204. Currently we are in the JIMS readiness project phase of the initiative, which is committed to finding ways to improve the ministry's delivery of its core business. For example, in 2008 Alberta Justice began a detailed examination of its business processes, which provides the baseline information for harmonizing processes across the province. This examination also provides opportunities to optimize processes that are not effective and allows gaps in areas of overlap to be identified and corrected. In all, more than 600

opportunities for improvement were identified, and a strategy was subsequently developed that will direct all future JIMS activities.

4:10

Mr. Speaker, JIMS and other initiatives that I have discussed clearly show that this government is committed to streamlining criminal justice processes and improving the overall justice system in our province. Alberta Justice has done an incredible job of identifying areas for improvement, from case management to trial scheduling to the need for new technologies. Moreover, the ministry's annual report, which is available to the public on the web, provides statistical information and performance indicators that allow us as Albertans to assess the overall functioning of Alberta's criminal justice system.

It's worth noting that in both the time to case disposition and the median elapsed time from first to last appearance indicators for provincial criminal court, Alberta is below the national average. In fact, in recent years no cases in Alberta have been dismissed because the lead time to trial was too long. Further, to the many initiatives currently under way, this government has added more judges, prosecutors, and courtroom staff in an effort to address pressures on the justice system.

Mr. Speaker, with all of the measures that have been implemented since the last provincial election, I fail to see how critics could suggest that we aren't doing enough to improve the performance of the system. I also fail to see the value in collecting some of the data this bill would require. Compiling many of these statistics would no doubt require additional resources, resources that could be better spent working towards implementing the changes prescribed by the JIMS initiative or the court case management program. Furthermore, there are a wide variety of factors that could contribute to the delay of a trial, and not all of these factors relate to the inefficiency in the court system. It would be difficult to extrapolate which delays were caused by these external factors, and as a result statistics relating to trial delays may not be representative of the actual situation within the system.

Put simply, Mr. Speaker, the Ministry of Justice and Attorney General along with Alberta Justice are already addressing many of the concerns raised by the hon. Member for Calgary-Fish Creek. They're working hard to improve court case management, to render trial scheduling more efficient, and to implement new technologies that will save both time and money.

I believe that the proposed legislation is unnecessary given the many initiatives currently under way and that it could also serve to undermine current efforts. Furthermore, our time could be much better spent working towards increasing timely access to justice for all Albertans. For these reasons I'll not be standing in support of Bill 204, and I urge my hon. colleagues in the Legislature to do the same.

With that, Mr. Speaker, I will conclude my comments and look forward to other members standing up and debating this issue.

**The Deputy Speaker:** Hon. Member for Edmonton-Gold Bar, do you wish to join the debate?

**Mr. MacDonald:** Yes, please, Mr. Speaker. I appreciate this opportunity to speak on the Justice System Monitoring Act, Bill 204, as presented by the hon. Member for Calgary-Fish Creek. Certainly, I was listening to the comments from hon. members. I know that a couple years ago we started our own statistics Alberta, which I believe was in the old employment and immigration ministry. I don't know whether it's in human resources or where it is these days, but I certainly will look.

The information that this act is suggesting we have, detailed

statistical reporting on a wide range of matters that affect the time it takes for a criminal matter to proceed through the court system, I think is noteworthy. It's certainly interesting. Whenever I looked at those statistics previously, I didn't see anything directly related to court times. Now, I may have missed it. I'm not suggesting it's not there, but I certainly did not see it. If it is not collected and not presented through – I don't want to say statistics Alberta because this government could get inflated ideas about that, so I will say the office of statistics instead.

Certainly, to collect accurate statistics to measure the performance of the criminal justice system, to disseminate the information, and require consideration in the Legislative Assembly is noteworthy. Bill 22, which is a government bill going through the Assembly at the moment, certainly is a rather large, comprehensive consolidation of a number of acts, and we are essentially in parts of it trying to measure at least the performance of the criminal justice system.

This act, as presented, would provide data on various factors that are likely to extend the time between an accused's first and last court appearances. Reporting generally results in improved performance on the matters reported upon. I certainly hope that is true. It is agreed by everyone on all sides of the House that court delays are a very, very important issue. According to the most recent Statistics Canada data – and it's up to four years old – Alberta has the second-highest mean elapsed time to complete a case in adult criminal court at 270 days. Quebec is the highest at 294 days. Now, the model for a program, in my view, to address court delays is Ontario's justice on target, or JOT, program, which requires the dedication of resources but does not require reporting at the level of detail that the hon. member is proposing.

Alberta Justice has a performance measure on this matter. If I had my way, Mr. Speaker, I think I would ban performance measures by any department in this government. I think they're a complete and utter waste of time and valuable resources. If it's a bad performance measure, it's usually taken out or it's changed so that it doesn't embarrass the government. These performance measures, of course, allow hon. members across the way to stand up and brag about how wonderful things are, but in reality those performance measures are created to suggest that things are wonderful. I would imagine that we'd save considerable money and free up a lot of resources within the civil service for more practical matters if this idea of performance measures was completely forgotten about. Of course, we all know the most important, famous performance measure that was not used was the one on royalty collection, and that, to say the least, is disappointing.

There certainly is a need for information or analysis, and it is generally agreed that justice should be administered in a timely manner. As the previous speakers have suggested, justice delayed is justice denied. So timely court proceedings are important from a range of perspectives: administration of justice, public safety, rights of the accused, rights of victims, and efficiency.

Now, Mr. Speaker, when we look at some of the significant delays in Alberta – Alberta's crime rate is higher than the national average, so the criminal court system certainly deserves attention. As I said earlier, Alberta has the second-highest mean elapsed time from first to last court appearance, a factor considered significant by the Supreme Court in the past. Several recent cases in provincial court have resulted in stays as a consequence of delay. Statistical data allows for analysis of the system.

**4:20**

In the time that I have, I don't think we're going to go through this sectional analysis in detail, Mr. Speaker, but I would like to

certainly encourage all hon. members of this Assembly to consider this legislation. I think it would be an improvement, and I would like to thank the hon. Member for Calgary-Fish Creek for bringing this forward.

Thank you very much.

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

**Mrs. Sarich:** Thank you very much, Mr. Speaker. It is indeed a pleasure to rise today and join my colleagues in second reading debate of Bill 204.

**The Deputy Speaker:** Hon. member, have you have spoken on this bill?

**Mrs. Sarich:** No, I have not, Mr. Speaker.

**The Deputy Speaker:** According to our record here you have spoken.

**Mrs. Sarich:** I have? I'm sorry, Mr. Speaker. [interjections] So am I to proceed?

**The Deputy Speaker:** No. Please, we only speak once.

**Mrs. Sarich:** Okay. Thank you for that clarification. My mistake.

**The Deputy Speaker:** I shall now recognize the hon. Member for Edmonton-McClung.

**Mr. Xiao:** Thank you, Mr. Speaker. It is a pleasure to join the debate on Bill 204, the Justice System Monitoring Act. I would first like to thank the hon. Member for Calgary-Fish Creek for bringing forth this legislation.

As has already been discussed, this bill proposes that the Minister of Justice and Attorney General prepare a statistical report on the justice system at the end of each calendar year. This report would have to include eight metrics that describe certain data about our justice system. These metrics would include the length of time from the laying of a charge until the final judicial determination of a matter and the approximate cost of delays in the commencement of trials, among others. While collecting detailed statistics about the justice system may help us improve the efficiency of trials, I think that we should further consult lawyers, judges, and other professionals, both inside and outside of the department, before we can make an adequate decision about the collection of statistics in our justice system.

Mr. Speaker, as we all know, our justice system is based on the principles of fairness and objectivity. We go to considerable lengths to ensure that these principles are upheld. Before we make changes to our justice system, it is imperative that we ensure that the principles of fairness and objectivity are not being compromised. There are rules as to how trials work, an exact process which they must follow. Lawyers in the department know these details, and we should consult with them on this legislation in order to carefully select which statistics ought to be tracked and published. Judges and other legal professionals throughout our province also know these details, and they would also be able to provide some insight to help us understand what data is important.

While collecting all of this data about the system may seem like a great idea, we have to be worried about any unintended consequences that this legislation may have. Legal professionals will best be able to inform us of all these unintended consequences. My point here, Mr. Speaker, is not that it's a bad idea to keep track of and publish certain statistics. My point is that

the judges and lawyers who know the justice system inside out should be consulted before we decide to pass legislation that compels the Ministry of Justice to produce an annual report with detailed statistics.

Of course, this is not to say that we should not keep track of any statistics in our system. Indeed, there are certain statistics that are published in the Ministry of Justice annual report which track the performance of the system in certain ways, such as the median number of days it takes to process a case in court from the first to the last appearance. Additionally, many indicators about the justice system in various provinces across the country are already collected by the Canadian Centre for Justice Statistics and the University of Regina.

Before we go ahead and publish the metrics that are required by Bill 204, we need to be especially careful about the consequences of publishing such data. While I understand the desire to increase the efficiency of the system, I believe that the publication of certain statistics could have undesirable consequences if we do not carefully select which statistics ought to be tracked and published. The best way we can select the relevant statistics is to work closely with the lawyers, judges, and other staff who know more about trials than we do and who know more about which statistics could potentially be problematic.

Mr. Speaker, I'm also concerned that some of the statistics that Bill 204 would force the Minister of Justice to track and publish are overly vague. For example, the bill proposes that the report would have to include statistics on the approximate cost of delays in the commencement of trials, including costs of the peace officers and prosecutorial staff and approximate costs to witnesses, victims, and jurors. I'm not doubting that these statistics would provide valuable and insightful information if available. However, I'm rather skeptical about the feasibility of collecting objective data on the cost of delays to witnesses, victims, and jurors. It seems to me that it would be rather difficult to estimate the tangible cost of delays to witnesses, victims, and jurors.

Theoretically, Mr. Speaker, to estimate the cost of such delays, we would need to know the salaries or wages of the jurors in order to calculate the opportunity cost of serving as a juror. We would also need to put a price on the cost of delays to victims, which cannot be adequately done because the cost of such delays are hard to define and measure.

Of course, the legislation asks for approximate costs for these parties, but since there's no set methodology to calculate such costs, I think that the value of such statistics would end up varying greatly depending on the methodology used, thereby rendering such statistics extraneous. Further, the legislation asks for the precise cost of delays as it relates to prosecutorial staff and peace officers, which would be time consuming to calculate, thereby increasing bureaucracy in the Justice department. So I think that this legislation is overreaching in terms of the statistics it requires to be tracked and published, especially since some of these costs are not tangible. It is, of course, of the utmost importance that the trials are completed in an efficient manner as victims of crime shouldn't have their suffering prolonged by unnecessary delays in trials. Further, unnecessary delays mean that the criminals aren't brought to justice in a timely manner.

**4:30**

So while I thank the hon. member for bringing forth this legislation, which seeks to increase the efficiency of our justice system, I think we ought to tread carefully before we publish and track some of these statistics. There may be some unintended consequences of including some of the statistics in the report that

this legislation requires to be published, and these consequences could ultimately serve to decrease the efficiency of the justice system. Prosecutors, judges, and other stakeholders ought to be consulted before we can responsibly track and publish the statistics Bill 204 requires.

For these reasons, I will not be supporting this bill, and I encourage all other Members of this Legislative Assembly to do the same. Thank you, Mr. Speaker.

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

**Mr. Doerksen:** Yes. Thank you, Mr. Speaker. It's my pleasure to rise today and discuss Bill 204, the Justice System Monitoring Act, which is being brought forward by the hon. Member for Calgary-Fish Creek. The objective of this bill is to track and present various measures of efficiency in relation to the criminal justice system on an annual basis. The proposed legislation's goal is to increase access to and enhance public confidence in the administration of justice.

We can all agree that timely prosecution contributes to fair and effective processing of criminal matters. This helps foster public confidence in the integrity and effectiveness of the criminal justice system. Public confidence can sometimes be gained by publishing statistical figures, so I do understand the desire to develop a more robust monitoring system, but we need to examine if these stats will inspire public confidence, whether Albertans will believe the system is indeed fair and will deliver for our law-abiding citizens.

Mr. Speaker, it is important to recognize that the Ministry of Justice already keeps track of many of these statistics. However, not every statistic can be monitored due to factors outside the sphere of influence of the Minister of Justice. These factors include the complexity of crimes, changes to laws, procedure changes by legislation, involvement and availability of witnesses, unrepresented mentally ill accused persons as well as defence of appeals and retrials. Nonetheless, with the implementation of the resolution options policy framework we are working on mitigating these factors.

Again, I'd like to state that statistics are important, but we need to remember that our primary goal is to improve the fairness and effectiveness of our justice system. The Court of Queen's Bench, the Provincial Court, and Alberta Justice are all working together to improve the processes available to meet the needs of those who come before the courts.

Mr. Speaker, there are obvious concerns that arise when I think about what this proposed legislation would mean for Alberta; for example, additional resources needed to compile what would be required by Bill 204. I'm also concerned that this extensive data retrieval could be a costly and time-consuming procedure. So we need to ask ourselves: who would have an interest in collecting this information, and how will it help achieve our current goals and initiatives in the criminal court system?

Mr. Speaker, our government is doing all it can to create a more efficient criminal justice system. The ministry is trying to implement the resolution options policy framework in order to increase access to justice and to improve confidence in the administration of justice. All efforts are being made to work collaboratively with other divisions within the ministry: the judiciary, court field operations, the Bar, the rules committees, justice sector partners, other ministries, and other jurisdictions.

We've put measures in place to ensure that justice is administered in a sequential, orderly, and technology-intensive series of well-defined processes. For example, the JIMS initiative will improve the efficiency with which the ministry delivers

justice services and will introduce new technical systems to automate processes and support the work of the ministry. Furthermore, it focuses on eliminating wasted time and implementing modern technical systems that will improve efficiency and address new opportunities.

Mr. Speaker, I believe that when the objectives of our current initiatives are obtained, the end result will be exactly what the hon. Member for Calgary-Fish Creek is trying to achieve by the introduction of this proposed legislation, that being a more effective and efficient criminal justice court system. The only difference is the process and how we get there.

Mr. Speaker, I recognize the hon. Member for Calgary-Fish Creek's intentions with this bill. However, I do not see a need for this legislation due to the fact that Alberta is already making sufficient progress in managing our criminal court system. Bill 204, in my opinion, is therefore unnecessary, and it will only serve to impede the progress we have been making to this point. Furthermore, this bill would mean taking away elements from our already constrained resources that could be wisely invested in projects where they are really needed.

For these reasons, Mr. Speaker, I do not support Bill 204, and I urge other members to give it similar consideration. Thank you.

**The Deputy Speaker:** Any other hon. members wish to speak on the bill? The hon. Member for Calgary-Varsity.

**Mr. Chase:** Yes. Thank you very much, Mr. Speaker. My comment . . .

**The Deputy Speaker:** Hon. member, you already spoke before.

**Mr. Chase:** Yes. I realize. I'm speaking to the process, not to the bill.

**The Deputy Speaker:** You already spoke before, according to the record.

**Mr. Chase:** Yes. Well, the reason for my standing is not to debate the bill. When the question is called, I would like to have the bell recess reduced to a minute rather than 10.

**The Deputy Speaker:** So you have a motion for the division bell if it occurs. We need unanimous consent for that motion.

[Unanimous consent denied]

**Mr. Chase:** That's unfortunate.

**The Deputy Speaker:** We will carry on with the bill. We have five minutes for closing. The hon. Member for Calgary-Fish Creek.

**Mrs. Forsyth:** Mr. Speaker, thank you very much. I have had I guess what I'm going to say is fun listening to some of the debate that I've heard from the members opposite. I guess what I would like to do, first of all, is thank my colleagues for taking the time to consider and debate Bill 204. I think what's been interesting is that members are not obliged to speak to a bill, and I appreciate those who have stood up and spoken. I appreciate their efforts.

Mr. Speaker, victims of crime and their journey for justice have been a passion of mine, and we've heard that on the floor. I've long advocated for those who are abused and, everyone knows, especially children. I've seen delays in the court system and the emotional turmoil it causes. Absolutely it breaks my heart, and I'm sure it breaks many people's hearts.

Mr. Speaker, I want to tell you that I worked hard on the safe communities task force, and I have to tell you that I was and I still am proud to have presented it to the Alberta government and, more importantly – and this is important – to the people of Alberta. My pride in the safe communities task force work is matched only by my disappointment that I have in the government. I've listened patiently to the speakers, and the message from the government seems to be: don't pass this bill; trust us instead. I have to tell you that that trust has been broken.

4:40

The safe communities report urged immediate action to make Alberta safer, yet years later, just like those in the court system and in the health care system, we're waiting for the government to finish a job that they had promised they would take care of and that they would do. The report recommended streamlining the justice process and tracking key indicators. We've seen neither from this government.

There is no better time to pass Bill 204. The Premier had the opportunity to make these proposed changes when she was Justice minister. Throughout her leadership campaign she told Albertans how important the program was. Now it's time for the Premier to take care of her unfinished business. Her time, quite frankly, is up.

The government claims they're making good progress on the justice system. Just a few days ago the Minister of Transportation said that court cases were taking up to five years to be settled. I urge them to be honest with the people of Alberta. Where are the bottlenecks? Why is it taking so long? Why the secrecy? This seems like the way this government operates on health care and education and other important files. Decisions get made behind closed doors, and the people of Alberta never seem to get the truth.

The Minister of Justice has offered some reasons why this bill just can't work. The reasons were not nearly good enough, Mr. Speaker. He stated that it's too onerous to file a report once a year and then have to respond to the legislative committee follow-up to that report as well. An annual report is not a lot to ask for an important issue.

The thing about annual reports is that the first one can sometimes take quite a bit of work, but updating it the following years gets pretty easy. I think the House should be somewhat offended that the minister thinks it's not worth the time to respond once a year to questions that the committee might have on these different subjects.

He also stated that the department is already developing a robust internal tracking system. Well, you know what? That's great. It should make updating these measures in Bill 204 that much easier. If his tracking system isn't tracking these same measures, then I wonder just exactly what he's tracking. Internal systems are important, but Albertans deserve to know some of the highlights, and only a bill like this would make sure that that happens. The thing about internal reports is that the government shares only the good news with the public.

In closing, Mr. Speaker, this bill doesn't ask a lot from the government. It brings into law what they've already promised they would do anyhow. But they've had their time to get it done, and now they need the full force of the law to make sure that it gets finished. Albertans can't wait any longer. Every wasted day is a tragedy. It's time for this Premier and this minister and this government to stand up and keep the promises that they've already made.

Thank you.

**The Deputy Speaker:** The hon. member who sponsored the bill has closed the debate. The chair shall now call the question.

[The voice vote indicated that the motion for second reading lost]

[Several members rose calling for a division. The division bell was rung at 4:44 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Anderson	Forsyth	MacDonald
Boutilier	Hehr	Taylor
Chase	Hinman	

Against the motion:

Allred	Griffiths	Lindsay
Amery	Hancock	Marz
Benito	Hayden	Pastoor
Brown	Horne	Prins
Campbell	Jablonski	Sarich
Danyluk	Klimchuk	Tarchuk
Denis	Knight	Vandermeer
Drysdale	Leskiw	Xiao

Totals:	For – 8	Against – 25
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[Motion for second reading of Bill 204 lost]

### **Bill 205 Municipal Government (Delayed Construction) Amendment Act, 2011**

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

**Mr. Taylor:** Thank you very much, Mr. Speaker. I hereby move second reading of Bill 205, the Municipal Government (Delayed Construction) Amendment Act, 2011.

We have very few minutes to talk about this today, and I hope that I'll be able to begin debate today and that we'll see this continue next Monday, when we can delve deeper into this bill. I'll quickly thank the hon. members of this Assembly from all parties for the interest they've shown in this bill, for their feedback, their questions, and their comments so far. Thank you for the opportunity to debate this bill in second reading, and thank you in advance for what I anticipate will be your participation in a week's time.

[The Speaker in the chair]

This is a simple and straightforward bill that seeks to serve Albertans and the best interests of the communities in which we all live by identifying a problem and providing a solution. The bill seeks to amend the Municipal Government Act to allow municipalities to better regulate construction within their own boundaries and to ensure that projects are not significantly stalled, suspended, or delayed for unreasonable lengths of time. This legislation will give municipalities clear authority to intervene when construction sites become significantly stalled, suspended, or delayed. In these cases, municipalities should hold the authority to require the owner of a delayed project to improve the appearance of a site within a specified time frame.

This bill comes as a response to a number of stalled, suspended, and delayed developments throughout the province, and it is my hope that this bill will allow municipalities to avoid similar

situations in the future. Delayed sites hamper the vitality of a community and make the community less desirable for businesses, residents, and as a destination for visitors. This bill, if approved, would allow municipalities to protect the economic and societal interests of communities existing near to such construction sites. Specific examples of past stalled development sites which have significantly hampered the vitality and growth of their surrounding communities would include the Atrium Building in downtown Lethbridge and the Mission pit in downtown Calgary.

Mr. Speaker, one can make the argument that the Municipal Government Act already provides municipalities with the authority that they need, and I'm sure some from the Ministry of Municipal Affairs would like to make that argument, but I would point out that the genesis for this bill was a request by the city to myself to make a change because they felt they did not have . . .

**The Speaker:** I hate to interrupt the hon. Member for Calgary-Currie, but the time limit for consideration of this item has now expired for today.

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

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

#### **Adverse Possession**

507. Mr. Allred moved:

Be it resolved that the Legislative Assembly urge the government to introduce legislation abolishing the common-law doctrine of adverse possession in Alberta and all statutory references to adverse possession in Alberta legislation.

**Mr. Allred:** Thank you, Mr. Speaker. I am pleased to rise in the Assembly today to introduce private member's Motion 507. The first thing I should do is make it clear to all members exactly what adverse possession is. Adverse possession is commonly known as squatter rights. To give you a very current example, the Occupy Edmonton group was squatting on private lands in downtown Edmonton until I believe last week, when they got evicted. If they had continued to squat on those lands continuously for 10 years, they would have had the right to go to court and claim those lands as their own. Now, we know that that occupation has now been discontinued and would never have lasted for a 10-year period, but that is what adverse possession is all about.

I recall from the 1970s a situation in the west end. Adjacent to an office where I worked there was an old fellow that lived in a shack at the rear of an industrial property who, I can only assume, was squatting. I know he was there for at least five years, but I don't know if his possession ever resulted in an adverse claim.

A more common example, an example that happens on an occasional basis, is where a landowner, either urban or rural, places their fence on a neighbour's property, likely with no ill intent. After a period of 10 years they have the right to claim that land as their own. I will speak to an example of this in a moment.

Adverse possession is part of the law of limitations, the law that places limits on when you can commence an action in court. How did this situation come into play in Alberta? Well, Mr. Speaker, a little history is in order.

Adverse possession is part of the common law in England. In 1870, when Canada purchased Rupert's Land to create the North-West Territories, the Dominion of Canada adopted the laws of England as they existed in 1870. I'm going to paraphrase a section of that law: insofar as any such act is, for any reason, inapplicable to the territories and insofar as the same are applicable to the

territories and have not been or may not hereafter be affected by any act of any law of the Parliament of Canada.

In my opinion, the foregoing exceptions stated in the 1886 North-West Territories Act amendment should have barred adverse possession from being introduced in the territories and eventually Alberta. The land tenure system is clearly different in the United Kingdom than in the North-West Territories and always has been.

English real property law is based on a system of settlement before survey, where lands occupied during the enclosure movement were defined by fences, hedges, stone walls, and ditches. This is known as a general boundary system. Ownership was based on possession rather than on grant.

In western Canada, on the other hand, the Dominion Lands Act set out a system of boundary surveys whereby the land was laid out in sections and townships prior to land grants being given out for settlement by the Crown to homesteaders based on an accurate description relative to fixed boundaries.

The system of land ownership was also vastly different. In the U.K. land ownership was based on a deed system, where an owner had to prove his ownership based on the deeds of his predecessors and title, whereas under our Torrens system a title was issued and guaranteed by the government.

Unfortunately, when the early court cases were argued in Alberta in 1911, the arguments put forward were only whether limitations law, upon which adverse possession is based, could coexist with a Torrens system of guaranteed title. The court decision was based on a case from British Honduras which had gone to the Privy Council and was decided in favour of adverse possession being allowed in Alberta despite our adoption of the Torrens system of guaranteed title.

The issue of our land tenure system being vastly different from that of the U.K. was not argued. If this issue had been argued, I would expect that the 1911 court decision may have been different, but that was not the case, and the precedent was set.

Over the years our legislation has been amended, firstly in 1921 to allow a court order upholding an adverse claim to be registered in the land titles office and directing the registrar to cancel the title of a registered owner and issue title to the adverse possessor. Subsequent to a 1948 decision of the courts whereby a landowner was unsuccessful in making an adverse claim and lost possession of buildings which had been built by mistake on a neighbour's land, an amendment was passed which allowed a person who had built on the wrong property through mistake of title to claim the lands occupied subject to payment of compensation as determined by the courts. This, Mr. Speaker, in my opinion, is a very practical remedy to some of the most common encroachment claims and has served Albertans well over the past 60 years. There is no intention in my motion to modify this procedure.

In 1960 there was a case in Calgary where an adjacent landowner had used some city-owned lots for a garden for the required period of 10 years and was successful in obtaining title to the lands through an adverse claim. The law was subsequently amended to prohibit adverse possession against lands owned by a municipality. Similarly, in 1993 there were two cases against lands owned by irrigation districts. These cases resulted in an amendment to the Irrigation Districts Act which barred adverse possession against an irrigation district.

It is clear, Mr. Speaker, that the Legislature has been responsive to remedies that create equity in our system of real property law. However, the Legislature in the 1980s appears to have overlooked the clear direction of the court in the leading Alberta Court of Appeal case of Lutz versus Kawa. This was a case of a fenceline dispute in the city of Edmonton where a neighbour had claimed a

wedge of land tapering from an inch at the front of the lot to 16 inches at the rear. Justice Laycraft made it very clear that where the law was unfair and created hardship and disputes between neighbours, it was only in the power of the court to uphold the law, and it was up to the Legislature to take whatever action is necessary to enact the remedies. I quote from that decision.

This case is one of special importance far beyond the value of the strip of land in dispute. A decision in favour of the plaintiff would seriously cloud the security of boundaries assumed to be inviolable under registered plans of survey or descriptions under the Torrens system. We can all take cognizance of the fact that there are countless instances in this province where fences have been erected, by eye on what was intended to be the true boundary line between adjoining properties without the assistance of a qualified surveyor, as there are also countless instances where there are no fences at all to mark the boundaries of large cultivated areas. Deviation from the true line in such cases, as in the case at bar, is almost inevitable . . . Such a result was never contemplated by statutes of limitations.

The remedy, if one is thought necessary, must also come from the Legislature.

Justice Laycraft was very much to the point in his decision. This decision may have been one of the reasons that led to the Institute of Law Research and Reform conducting a comprehensive review of limitations law in Alberta. In their 1996 Report No. 4 the institute did a very detailed analysis of the application of adverse possession in Alberta under four heads. They completely debunked the four objectives of adverse possession and thus the need to retain the doctrine in our system of land ownership in Alberta.

Report No. 4 led to considerable discussion in Alberta and across Canada about limitations and the need to standardize limitation periods across jurisdictions. There is little doubt that this led to the introduction of private member's Bill 205 by Denis Herard, MLA, in 1996, which followed the recommendations of the institute regarding limitation periods. The bill was passed and subsequently proclaimed in 1999. For one reason or another Bill 205 was silent on the issue of adverse possession, and it was assumed by many that Bill 205 did away with adverse possession in Alberta. A provision in the Land Titles Act, however, was not amended or struck out, so the issue was somewhat unclear.

This led to a further study and report No. 89 of the Alberta Law Reform Institute, the same body but a new name. This report was presumably intended to clarify the law of adverse possession in Alberta, and it recommended several amendments to clarify the same. The 2002 report did not, however, address the very clear recommendations of the 1996 report. In 2007 Bill 17 was passed, clarifying the issue of adverse possession, amending the Limitations Act, making it clear that adverse possession was still part of Alberta law.

I am now of the opinion that government needs to have a close look at the concept of adverse possession, as I have done, and abolish the doctrine once and for all. Alberta is the only province in Canada that accepts adverse possession within a guaranteed Torrens system of land registration. British Columbia, Saskatchewan, and Manitoba have legislated against adverse possession. Ontario only allows adverse possession under their registry of deeds system but not on lands once they have been brought under the Land Titles Act. Nova Scotia introduced a land titles act in 2001. Pursuant to the Nova Scotia act adverse possession will only be acknowledged for a period of 12 years from the time land is brought under the act and subsequently will be barred.

It is also worthy of note that the United Kingdom has recently adopted a land registration system . . . [Mr. Allred's speaking time expired]

**The Speaker:** I'm sorry, sir.

The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you very much. I'm speaking in favour of the hon. Member for St. Albert's motion, which is a direction to the House to take a particular look at Alberta's laws and take it, I would suggest – I don't want to put words in the hon. Member for St. Albert's mouth – from sort of an archaic ruling on the books to a more modern realization.

**5:10**

I do have difficulty, though, with the example the hon. member gave in terms of adverse possession. He talked about either of the Occupy movements, whether it be in Edmonton or in Calgary, because part of adverse possession is the intent to occupy an area for 10 years. While I have difficulty with the idea of what would be considered squatting or a legal assembly, we still have a series of inalienable rights such as the right of assembly, the right of free speech, so when that sort of example is being used, I have a little bit of trouble with it.

If we go back to the origins of democracy and we go to Athens, would Plato and Socrates, when they travelled about ancient Athens and stopped with their students at a particular spot to do a lesson, have been subject to adverse possession? Of course not because they were only there for a little while, while either of the two wise men provided their explanations.

Now, if we take adverse possession and put it into an historical aspect – and we're talking about British law – I think a rather interesting argument could be made about the illegal possession of Red River land, that Louis Riel, who was an elected parliamentary representative, then found himself having to flee to the States. Now, Mr. Speaker and all members of this House, I do not believe in violence as a way of either taking property or solving property disputes, and I do not believe that the massacre that occurred at Frog Lake was a justifiable activity, nor do I believe that the temporary possession by the hostage-taker of the WCB was a legitimate act.

But it would be interesting, in looking at history and given the First Nations and the intermarriages of French-Canadians and the formation of the Métis, which now in Alberta have legitimate claim to a number of settlements in Alberta law, whether if we looked at the adverse possession aspects of it, what led to the Red River Rebellion was – we didn't have a Canada nation at that time; we were still a British colony – that we had surveyors coming out from eastern Canada without any rights staking out land areas, surveying in areas, as I say, that had been traditional hunting grounds and trading grounds for First Nations for hundreds, thousands of years. Now, in our desire to open up the west for settlement, I could see this very much as an adverse possession or an attempt to take over land in a very illegitimate fashion.

I think it's important that we remember these historical examples. At a recent remembrance at the museum of the regiments in Calgary I confronted Member of Parliament Jason Kenney for celebrating the achievements of the British soldiers that in no uncertain terms dispatched Louis Riel and his followers with Gatling guns and heavy cannons and so on at the famous Battle of Batoche. And I said that by celebrating the British army members who took part in the settling of what was considered a rebellious act, you're ignoring the contributions of the First Nations, the Métis, and the French Canadians who had occupied this land for years. So it isn't that simple. I don't believe in rewriting history, but when we're talking about adverse possession and legitimacy, then we have to take these things into account. An

example of adverse possession was the demolition of Africa town in Halifax, Nova Scotia. We have to be careful how we lay out what we consider to be right.

Mr. Speaker, an example of one of the biggest instigators that brought the North West Mounted Police as opposed to the British army out to Alberta and provided support for First Nations, for Métis, for all races was Métis Jerry Potts, whose father was a Montana trader and whose mother was Blackfoot. The reason for bringing the Mounties out was the Cypress Hills massacre, where a group of American whisky traders cornered a group of First Nations and massacred them.

The other reason for the Mounties coming out, of course, was to establish what was, in fact, our possession north of the 49th parallel. We were very concerned about competition with the States and the potential loss of Rupert's Land and British Columbia, which had been explored and competed for by American and British and French explorers. So when the North West Mounted Police came out to establish our possession, they did things in as legitimate a manner as they could. We had, as a result, Treaty 6 in northern Alberta, Treaty 7 in southern Alberta.

Unfortunately, at the time there were First Nations like the Lubicon who were not signatories to these treaties: therefore the argument of adverse possession. We have seen companies – various oil and gas-extracting and drilling companies – going into what is considered traditionally claimed Lubicon land. So are the drillers adverse possessors of land that has been inhabited by the Lubicon or the Chipewyan in the Fort Chip area? What I am saying is that while adverse possession is now more clear – and I understand why the Member for St. Albert wants to bring that clarity forward – the question of right and wrong and whose land was illegally possessed or trespassed upon is still the subject of not only historical novels but also of court proceedings.

To summarize, Mr. Speaker, historically the law has not been a black and white circumstance. It's still the subject of much debate, and I'm pleased that we have a Supreme Court that attempts to sort things out when they can't be resolved locally. But on the record the occupying movement was . . .

**The Speaker:** Thank you.

The hon. Minister of Transportation.

**5:20**

**Mr. Danyluk:** Well, thank you very much, Mr. Speaker. I want to thank hon. members on both sides for definitely giving me a little bit of a history lesson. I want to say that I'm pleased to join the discussion on Motion 507, and I want to thank the hon. member for bringing this motion forward. My position on this is very simple. This is about a law that is outdated. You know, as members of this Assembly it's important that we continually look at ways to improve and update our provincial laws, and I urge that you support this motion. I would also like to thank the Member for St. Albert for, really, his excellent description of what this law means to individuals.

Adverse possession is a doctrine that permits the transfer of landownership from the legal owner – and I say the legal owner – for the possession of land after a specified period of time. Mr. Speaker, you heard previously where this originated and what the purpose of the law was. The purpose was very legitimate because before you had any ability to have the surveying done, it did serve a purpose for individuals who, you know, had entered some land and done some improvements to land that possibly was not utilized or possessed by anybody. But I believe that this needs to be eliminated because I would say that our lands right now are very much surveyed and well documented as far as ownership is

concerned. British Columbia, Saskatchewan, and Manitoba have made it very clear and have taken the steps to go forward, and I would say that we need to follow.

Mr. Speaker, that's all that I have to say. Well, I'm sorry. Maybe I could say a little more just for you because you gave that indication. Anyway, it does concern me that once on the land for 10 or 12 years, a landowner has only 65 days to appeal that ownership or that possession or that squatting. That isn't fair. Also, when we look at it, the legitimate landowner has to give the squatter two years to be able to take him off that land.

You know, I say to you with great regret that those are my points. I would say to you that we need to support this hon. member and also the presentation by the member opposite, that we need to update this law.

Thank you.

**The Speaker:** The hon. Member for Edmonton-Calder, followed by the hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Edmonton-Mill Woods.

**Mr. Elniski:** Well, thank you very much, Mr. Speaker. I'm very pleased today to rise and speak to Motion 507 brought forward by my good friend the hon. Member for St. Albert. I want to thank him, first of all, for his work with this motion. As an Alberta land surveyor and a Canadian land surveyor he knows more about this particular issue than any other person I know. I know he speaks not only with authority, but he certainly speaks with a commitment and some compassion for what would be largely regarded as being fair for everyone else.

This motion, Mr. Speaker, encourages the government to end the policy of adverse possession, otherwise known as squatters' rights. For those who may be unfamiliar with squatters' rights, it's a possession of land without legal title for a period of time that is deemed sufficient to become the legal owner. It's a very nice concept, but it does present with it some problems. The basic principle of adverse possession is that an individual who operates a piece of land for a continuous length of time without complaints from the landowners should be able to claim that land after enough time has passed. This practice is grounded in the tradition of English common law and has existed in our province for nearly a century.

Adverse possession can be seen as a legitimate means of acquiring property in medieval England primarily because at the time property boundaries were marked with such landmarks as hedges, stone walls, and large trees. Naturally, such a system caused many, many disputes and land claims. Many of these disputes lasted for generations as land was passed down amongst families. The idea of adverse possession was proposed in order to ensure that an individual or family would not have property boundaries unexpectedly redrawn.

As is the case of most laws, Mr. Speaker, adverse possession is a remnant of an age and a place where such a policy was necessary in order to keep a degree of order. Clearly, the technology we have in place today allows us to much better track land titles. Nowadays we have advanced survey systems in Alberta which ensure that we are able to accurately define and record land boundaries. Under the system, which is based upon the Torrens land registration system, the government is responsible for ensuring the accuracy of land titles. If there is a dispute between two landowners due to a mistake in the land titles registry, the government must provide compensation for damages that resulted from that mistake.

Yet despite this, the policy of adverse possession continues to exist. It is indeed unfortunate that in the original adverse

possession laws in Alberta an argument was not made that the laws of England that were adopted in 1870 did not make sense in Alberta given the adoption of the Torrens system of land registration. Instead, the decision that adverse possession could coexist with a registry system was made based on the precedent set by the Privy Council decision in a case in British Honduras in the late 19th century.

Mr. Speaker, those of you who have had the privilege to travel to British Honduras, or Belize as it is known now, will understand that, certainly, the country and its history are far different from our own. It's always interesting to go back in these early cases to try to understand how we rationalize our current laws. Even in 1913 it was unlikely that a case in British Honduras, or Belize, could be relevant compared to the western Canadian context in terms of land tenure. Today, in 2011, this reasoning is even more irrelevant.

It is now up to this Assembly to rectify these laws of the past and establish laws that are reasonable for the future. This legislation has already modified the application of adverse possession in certain practical Alberta situations, and it is time that we abolish the doctrine altogether. It has been determined that abolishing adverse possession would not be administratively costly, which, of course, is an important consideration. I cannot see any reason why this doctrine needs to continue to operate in Alberta.

Mr. Speaker, I would yet again like to thank the hon. Member for Edmonton-St. Albert . . .

**An Hon. Member:** It's all in Calder.

**Mr. Elniski:** . . . for St. Albert for bringing this forward.

Yes. Thank you, hon. member. I was just briefly confused there because I thought we had actually annexed, but I understand we never quite got that off the table.

I believe the decision we have here today has been productive, and I hope that my comments about the nature of adverse possession will add to the debate. I will be supporting this motion and urge my fellow colleagues to do the same. In the meantime I look forward to hearing more input from my hon. colleagues.

Thank you, Mr. Speaker.

**The Speaker:** We'll proceed with the recognition of two additional members, but first of all, I'd like to advise the House that I've received a note from one member, the hon. Member for Calgary-Nose Hill, advising of his absence because of a potential conflict of interest, which is the appropriate way of dealing with this matter.

The hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Edmonton-Mill Woods.

**Mr. Marz:** Thank you, Mr. Speaker, for this opportunity to speak to Motion 507 and to comment on adverse possession as it applies in Alberta. I'd like to thank the hon. Member for St. Albert for his excellent summary at the beginning of this debate of this legal doctrine and how it came to be part of our provincial laws.

It's certainly interesting to note that adverse possession still exists in Alberta after all these years. Part of the reason for this is that when issues concerning this doctrine have arisen, the Legislature has amended Alberta's laws in order to limit the scope of adverse possession. In doing so, the Legislature has established some very practical laws that benefit Albertans today. For example, in the Boyczuk versus Perry case, in which a landowner lost ownership of buildings he had mistakenly built on his neighbour's land, the Legislature passed the lasting improvements on land by mistake of title legislation

Now found in section 69 of the Law of Property Act, this law reads:

- 69(1) When a person at any time has made lasting improvements on land under the belief that the land was the person's own, the person or the person's assigns
- (a) are entitled to a lien on the land to the extent of the amount by which the value of the land is enhanced by the improvements, or
  - (b) are entitled to or may be required to retain the land if the Court is of the opinion or requires that this should be done having regard to what is just under all circumstances of the case.
- (2) The person entitled or required to retain the land shall pay any compensation that the Court may direct.

Mr. Speaker, this new legislation has eliminated the need to argue for adverse possession in many recent cases. This legislation has been adopted in several other Canadian jurisdictions.

**5:30**

In 1965 the city of Calgary lost several lots through adverse claims. The Legislative Assembly subsequently amended the Municipal Government Act to bar adverse claims against municipal lands. Section 609 of the Municipal Government Act now reads: "No person can acquire an estate or interest in land owned by a municipality by adverse or unauthorized possession, occupation, enjoyment or use of the land." I see no reason why individuals can't enjoy the same privileges that municipalities can, and under this act they can't. Similarly, two adverse possession claims against irrigation district lands in 1993 led to the following prohibition in the Irrigation Districts Act, section 182: "No person may acquire an estate or interest in land owned by a district by adverse or unauthorized possession, occupation, enjoyment or use of the land."

[The Deputy Speaker in the chair]

Mr. Speaker, it's clear that the doctrine of adverse possession has caused a number of problematic situations. While the Alberta Legislature justly amended provincial laws in order to prevent these situations from occurring, the doctrine of adverse possession remains in place today. I believe the Legislative Assembly did the right thing in amending these pieces of legislation.

In the leading case of Lutz versus Kawa in 1980, a dispute over a fence located 15 inches over the property line into a neighbour's yard, Court of Appeal Justice Laycraft commented:

A decision in favour of the plaintiff would seriously cloud the security of boundaries assumed to be inviolable under registered plans of survey or descriptions under the Torrens system.

He added:

There are countless instances in this province where fences have been erected, by eye on what was intended to be the true boundary line between adjoining properties without the assistance of a qualified surveyor, as there are also countless instances where there are no fences at all to mark the boundaries of large cultivated areas. Deviation from the true line in such cases, as in the case at bar, is almost inevitable.

Finally, he noted that the justice system is only responsible to interpret the laws, and if a law is deemed problematic, the remedy must come from the Legislature. Mr. Speaker, one can interpret this statement as a pretty strong indication from a respected Justice that adverse possession is no longer a viable remedy for neighbourly fence-line disputes and that it is the responsibility of the Legislature to rectify this recurring situation.

Similarly, in a 1996 report the Alberta Institute of Law Research and Reform argued that there was no need for adverse possession in Alberta. In their analysis they describe many of the

arguments that are often made in favour of adverse possession and explained why those reasons are no longer valid today. First, the report pointed out that the doctrine of adverse possession does in fact promote the productive use of land but that since most of the productive land in Alberta is now being put to use, this doctrine is no longer required to achieve this objective.

Next, the report tells us that adverse possession may help to satisfy the expectations of land purchasers, who frequently identify the boundaries of the land they wish to purchase based on physical markers such as fences. However, it argues that this reasoning alone is not sufficient to justify extinguishing land ownership due to adverse claims.

Finally, the report states that adverse possession can help to prevent unjust enrichment because if someone unknowingly builds on his neighbour's land, he has the ability to claim adverse possession and keep his buildings. However, as I spoke about earlier, section 69 of the Law of Property Act protects landowners from losing lasting improvements which have been mistakenly built over the boundaries of their land.

Mr. Speaker, the Alberta Institute of Law Research and Reform offers a number of reasons why the doctrine we are discussing today is no longer necessary or applicable in our province. As such, I'll be supporting this Motion 507 and urge all my colleagues in this House to do so.

Thank you.

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

**Mr. Benito:** Thank you, Mr. Speaker. It is my pleasure to rise today to speak to Motion 507, which seeks to abolish the doctrine of adverse possession in Alberta. I would also like to thank the hon. member for putting forth this motion. His commitment to improving our land tenure system is truly commendable. I quite enjoyed his diligent description of adverse possession and how it applies in Alberta.

Mr. Speaker, today I would like to speak in support of Motion 507. Alberta has one of the finest land titles systems in the world, and I cannot help but see that adverse possession really has no place in our laws. The system we use was first introduced in South Australia in 1858 by a gentleman by the name of Robert Torrens, who had become concerned about the complexity of registering land sales at the time. As such he devised a system loosely based on the method of registering ships. This became known as the Torrens system of land registration. Since then the system has been adopted in many jurisdictions around the world. It was also adopted in Alberta, then part of the North-West Territories, in 1881 and is still in place in our province today.

The Torrens system is based on three principles: the curtain principle, the mirror principle, and the insurance principle. The curtain principle means that the property lawyer does not need to look at past titles to determine ownership, simplifying the previous process by which one had to search back approximately 40 years to ensure that the previous owner had a good title. Under the Torrens system all titles issued by the government are examined and guaranteed by the government as being true and correct. That is what the insurance principle is all about. It offers government assurance that the purchase title it issues is correct. Finally, the mirror principle provides that the current title reflects the current ownership of the land and all encumbrances that apply to it. This means that if a title is incorrect, the government must compensate the aggrieved purchaser.

Mr. Speaker, the concept of the Torrens land tenure system is that you only need to examine the current title to determine who

the owner is and if any charges have been laid against the land. The doctrine of adverse possession, however, places a cloud upon the title in that a person other than the registered owner, if in possession of the land for a period of 10 years, can make claim against all or part of that land. Herein lies the incongruity between the Alberta Torrens system of land titles and our laws of adverse possession.

Despite this inconsistency the doctrine of adverse possession was included as part of Alberta's law when we joined the Commonwealth. It was argued in the early 1900s based on the precedent from a case in British Honduras, that was appealed to the Privy Council in England, that adverse possession could coexist with the Torrens system, and ever since that time adverse possession has been enshrined in Alberta legislation.

Mr. Speaker, Alberta remains the only Torrens jurisdiction in Canada to permit adverse possession. British Columbia, Saskatchewan, and Manitoba do not allow adverse possession. Ontario, which has both a Registry Act and a Land Titles Act, does not recognize adverse possession once land is brought under the Land Titles Act, and all newly subdivided land is automatically brought under the new act. Similarly, Nova Scotia only recognizes adverse possession for 12 years after land is brought under the act. Ironically, now even the originators of adverse possession, the United Kingdom, have adopted a Land Registration Act, which also recognizes adverse possession for a period of up to 12 years after land is brought under the act. Yet in Alberta in 2011 we still recognize the antiquated doctrine of adverse possession.

Mr. Speaker, I would argue that it is time to abandon adverse possession and relegate it to the history books. As such, I urge all members to support Motion 507, introduced by the hon. Member for St. Albert.

Thank you, Mr. Speaker.

**5:40**

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

Seeing none, the chair shall now recognize the hon. Member for St. Albert to close the debate on the motion.

**Mr. Allred:** Thank you, Mr. Speaker. I'd just like to start by clarifying a few points that were made in debate. The hon. Member for Calgary-Varsity picked up on my example of Occupy Edmonton. I clearly stated that in the Occupy Edmonton situation, that was private land, and that was subject to adverse possession. With the Occupy Calgary group, which is occupying Olympic Plaza, which is municipal land, that would not apply because of the amendment to the Municipal Government Act that was mentioned by the hon. Member for Olds-Didsbury-Three Hills.

The hon. Member for Lac La Biche-St. Paul made a comment regarding 65 days to appeal. One of the problems with adverse possession is that once the 10-year time limit runs, yes, you have 65 days to appeal, but your hands are tied. You have no claim. It's almost senseless to appeal unless there is a problem with disputing the 10 years or some of the continuous possession rights. But if the land has been occupied continuously and subject to the conditions after 10 years, your hands are tied. You're history.

Now, the hon. Member for Edmonton-Calder talked about land titles guaranteeing titles. That is absolutely correct, but just for clarification, under a land titles system the Land Titles Act guarantees titles. It does not guarantee boundaries. Boundaries are guaranteed by the survey monuments on the ground.

Just a couple of points I didn't quite get to that I'd like to make before I conclude. Alberta after all these years, with a totally different land tenure system than the United Kingdom, continues to bear the burden of this antiquated custom of legalized land theft even though the United Kingdom has seen fit to abolish it. It's also somewhat ironic that the acquisition of an easement or an interest less than fee simple is absolutely barred by virtue of the Law of Property Act. Yet adverse possession, which is the acquisition of the entire title, the fee simple, is still allowed in Alberta. That's a bit of a contradiction in our law.

In concluding this debate, it's important to note that the doctrine of adverse possession is an outdated common-law practice that has remained as an impediment to the very successful land titles system that has protected Alberta's landowners for 125 years, even before we became a province. In that time period there have only been about a hundred claims for adverse possession that have been decided in the courts, and only a very few of those have been successful. In several of the successful cases the Legislature has taken the initiative and amended the law to correct the problem caused by the adverse claim. I strongly urge the Legislature at this juncture to cure the problem once and for all.

Just to summarize, there are several reasons why the law should be abolished in Alberta. Firstly, the Alberta system of land tenure is vastly different than that of England, where the common-law doctrine came from, and even now England has seen fit to abolish adverse possession. Secondly, adverse possession is, arguably, contrary to the intent of our Torrens system of land registration. Thirdly, the Law of Property Act adequately protects parties that have erected improvements on the wrong property through mistake of title, and we do have common encroachments that happen all the time. Those can be corrected by the Law of Property Act, where there's adequate compensation for the mistake.

Fourthly, adverse possession is no longer permitted against Crown, municipal, and irrigation district lands, so it should not apply to private lands either. Fifthly, the Institute of Law Research and Reform in their 1986 study has clearly debunked the need for adverse possession. Sixthly, I guess, members of the judiciary have hinted strongly that the law needs to be changed. It is up to the Legislature to change the law. All other Canadian Torrens jurisdictions bar adverse possession. Lastly, if it makes sense to disallow prescription yet allow adverse possession to acquire the fee simple estate, that just doesn't stand up to common sense.

Mr. Speaker, just to wrap up, I think we've had a very good debate this afternoon. I thank all of my colleagues for contributing to the debate. As I indicated, I think it's time for the Legislature to take the bull by the horns and get rid of this antiquated law.

Thank you very much.

**The Deputy Speaker:** The hon. Member for St. Albert has closed the debate, so the chair shall now put the question.

[Motion Other than Government Motion 507 carried]

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

**Mr. Denis:** Thank you very much, Mr. Speaker. I would move that this House rise and reconvene at 7:30 this evening.

[Motion carried; the Assembly adjourned at 5:46 p.m.]







## Table of Contents

Prayers .....	1379
Introduction of Visitors .....	1379
Introduction of Guests .....	1379
Members' Statements	
Holodomor Memorial Day .....	1380
Physician Supply in Rural Alberta.....	1380
University of Lethbridge IGEM Award.....	1381
Catholic Social Services .....	1389
Mount Royal University/Medicine Hat College Joint University Degree Program.....	1390
Foreign Qualifications Recognition.....	1390
Quilt Donations for Slave Lake Fire Victims .....	1390
Oral Question Period	
Long-term Care for Seniors.....	1381, 1383
PC Party Benefit Plan Trust.....	1382
North West Upgrader .....	1382
Political Party Financial Benefits .....	1383
Calgary Windstorm .....	1383
Seniors' Benefit Program .....	1384
Community Spirit Program .....	1384
Inspection of Long-term Care Facilities.....	1385
Accessibility of Medical Education.....	1385
Grain Marketing .....	1385
AIMCo CEO Personal Investments .....	1386
Child Poverty.....	1386
Public Health Inquiry .....	1387
Cypress Hills Provincial Park.....	1387
Funding for Private Schools .....	1388
Peavine Métis Settlement Grade 7 Students .....	1388
Gravel Extraction Management .....	1388
Postsecondary Education Preparedness.....	1389
Presenting Reports by Standing and Special Committees .....	1390
Tabling Returns and Reports .....	1391
Orders of the Day .....	1392
Public Bills and Orders Other than Government Bills and Orders	
Third Reading	
Bill 203 Alberta Get Outdoors Weekend Act.....	1392
Second Reading	
Bill 204 Justice System Monitoring Act.....	1399
Bill 205 Municipal Government (Delayed Construction) Amendment Act, 2011 .....	1404
Motions Other than Government Motions	
Adverse Possession .....	1404

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