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The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta
The 27th Legislature
Fourth Session

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Legislative Assembly of Alberta

7:30 p.m. Monday, November 28, 2011

[The Deputy Speaker in the chair]

The Deputy Speaker: Please be seated.
The hon. Deputy Government House Leader.

Mr. Denis: Thank you very much, Mr. Speaker. I'm rising to ask leave of the Assembly to introduce guests.

[Unanimous consent granted]

Introduction of Guests

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

Mr. Denis: Thank you very much, Mr. Speaker. It's a pleasure to rise this evening to introduce four esteemed colleagues of mine in the Alberta bar, one of which I happen to have worked with for a number of years. If you could just please rise as I call your names. Derek Allchurch is a senior counsel at Miller Thomson in Calgary. Analea Wayne is also with Miller Thomson and the past president of the Canadian Bar Association. In addition, we have Lyn Bromilow, the executive director of the Alberta Civil Trial Lawyers Association, and last but not least, Constantine Pefanis with the firm Pefanis Horvath, who is the president of the Alberta Civil Trial Lawyers Association. I would like to thank them for their continuing support and wisdom that they provide to me. I ask all members to please give them the traditional warm welcome of this Assembly.

Government Bills and Orders
Second Reading

Bill 23
Land Assembly Project Area Amendment Act, 2011

[Debate adjourned November 24: Mr. Ouellette speaking]

The Deputy Speaker: The hon. Member for Edmonton-Riverview on the bill.

Dr. Taft: On Bill 23. Yes, Mr. Speaker. Thank you very much. Well, this is a continuing saga – isn't it? – a saga without a very happy ending and a saga, I think, that this bill is trying to bring to a conclusion as quietly and innocuously as possible.

Just to be clear, the bill before us right now is intended to amend a previous bill that was very controversial for this government, that stirred up a lot concern among landowners about limitations on their rights and controls over their own land. So this legislation, which in and of itself is fairly brief, is intended to reduce or diffuse the concerns of people opposed to the existing legislation.

What this bill will do will be to add a preamble to the Land Assembly Project Area Act. The intent of the preamble is, I think, to try to give some context or try to explain away the government's intentions here. Then it makes some other substantive changes which in effect, Mr. Speaker, will really appear to make this amended act, if this amendment goes through, kind of pointless. It feels like the government has gone in a great, long circle here, and there may be a lesson here for this government. There could be a lesson if it was open to learning.

One of the issues I've heard a lot about in the last few days is the heavy-handedness of a government that's in too big a hurry to get things done. Right now we're living through a two-week period when the government introduced at the beginning of that period six bills, and they want them all through and law in a total of eight sitting days. Well, the reason some of these are here is because the same thing was done a few years ago. Bills were introduced quickly. They were rammed through. There was very little consideration of the problems they would produce, and then the government ends up in a big controversy and ends up backpedalling like crazy through what turns out to be another rushed piece of legislation. So there's a lesson to be learned here, but I'm afraid we have students across the way, Mr. Speaker, who are not open to lifelong learning, and it's too bad because there's a lot to be learned by all of us.

Mr. Speaker, I might as well get on the record right away that I'll be standing with my caucus and not supporting this legislation. I wanted to reflect, given that it's second reading, on some of the background that I think brought about this bill. I think it's a background that goes back well over a decade. It goes back to some deeply flawed government policies to deregulate the electrical industry and to weaken some of the very good regulatory frameworks that were in place for things like transmission lines and pipeline rights-of-way and so on.

When the government in particular deregulated electricity, it actually had such a complicated and prolonged and painful birth. It went on through about five years of labour. That's something that no man and especially no woman would like to contemplate, but that's a pain that the people of Alberta went through. One of the side effects, symptoms of that pain was that all planning for transmission lines came to a halt. In fact, all planning for the electrical system as a whole came to a halt. It used to be that there was very methodical, systematic planning for generation capacity, for power plants, for transmission lines: for the whole system. It worked really well. That all got shattered in the deregulation process, so the planning ground to a halt until – guess what? – we're in a crisis, or at least we're told we're in a crisis.

Suddenly by 2008-09 the industry and others were screaming about a crisis that was brought about by this government's policies, and the crisis was that we hadn't planned and built enough transmission capacity. Suddenly the whole electrical system was in danger, and we had to ram something through, and of course there wasn't the legislative basis, Mr. Speaker, for ramming things through because it had never been needed before because things had been well planned.

The reaction, predictably, by a government that relies so often on a kind of knee-jerk response was to put together a bill that they rammed through the Legislature a couple of years ago and got themselves into an even bigger mess. It was a piece of legislation that was seen to remove many safeguards on landowners' rights and really expose landowners to extraordinary powers that were out of their control.

That led to a reaction which fuelled the rise of a new political party in Alberta, the Wildrose Alliance, which has a strong base in the interests that objected to that original bill. So what we really have here is a piece of legislation in Bill 23 which is driven by power politics. Pun intended. It's politics over electrical power, and it's politics of the raw political power nature. What we have is a government that's trying to pull the carpet out from under some of the support for the Wildrose Alliance. I don't think this particularly comes from any interest in good public policy. It doesn't come from any interest in public well-being. It comes from an interest on the other side in blocking the rise of one of their opposition parties.

Mr. Speaker, it's regrettable that we've come to this, and I guess that I would to have to ask this government: why did they

bring forward the bill that we're amending in such a hurry if we're now bringing in amendments that weaken the position of the government to ram things through? Is our electrical system in any less desperate need than it was a few months ago? Can we suddenly allow time for due process to play itself out? Can we suddenly take the time to listen to landowners and have public hearings and so on? What's happened in the real world, outside from under the dome, to make this possible? I don't know. It just all feels like smoke and mirrors to me, political smoke and mirrors, and I'm sorry that it's come to that and that we're putting so much effort into it.

Mr. Speaker, those comments outline the approach that I'll be taking to this legislation as it moves through the Assembly. I've no doubt, given that the government in a majority, that it will get pushed through, but I think it's a vivid example of poor legislation created by a government that's been in power for 40 years and suffers the arrogance that results from that.

Thank you.

7:40

The Deputy Speaker: Standing order 29(2)(a) allows for five minutes for comments, questions, and clarification. The hon. Member for Calgary-Glenmore.

Mr. Hinman: I appreciate the remarks from the member. I guess I have a question. You know, you often refer to it as being deregulated, but it was much more oligopolized. I mean, it was never deregulated, from what I would say. It's been some time ago, as you pointed out, from 1996 to 2000. Can you maybe talk a little bit more about the process of how this was oligopolized and how there wasn't really a deregulation that came into effect?

Dr. Taft: Sure. The member actually puts his finger on an interesting point. The irony of so-called electricity deregulation is that the volume of regulations multiplied. In fact, one of the great challenges that came about as a result of the changes made 10 years ago now to the system was not fewer regulations but far, far more. There were binders and binders. I was actually doing some writing on this exact issue at the time. Those of us who were paying attention witnessed hundreds and hundreds of pages of incredibly complicated rules being brought in to try to create a market out of a situation and a product that is, in fact, a natural monopoly.

Now, I think the members in the Wildrose Party and the members in the Liberal caucus would disagree on how well things have worked out. I'm not sure of that. But certainly it's our view in the Alberta Liberal caucus that electricity deregulation has not served the interest of ordinary Albertans well at all, that it was a misguided policy initiative from the beginning that saw the transfer of billions of dollars of publicly paid-for assets into the hands of investors. It exposed Albertans to serious abuse, whether it was Project Stanley, which the traders at Enron used as their pilot project for some of the activities that got Enron into so much trouble. The victims of that sort of test driving of market abuse were the people of Alberta through something called Project Stanley, which the Member for Calgary-Glenmore may or may not be aware of. Then it just played out until as recently as this fall, when we have cases before the regulators and the court systems involving multimillion-dollar manipulation of the market.

I should say that this coming winter we've been warned that prices will spike again because a number of generating systems are being taken offline for maintenance, all at the same time, in the season when we have the greatest needs for power. So what happens? The price of power spikes. Well, isn't that a coincidence? The price of power spikes, driven into that spike by the very companies that will benefit most from that spiking. They could have and they would have been required under a regulated system to manage their maintenance in a much different way.

I am a sharp opponent of the electrical system as it has played out in Alberta, and I think it's been to the massive disadvantage of the general population of this province.

The Deputy Speaker: The hon. Minister of Transportation under Standing Order 29(2)(a).

Mr. Danyluk: Thank you very much, Mr. Speaker. My question is very short. There's been a lot of discussion about transmission lines, the cost of electricity, and deregulation. Are we not on Bill 23, the Land Assembly Project Area Amendment Act, 2011?

Dr. Taft: Yes, indeed, we are.

Mr. Danyluk: Well, could you please tell me the relevance of what you're talking about, then? That has absolutely nothing to do with Bill 23.

Dr. Taft: Sure. Well, my previous question was in response to an issue from Calgary-Glenmore. But the simple fact of the matter is that we're talking about administrative structures and legislative structures that have to do ultimately with assembling land rights for things like pipelines and other rights-of-way.

The Deputy Speaker: The hon. Member for Fort McMurray-Wood Buffalo under Standing Order 29(2)(a).

Mr. Boutilier: Yeah. Thank you very much. My question to the hon. member is: the statements which we all understood on the Wildrose side clearly the government and the Minister of Transportation did not understand. Could you please articulate it again and speak just a bit slower so he would understand?

The Deputy Speaker: You don't need to. The time has run out.

On my speakers list here, the Minister of Transportation. You wish to speak on the bill?

Mr. Danyluk: Thank you very much, Mr. Speaker. Indeed, I do want to speak to Bill 23, the Land Assembly Project Area Amendment Act, 2011. I'm pleased to speak today about what I call the land assembly project area amendment. This is not to do with power lines. This is not to do with the price of power. This is not to do with what the hon. member opposite talked about. It very much has to do with the assembly of land for major projects into the future and not power lines or transmission lines at all.

As former Minister of Infrastructure and as a landowner I strongly support the intent of the original Land Assembly Project Area Act. The intent has always been to ensure that landowners are properly notified, consulted, and compensated when government designates land for long-term projects. Mr. Speaker, the intent was to replace the old system under the restricted development area regulations with stronger legislative protections for landowners. Also, why the legislation is stronger than what came before: we did hear that landowners still had questions about their rights to consultation, compensation, and access to the courts. As a landowner I am pleased with the amendments to this legislation. The amendments have clearly been designed to fit landowners' needs, realities, and expectations.

It accounts for the varying circumstances we all may have and it empowers landowners with many more choices and options. For example, once a landowner has been informed that their land is in an area proposed for future development, they do not have to wait

and wonder about what will happen and when. They can start the process themselves, Mr. Speaker.

The legislation gives landowners the option to begin the expropriation process whenever they choose. It makes it easier for landowners to access the courts and also ensures that government covers those costs. In triggering expropriation on their own instead of waiting until the government is ready to move forward, landowners can better plan for their own futures. Perhaps they will choose to sell now or move away into a new phase of their lives, or perhaps they will choose to lease back the land and carry on with farming until the infrastructure project begins.

Mr. Speaker, if a government offers landowners a price for their land that they are not satisfied with, they can ask a third party to decide. The Land Compensation Board or the court can decide on what price the landowner should be paid, and again government covers all the costs. Landowners can still choose not to sell until the government comes to them with an offer when a project is ready to begin. Looking at the ring road projects, we know that it could be decades from the time landowners are initially notified until the project actually begins. Within those waiting years landowners can go on with their business as usual, in fact, or they can sell their property to a third party. They can even will their land to a family member.

7:50

Mr. Speaker, this legislation ensures landowners are properly consulted and fairly compensated. The amendments ensure that we as landowners have more options and more choice. They provide us more protection while also placing greater obligations on government. With these amendments this legislation will ensure that future Albertans will benefit from the highway and water projects that they will need while also ensuring that I and my fellow landowners are treated fairly and with respect.

Mr. Speaker, I do want to assure all members of this Assembly that this does not take away any rights of landowners; in fact, it adds rights to landowners. If I can also say it, this has come a long way since the restricted development area regulations. The reason that this legislation came forward to start out with is because when we looked at the restricted development area regulations, it truly did not provide the landowners with the opportunity of choices that this bill does today and also with the amendments.

Thank you very much, Mr. Speaker, for the opportunity to speak.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of comments or questions. The hon. Member for Calgary-Glenmore.

Mr. Hinman: Yes. I'd sure be pleased if the minister would perhaps be able to get up and explain why for the last two years they've been in denial, saying that it wouldn't affect land prices, why they said that they could appeal to the cabinet if there were any discrepancies or they weren't being treated fairly, why they said that Keith Wilson has been fearmongering and not telling the truth about these bills, yet they've brought in all of these amendments now so that you can trigger a land sale and say, "No, I want my money now up front," and they can say, "No, what the cabinet has decided here isn't good enough, and you can go to the courts." I mean, how do they flop so many times?

An Hon. Member: He just said it's for clarification.

Mr. Hinman: For clarification.

Mr. Speaker, they have hounded property owners and Keith Wilson and the Wildrose for two years. They continue to talk about how there are no problems with this legislation, yet they brought it in. I mean, they need to apologize is what they need to do. The amendments are good, and we're grateful for them.

The Deputy Speaker: The hon. minister.

Mr. Danyluk: Thank you very much, Mr. Speaker, for the opportunity to answer. First of all, I want to say that the individual that the member speaks of very much – there was no what I would consider fearmongering. It was basically confusion between three different bills – Bill 50, Bill 36, and Bill 19 – at that time.

I want to say to you also that when we looked at the Land Assembly Project Area Act previously, there were a couple of things. One is the access to expropriation immediately. In the previous bill it talked about two years. We heard very clearly from the people of Alberta that they wanted to have expropriation and access to the courts immediately. That's what happened. That's what this bill does. That's what this bill says. This is about listening to Alberta landowners and ensuring that, you know, their choices are there and exemplified.

Also, Mr. Speaker, if I can, I'm very glad to hear that the member from the WRA is very much in favour of what this bill proposes, by the sounds of what he's saying. He's just saying that it didn't happen soon enough. Well, I think it did happen soon enough. What happened is that we did listen to the landowners, and we have consulted with the landowners, and we have talked to landowners.

This bill has gone a long way from where we were previously to the land assembly project area amendment. This, Mr. Speaker, is an opportunity for a landowner to have choice. It's an opportunity for a landowner to decide what he needs to decide today, or he can decide what he wants to do with his land into the future. I'm very glad to hear that the WRA very much supports that direction and that focus because that's what this government has always stood for, and that is to ensure that we listen to landowners, listen to the concerns they have, and give landowners the options that they want to have.

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

Mr. Hinman: Yes. The minister seemed a little bit perplexed earlier about how this had anything to do with electrical deregulation and land accumulation. I guess I'd like to ask him, then: do you not remember in 2004 the spies that were sent out when they were trying to get the line from Edmonton to Calgary, that one 500-kVa line, and would you not be willing to realize that these amendments to Bill 19 and Bill 50 were in direct response to the fact that the government failed to get that 500-kVa line then, and this was the response that triggered all of that? That's what the Member for Edmonton-Riverview was referring to when he was going back in history and bringing forward this.

Mr. Danyluk: Well, the hon. Member for Edmonton-Riverview did not talk about that. He was talking about the electricity, the transmission lines, which was not part of the bill at all or the discussion that you had.

The Deputy Speaker: Is there any other hon. member wishing to speak on the bill? The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Thank you, Mr. Speaker. I'm pleased to stand up and speak on Bill 23, which is the Land Assembly Project Area Amendment Act, 2011. It should really be called Replacing the Screwed-up Bill 19, Land Assembly Act. Something that this government fails to realize is that Bill 19 was the bill that we

stood up in the Legislature and spoke against over and over and over again, spoke up on behalf of what we consider, as our Member for Fort McMurray-Wood Buffalo wants to always call, our bosses.

Mr. Speaker, I find it very interesting that the government's own news release that came out on the 21st of November talks about amendments giving more power to property owners. It talks about:

> Amendments introduced under Bill 23, Land Assembly Project Area Amendment Act, 2011 also clarify what types of projects fall under the Act and give property owners a clearer process when government buys land for long-term, large scale transportation projects like the ring road or water reservoirs.

It's interesting how after two years they have to clarify or clear up something that was brought to their attention when we were debating Bill 19 right here in this Legislature and, you know, we tried to bring those concerns forward on behalf of Albertans. I don't think there was one person that spoke for Bill 19, including the Minister of Transportation, that wasn't eloquently going on and on and on about how it was the best bill ever since sliced bread, and there was nothing wrong with that damn piece of legislation, and the only people that had it wrong was the opposition, being the Wildrose, and a fellow that has spent an incredible amount of time going across this province trying to clarify, and his name was Keith Wilson.

You know, Mr. Speaker, quite frankly, the best thing this Assembly could do is to repeal the Land Assembly Project Area Act, which is known as Bill 19 and, as I said, is being replaced by Bill 23. This would be a very, very simple solution to what seems to be a very complex problem.

8:00

Now, Mr. Speaker, why should it be repealed? Because landowners will still be ripped off if the government needs the land. The Expropriation Act was perfectly suitable to the task of buying land for necessary projects, and the Expropriation Act was fair because it better reflected the true value of the land. The original bill, Bill 19, had only limited projections and compensation for landowners, and they couldn't get fair compensation let alone their day in court to make sure that they were properly compensated.

Another flaw that we're finding in the proposed bill is that the power of deciding necessary projects still lies behind the closed doors of cabinet. You know, Mr. Speaker, I brought this up in question period today when I talked about the new proposed bill, whatever it is, Bill 24, the Health Quality Council of Alberta Act, and their decision-making powers behind closed doors with the cabinet. I have to tell you that my constituents have a problem any time a cabinet makes decisions behind closed doors, especially when it affects the public, and it has . . . [interjection] I hear the Education minister sort of chirping in the background. I'm sure he'll be standing up and speaking in support of Bill 23. I look forward to hearing what he has to say about that.

As I was saying, I have a problem when we start making decisions behind closed doors without the input of the public. What is really, really surprising is the fact that all of a sudden the government in their press release and their briefing note that they provided our critic is going to go back to consultation. They're going to engage the public. They're going to talk to the public. They're going to listen to what the public says. Well, where the heck were they when we were discussing Bill 19, when there was an outcry on this particular piece of legislation?

Hundreds and hundreds and hundreds of people turned up at these consultation meetings. You know, 200, 300, 400 people were at these meetings, and the Minister of Transportation says: well, that was because there was confusion between Bill 19, Bill 36, and Bill 50. You know what? There was no confusion. The only people that were confused, actually, were the government. That's where the confusion was, and they were the ones that were trying to confuse a very educated public that was attending these meetings.

You know, it's too bad that the government insists on passing laws, and then they're going to consult later. The last time I heard, a good piece of legislation is usually based on consulting, listening to what Albertans have to say, and then they start bringing legislation forward. The Premier talks all the time about how she's going to consult on this, consult on that. They're always, always consulting after the fact, quite frankly, when it's too late. Even the Premier has to take some blame. She has sat on that cabinet since, I guess, 2008, whenever she became Justice minister, and all of a sudden all of this legislation is bad. You know, I'm still searching and I have been searching for some time to find anywhere she spoke out publicly in any of the press in regard to the royalty, Bill 50, Bill 19, Bill 36: any of the pieces of legislation.

I'm going to again listen as we are in second reading of the bill, and I'm looking forward to hearing, actually, several members of the government speak in support of the bill because I probably listened to the same members that spoke in support of Bill 19. It'll be interesting to go back into *Hansard* and see what they had to say about Bill 19, and then these same members speak up on Bill 23 and talk about Bill 23 being better than Bill 19 was. I can bet you dollars to doughnuts that after the next election we're going to come back with Bill 31, that's going to be replacing Bill 19 plus Bill 23. We'll have Bill 31, and by then we might – might – get it right.

With those short comments, Mr. Speaker, I'll sit down, and I'll listen.

The Deputy Speaker: Standing Order 29(2)(a). The hon. Minister of Education.

Mr. Lukaszuk: Thank you, Mr. Speaker. Since the member accuses me of chirping, I might as well speak for the record.

A couple of questions the member obviously has issues with, the process by which decisions are made. I know that she spent a great deal of time in cabinet and did some good work as a cabinet minister in this government. I wanted to know whether she made any decisions in cabinet that she now would perceive as behind closed doors and what made those decisions righteous at that point in time and wrongful now.

I also would like to ask this member how it is possible that in that same vein her colleague the Member for Airdrie-Chestermere eloquently spoke in this Chamber in favour of the initial bill, before the amendment which is on the floor right now, but now the bill is so wrong. Can she identify the hypocrisy between making decisions then and making decisions now, how they were right then and the process was right then, and all of a sudden it is so wrong simply because she happens to be sitting on the other side of the House?

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

Mrs. Forsyth: With pleasure. I cannot tell you how much I'm glad he asked that question. I hope I have at least 30 minutes, but I probably only have five.

Let me tell you the difference between now, where they are, and when I was in cabinet. We listened to what Albertans had to say. We discussed it in front of the cabinet table. Now, there are some people here who've been around since when I was there. We

didn't make decisions like: let's intimidate the doctors and not do anything about it. We had an open and accountable government, quite frankly, under Premier Klein.

Mr. Speaker, when we had the wonderful Premier Stelmach come in, all hell broke out, and these guys decided that they weren't going to listen to their constituents. [interjections] I was asked the question, Mr. Speaker. I'm answering. If you thought that the question was out of order, then you should have called him first instead of me.

Mr. Speaker, the reason I left the government is that they quit listening to the people who put them there, and that's Albertans.

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

Mr. Boutilier: Thank you, Mr. Speaker. My further question to the Member for Calgary-Fish Creek on the point: what is the role of an MLA relative to this bill when it comes to the land assembly project, and do you think that they should be apologizing to Keith Wilson, a lawyer who is famous for property rights?

Mrs. Forsyth: Mr. Speaker, I think that one of the things that Mr. Wilson did so well – again, I'm going to repeat this – is that he listened to Albertans. If Mr. Wilson was so wrong and if the government was so right, then we wouldn't be dealing with Bill 23. We would still be with Bill 19. Bill 23 is a screwed-up Bill 19.

Mr. Danyluk: Mr. Speaker, the restricted development area regulations didn't give the opportunity for government to notify. They didn't give the opportunity for individuals to buy the land sooner. They didn't give landowners options.

The hon. member talks about: she wants to repeal it. Please tell me with what that's going to protect landowners.

Mrs. Forsyth: The Expropriation Act. I've already said that if you were listening. Mr. Speaker, I said it twice.

The Deputy Speaker: Hon. Member for Calgary-Fish Creek, speak through the chair.

Mrs. Forsyth: I am. Mr. Speaker, I would encourage the member to read *Hansard*. Quite frankly, I said it twice in my speaking notes. It's like I said right from the beginning, they don't listen.

Mr. Danyluk: Mr. Speaker, you can camouflage it any way you want, as they have done. It's a simple question. If you're going to repeal it, what are you going to repeal it with? You tell me to read *Hansard*. Just tell me.

8:10

Mrs. Forsyth: With the Expropriation Act.

Mr. Danyluk: It's there already.

Mr. Hinman: Yes. We didn't need Bill 19. We didn't need these. [interjections]

The Deputy Speaker: Hon. Member for Calgary-Fish Creek, you have the floor.

Mrs. Forsyth: You know what? It's the funniest thing. I can hardly wait to get *Hansard* and to put this on YouTube. The Minister of Transportation just doesn't even get it now.

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

Mr. Hayden: Thank you, Mr. Speaker. I am so pleased to speak today in support of Bill 23, the Land Assembly Project Area Amendment Act. [interjections]

The Deputy Speaker: Hon. members, please, the hon. minister has the floor.

Mr. Hayden: Mr. Speaker, I'm not surprised that tonight as we discuss this, the same thing happens to cause confusion and fear in people that it shouldn't be happening to. Reviewing and changing the law is what a responsible and progressive government does when better ideas come along. Occasionally better ideas come along from the opposition. It's possible, and I wait with great anticipation. This is a deeply rooted and deeply personal issue for so many people across our province.

Mr. Speaker, this is a government that has a third of their sitting members that are landowners and are directly affected by legislation such as this, unlike many others. We're talking about important rights that people are dealing with, some of the most important rights in the democratic process. It's irresponsible for people – and I think we all in this House would agree – to unnecessarily frighten people, especially senior landowners, but that has in fact happened.

The new legislation must reflect and abide by landowners' needs and concerns, and I'm happy to say that the amendments tabled here today go far beyond what happens in most other jurisdictions if not all other jurisdictions. In fact, it goes far beyond what is common practice, that many of the members in this House that have spent some time in municipal government know can take place right today.

If, in fact, this land is needed for a major transportation or water project, which is all that this can be used for, which, I must say, has not been fairly represented by some people in the province either, bringing fear over things like transmission lines, which, of course, can't even be dealt with under this legislation. This gives us an opportunity to treat people fairly and to treat people properly with land, that wasn't available to us in the past.

To go back to simply expropriation, Mr. Speaker, does not address at all the difficulties that we went through in the assembly of the land, as an example, that started in the '70s for the Calgary ring road and the Edmonton ring road. We wound up at the end of that process spending an awful lot of money on a legal process with landowners because of the confusion. The legislation came into place to correct that. The government of the day relied on the restricted development area regulations, which virtually left landowners at the mercy of the government right to the very end of the process.

Opposition members tonight suggest that that's what we should go back to, back to not letting people have the rights to make decisions and be part of that discussion process upfront on these large projects.

Mr. Boutilier: Point of order under 23(h), (i), and (j). This member is impugning members. He just said something that I'd ask him to retract. That is simply not true.

The Deputy Speaker: We can deal with it after the speech.

Mr. Hayden: Mr. Speaker, nor did the former process give landowners the power to choose when government should buy their land. That's what's been suggested tonight, to go back to that.

I suggest to you that what we've done now in involving landowners upfront in the process is exactly what landowners need in order to make plans. They are very sophisticated, these landowners today in Alberta and the people especially in the agri-

culture industry that I'm referring to now. That is the land base that we are talking about for the majority of these projects that we're talking about. This is a very sophisticated industry. It's very dependent on a land base. It's very dependent on packages and parcels that are the right size and the right combination for them to make a living. We are now required by law to consult with those landowners on a project so that we can find out how they're affected. This means that landowners can have input on the details of a project and how it might impact their land.

Secondly, the government must make a decision on whether the land is going to be part of that project, and they have to do it within a two-year period. This is because landowners deserve to know, and they deserve to be a part of it within a reasonable amount of time, Mr. Speaker.

Thirdly, landowners can sell their land to the government whenever they choose, and that's the important part of this. They can make a decision, and history shows that if that decision is to wait until a closer time to the project's actual completion or to when the project is being done, they can choose to wait till that time period. In the case of a larger water body we've seen historically higher land prices. Also, transportation infrastructure close to land, as is shown with our bypass roads, shows a great increase in land value. But the landowner can make that decision themselves.

Of course, most importantly, what this government has listened to is the opportunity for a landowner to trigger expropriation at the front of the process. Mr. Speaker, that's a very, very important amendment. That's an amendment that gives the landowner right up front the right, should they want to, to do what others have suggested shouldn't be available to them until just before a project starts. I don't believe that's fair.

The new act is going to give property owners choices and options respecting their land. The act does not give the government any new powers, Mr. Speaker. It gives landowners new powers. What we're discussing here today and what is shown here today is that this government listens and that this government responds to the wishes of those people.

We can't go back in time. We're a very active province with very sophisticated industries in it. We have landowners that require and deserve the property rights that we need to give them. We don't need convoluted processes that put money in the pockets of people that are not directly involved. We need proper compensation for the people that are involved, and that's what this legislation speaks to. I'm very proud of it, and I'm very pleased to stand up today in support of it. I will be supporting this bill.

Thank you, Mr. Speaker.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of comments, questions. The hon. Member for Edmonton-Riverview.

Dr. Taft: Thank you, Mr. Speaker. My question to the minister is actually meant in the spirit of dialogue, where we exchange rather than debate, where we just butt heads. It also comes out in response to the point earlier from a different minister. If I'm understanding the ministers correctly, their indication or their information to the Assembly is that this doesn't have to do with things like transmission corridors and so on. Maybe that's the case, but I'm looking here at briefing slides on the Land Assembly Project Area Amendment Act, 2011, from November 2011, government of Alberta, and about – I don't know – half a dozen slides in or so it actually, if I'm reading this correctly, talks about background, what types of projects. It refers specifically to utility corridors, which I'm assuming includes transmission lines. Am I wrong – heaven forbid – or am I misunderstanding this information, or is this information wrong? What's up?

The Deputy Speaker: The hon. minister.

Mr. Hayden: Thank you very much, Mr. Speaker, and thank you very much for a wonderful question. Absolutely, this legislation is very clear. It can only be triggered on these land purchases for a large water project like a reservoir or for a transportation corridor. It cannot be triggered for a utility corridor. But, to the hon. member, after a transportation corridor is built – obviously, planning goes into these things. If we look around throughout the history of our province, you will see telephone lines going down the ditches of the roads. You'll see power lines. It's probably in the best interests of Albertans to make use of our transportation corridors to house all those things that we possibly can. But the legislation is very clear. This cannot be used to trigger the purchase of a utility line. It cannot be used for that. The legislation is absolutely clear on that.

8:20

The Deputy Speaker: The hon. Member for Grande Prairie-Wapiti.

Mr. Drysdale: Thank you, Mr. Speaker. Could the hon. minister maybe explain how this legislation compares to what municipalities do today on private land?

The Deputy Speaker: The hon. minister.

Mr. Hayden: Thank you very much, Mr. Speaker. That's a wonderful question. There are many members in the House tonight that have a municipal background, and every one of them has changed land-use designations in the history of their time in office, and they've done it on a weekly basis in many cases for municipalities. They've changed it from a residential to a commercial or an industrial, or they've changed it from a commercial or industrial to a residential, or they've changed it and expanded it for a transportation system. They've taken land and expropriated land and houses in order to accommodate light rail transit for the better interests of the people in their community.

In fact, Mr. Speaker, I would suggest to you that municipalities in Alberta today have far more powers to manage people's lands and use of those lands and to change the use of those lands than this provincial government does. This legislation is very, very strong in support of landowners.

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

Mr. Boutilier: Thank you very much, Mr. Speaker. It is indeed a pleasure to ask the minister and also the former president of the Association of Municipal Districts and Counties when he is basically, if I understand him correctly, saying that the province wants a catch-up with all the incredible authority that they've given to municipalities already. Let me think about the logic of that for a moment. The province wants a catch-up in taking people's landowner rights, to catch up with the very power that they gave municipalities, when municipalities are listening in public hearings to citizens each and every day in a council meeting. You can see it on Shaw TV. This government, in determining it, will be behind closed doors in cabinet determining: no, we're not even going to listen to landowners because there is no mechanism in place to be able to achieve this.

Getting back to my most important question, does he really believe what he is saying? Keep in mind the Member for Rocky Mountain House, that hon. member who served as a reeve and

now has served as an MLA. This member understands clearly what landowner rights are all about, and he has fought hard in the PC caucus relative to that point.

The Deputy Speaker: We have a point of order raised by the hon. Member for Fort McMurray-Wood Buffalo.

Mr. Boutilier: I didn't raise any point.

The Deputy Speaker: You did.

Mr. Boutilier: Sorry. Yes. You know what? I want to say that at one point the hon. member – if I misinterpreted, I'd certainly look for clarity. Actually, my point is that I thought he suggested that we were misleading landowners in terms of what members were saying, but it could have been applying to all opposition members. Mr. Speaker, at this point, for the sake of brevity, I withdraw my point of order.

The Deputy Speaker: All right. So we have no point of order.

We will continue the debate on Bill 23. The hon. Member for Calgary-McCall.

Mr. Kang: Thank you, Mr. Speaker. Enough has been said about Bill 19, and what gave birth to Bill 19 was Bill 46. As the Member for Edmonton-Riverview and the Member for Calgary-Fish Creek put it, this bill is trying to defuse or put the fires out which were started with Bill 19 and Bill 50. Maybe we should call this bill, the Land Assembly Project Area Amendment Act, 2011, bill number one. Maybe you will be bringing in another Land Assembly Project Area Amendment Act in 2012, and we will probably be calling that one amendment act number two. Had the government gotten Bill 19 right the first time, we wouldn't be here debating this Bill 23, the Land Assembly Project Area Amendment Act, 2011.

We on this side of the House, Mr. Speaker, are not disputing. There is no doubt that we need better utility and transportation corridors in Alberta if we are to have better planning for growth and development. These corridors will play a key role, and we need them. Sure, this is going to have an impact on landowners in a variety of different ways. If the land is currently being used for agricultural purposes and a highway is going to be built across it, that will be a problem, sure, for landowners. If transmission towers are going to be built on it, the disruption will only be partial and minimal, and it will be worse only during the temporary construction. Sure, the government needs to be prepared for the utility corridors, and we should be thinking of the future in order for progress to go on.

There were some hearings. Bill 46 was brought in after the government's EUB board hired, I believe, some private investtigators during the hearings, and that gave birth to Bill 46. Bill 46 in 2007 split the EUB into two parts, the Energy Resources Conservation Board and the Alberta Utilities Commission. In doing so, Bill 46 restricted the public's ability to participate in the commission's, formerly the EUB, decision-making process. It restricted the public's ability to have a public hearing with regard to a proposed transmission line, gas transmission pipeline, hydro development, or power plants.

It restricted the public's ability to hire legal counsel to represent them in public hearings and narrowed the requirement to be eligible to intervene at public hearings. It removed the funding for legal counsel who represented members of the public while intervening in public hearings. It also removed the requirement to consider whether a proposed transmission line for which approval is sought is and will be able to meet present and future public convenience and need. This particular change was grandfathered back to 2003, so any current legal challenge is based on principles that are no longer valid.

There was a big hue and cry on this, and that brought in Bill 19. Bill 19, when we do the section analysis, caused lots of problems. It gave more powers to the government and to the minister. For instance, in section 3(1) there was a notwithstanding section allowing the LG in Council to make regulations relating to the project area that apply regardless of the legal and regulatory provisions. They included controlling the use and development and occupation of land in the project area but also giving the minister the ability to exempt land they choose from those restrictions.

That was serious power, the minister being the arbiter of landowners' activities and how those decisions were to be made. That kind of led to an impression that landowners have to be nice to the minister because of the power over land use that the minister holds.

8:30

This goes on. Even section 4 had problems. That was section 4(4), which ensures that while the notice is required, it isn't in any way a necessity for the regulations to have impact. In other words, even if no notice was to be given, everything could still go ahead, and that was a problem. What was the point of having a notice if it isn't integral to the process? So that showed in Bill 19 the government's contempt for landowners. If they really cared about landowners, then notification would be entirely a necessary part of the deal, and failure to notify would cause a project to fail. It's not like the notification process was even particularly difficult. Ultimately, it was a sign that the government doesn't really care about notification and landowners.

With this Bill 23 the government is trying to fix Bill 19, and they're trying to give more powers to the landowners and more clarity. But we should have done Bill 19 with more consultation with Albertans to get that right. I think, still, the government should go back to the blackboard and do it over again, repeal Bill 19 and go back to Albertans and get it right.

Thank you, Mr. Speaker.

The Deputy Speaker: Standing Order 29(2)(a). The hon. Minister of Transportation.

Mr. Danyluk: Thank you very much, Mr. Speaker. Thank you very much for your comments. They are good comments. They are good comments from the aspect – and I was listening all along – that, you know, maybe there were some places that Bill 19 needed to be changed. You said that Bill 23 gave more power to the landowner, and I agree with you. But you said: go back and get it right. Is there anything that you feel as a member of the opposition that should be expanded on in what Bill 23 is right now to make it feel that you would believe it's adequate?

Mr. Kang: I think, Mr. Speaker, Bill 19 should be reviewed, and still maybe there's more improvement to make in this bill. We shouldn't be pushing this. There's no rush. You could have come back in the spring session and, you know, gotten it right once and for all.

The Deputy Speaker: Any other hon. member? Standing Order 29(2)(a) is still available.

Seeing none, we'll go back to the bill. The hon. Member for Calgary-Mountain View on the bill.

Dr. Swann: Thank you very much, Mr. Speaker. It is my privilege to speak to Bill 23, the Land Assembly Project Area Amendment

Act, 2011. This amendment act seeks to amend an extremely controversial bill that was seen to limit landowners' rights and controls over their land and to negate their concerns. It also addresses the apparent lack of recourse to compensation and legal consult that's equal to the rights under expropriation with a preferential leaseback offered to the original owners.

The bill's political object, of course, is to begin to fulfill the Premier's leadership promises to reform the suite of land-use bills which have caused significant political damage to this government. Let me say, Mr. Speaker, that they've had to do a lot of backpedalling since those three bills, all of which were, as the previous member has stated, hasty, lacked consultation, lacked respect for the owners of property, and didn't take into consideration some of the key aspects of concern that landowners had.

For example, Bill 19 formed the basis for the government's purchasing of land corridors for utilities and transportation as a potential solution to landowner opposition notwithstanding the previous minister's comments that this isn't designed for utility corridors. He then went on to say: well, it could be used for utility corridors but not directly, not immediately, only after further decisions are made under the cover of Bill 23 to do what amounts to the same thing.

Here are three reasons that the government felt could help them to move decisions forward. If the government owned a wide enough corridor, there would be no other landowners within the traditional, quote, consultation distance from transmission lines. With no opposition hearings could be done rapidly, and the needed transmission, in this case, could be built. The second part of their solution to the failure of the traditional process was Bill 50. Bill 50 removed the needs assessment for transmission projects the province was able to designate as critical.

Taken together, bills 19 and 50 could have led to a very streamlined public process of building transmission should the government mobilize all the resources at its disposal albeit at significant cost to the government. The strength of the provisions of these acts showed the worries of the government of paying a political price due to the possible absolute failure of the electricity system, including brownouts. The weakening economy has not reduced the likelihood of this eventuality. It's only delayed it. This act backs away from a formal process for direct government provision of corridors for private projects in the near term.

Mr. Speaker, notwithstanding some of the comments from the government side we see that this Land Assembly Project Area Act, Bill 19, which was never used – why does it need to be fixed? Why not simply eliminate it? We have an existing act for which expropriation can be used. The changes proposed limit the powers of the Land Assembly Project Area Act so much that we think it would become useless. Since the government has never shown why the bill is useful, it should be repealed.

Mr. Speaker, there are many perspectives on the responsibility of government to look at the long term to establish corridors and in the public interest develop projects, whether it be in the area of water bodies, as was indicated earlier, or transportation and utility corridors, developments in the public interest. By all means, there needs to be a balance between designating areas of the province for the public good and designating those in a way that allows for appeal, that allows for adequate compensation, that allows for proper process so that everyone feels respected in the process. This government has failed to do that. On the one hand it bends over backwards with this amendment to the point where it's going to render almost nonfunctional the ability of the Legislature or even this cabinet to carry out the public interest and make decisions in the long-term, best interests of the public.

It speaks again to the lack of long-term commitment in this government to set aside land use in a way that ensures that the long-term public interest will be served not only in terms of transportation, utilities, public infrastructure, and water bodies but also conservation areas. How is it that we are now faced with so much pressure on development that we are not moving forward on some of these issues in a timely way in the public interest? There has been so much lurching forward and pulling back because of the lack of really thoughtful approaches to planning and endorsing what I think most everyone in the Legislature has supported in terms of the land-use framework.

8:40

That has been seen as leadership in this province, setting aside and planning for the longer term public interest on our public lands, designating specific areas for development, for transportation, for recreation, and for conservation. And all we can see – all we can see – is this tremendous quagmire of legislation, confusing, blocking: first of all, going too fast and too hard without consideration of some of the key elements of the public interest and then pulling back so far that we see paralysis and the lack of any process, the lack of any progress in terms of some of these long-term public decisions. [interjection]

I guess one could argue, as I hear an hon. member saying, that everybody's upset, so it must be the right thing. Sorry. It cannot be assumed that just because everybody is upset on all sides that you are doing the right thing. The other possibility that one should consider is that you're not doing anything that serves the long-term public interest or the private interest. You're simply in a stalemate with such fear around, again, the coming election and whether you will or will not please the rural and the landowner base and therefore are willing to sacrifice significant power, significant progress, significant planning interests to this fear of upsetting various groups, in this case landowners.

So we will not be supporting this bill, Mr. Speaker. I regret that we are spending even more time and energy and public dollars once again because of hasty decisions two years ago and now an even hastier decision leading up to an election that is designed to protect the bottoms of a party that will do almost anything to stay in power at this stage.

Thank you, Mr. Speaker.

The Deputy Speaker: We have Standing Order 29(2)(a). The hon. Minister of Transportation.

Mr. Danyluk: Okay. Mr. Speaker, through you to the hon. member, I just want to make a couple of things clear if I can and ask him a question. That is, there was expropriation in place when we dealt with the restricted development areas regulations. There was expropriation in place in Bill 19. There is expropriation in place in Bill 23. Those are all common. The question, of course, becomes the choices for landowners. The first: the landowner didn't have much choice. The government basically had the option to decide when to buy and could put land in a restricted area for an extended period of time, which wasn't fair to the landowner. Bill 19 basically said: "You know what? The farmer can force the government to buy within two years."

Now what this bill says is that the farmer, in a progressive state, can have the option of purchasing the land right away. That's one of the differences. It just gives the farmer or the landowner more of an option. I mean, I know what you're saying, but if I ask you when you're looking at this bill – and that's my question – what do you see this bill doing into the future? I see another ring road possibly planned for Edmonton or Calgary or possibly, as the hon.

minister talked about, in regard to irrigation or water reservoirs. That's where I see it. I don't see it applied to anyplace else because it isn't about transmission lines. It isn't about that direction. It is about looking to the future. If I could just ask you to comment on that because I understand where you're coming from except that you're not giving the landowner any options or any rights.

Dr. Swann: So the minister is suggesting that by repealing Bill 19, we're not giving the landowner any options or any rights?

Mr. Danyluk: No, no. We're giving them more.

Dr. Swann: Well, I guess I see this as somewhat similar to the amendment to the land-use framework, Mr. Speaker. They're bending over backwards so far that the land-use framework is basically nonfunctional. You are paralyzed from making decisions that are in the long-term best interests of the public because you have given away so much to the appeal process and to those who have a particular private interest that you cannot exercise the powers of the long-term public interest.

Again, you can argue, as the former minister commented earlier, that this is not for utility corridors, but everybody knows after the decision is made around a road that there's an assumption that there may well be a utility corridor there. So it's somewhat disingenuous to say that utility corridors are not part of this plan because clearly they go hand in hand with transportation corridors. We remove the words "utility corridor" and everybody is supposed to assume that that's not there. That's to me a sleight of hand.

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

Mr. Hayden: Thank you, Mr. Speaker. Just for clarification, is the hon. member suggesting that it's not in the best interest of landowners with Bill 23 to give them the opportunity for expropriation at the front of the process? And is the hon. member suggesting that anyone in any government anywhere would build an expensive road in order to put power lines down the side of it?

Dr. Swann: Well, to the second question: I can't imagine a government building a road just so they could get a power line. I guess the question really is: would a government build a road without speaking about a utility corridor when that was also part of the plan? I think that's possible.

The Deputy Speaker: We have 32 seconds. The hon. Member for Fort McMurray-Wood Buffalo.

Mr. Boutilier: Yeah. In 32 seconds, Mr. Speaker, I would say: do you feel that this government, based on their track record on property rights, truly has lost the trust of Albertans based on what's taken place?

Dr. Swann: Well, I think it's very clear, Mr. Speaker, to a lot of Albertans who have given up voting that the majority of Albertans have lost trust in this government. It's been reinforced, of course, in the health care system, where professionals all across the board have said that we must have a public inquiry because we don't trust this government's willingness to respect . . .

The Deputy Speaker: The hon. Member for Fort McMurray-Wood Buffalo on the bill.

Mr. Boutilier: Yes. Thank you, Mr. Speaker. Bill 23, the Land Assembly Project Area Amendment Act, 2011. I first of all want to say that a gentleman who's a scholar and a legal mind, who belongs, I understand, to no political parties, has been in a tireless effort criss-crossing the province, he and his 16-year-old son, in defence of property rights. I first learned of him in the discussion of the original bills that were put forward by this government. He was so outraged with the arrogance of the government in taking away the right of property owners that he felt compelled to take action.

Like anything in life, every step that one takes, you can make a difference. I want to first of all commend this Albertan, who not only has made a difference, but he's created quite a discussion and an awareness to the point where it's made this government very uncomfortable.

Some of the amendments that have taken place pertaining to the Land Assembly Project Area Amendment Act, that's in front of us tonight, really go back in terms of history. History is a revealing, shall I say, tale in terms of what has gone on in Alberta.

First, I want to take a moment to thank Keith Wilson for his incredible sacrifice as a legal mind who has championed property rights. We would not be here discussing the legislation were it not for the hard work and dedication of this particular individual and other Albertans he has harnessed energy from, corner to corner to corner, across Alberta. It's really been like he stood up to the Goliath that is the Alberta government, but he was on the right side of right.

The Land Assembly Project Area Act remains unnecessary and burdensome on landowners. The Land Assembly Project Area Act should still be repealed as the Expropriation Act does a better job. I repeat: it does a better job. For the Member for Edmonton-Whitemud let me say that slowly: a better job than this amendment. This amendment has been nothing more than a reaction to what Albertans have been saying, that this government has not been listening to. They haven't been listening to Albertans. So this is an opportunity.

8:50

Now, I want to say on a positive note that Bill 23 does contain positive amendments to the original land assembly act. Of course, there's nowhere to go but up. It allows landowners to trigger expropriation of their land – that's a positive, and I want to say that I was pleased to see that – and restores access to the courts by landowners, because under the original that was not going to be allowed. Clearly, landowners and Albertans have spoken out to their government and told them: we will not accept that, or you will pay the price. So this amendment from that perspective was positive. It also, I want to say, allows landowners to sell their land beyond just market value. We also believe that is important.

The amendment that is missing in the bill is in regard to section 10 of the original bill. You may ask: what is section 10 of the original bill?

Mr. Mason: What is section 10?

Mr. Boutilier: A very good question from the Member for Edmonton-Highlands-Norwood. I'll take that question if you ask me it when the time is appropriate.

It allows the government to freeze development on property. Again, it allows the government to freeze development on property. Can you imagine? This could result in the land being devalued even further, losing value to property owners and also in the eyes of the banks. When a landowner needs to remortgage his or her land or they want to change the terms of their mortgage,

this will take away the leverage of negotiating with the banks. It's as if the government and the banks are in it together. This is very unfortunate.

I want to say tonight that – and I know the Member for Edmonton-Highlands-Norwood would clearly indicate this 40-year government being in cahoots with the banks is something that, really, we'll have to investigate further. We all know what it's like to deal with bankers, and for the most part we don't like it. You know, it's the only institution I know that goes and takes your money and gives you less than 1 per cent, but they go ahead and lend you money and charge you 10 per cent. That's bordering on legalized loansharking. So I will say that with the sad partnership that is going on there, if it wasn't for the Wildrose Party standing up for rural Albertans and putting pressure on this government, these amendments would never have come to fruition. Never come to fruition.

I'm glad to hear that the government, the Member for Edmonton-Whitemud can hear high-heel steps. I'm glad to know that. By the way, that's not your own boss; that's the boss of the Wildrose Party, Danielle Smith. She has been a champion of property rights, and what she has done in harnessing the energy is that she has spoken in every corner of this community, almost the 364 municipalities that I know the former president of the AAMD and C would recognize, as he used to represent that. [interjections] Mr. Speaker, I can see there's a lot of chirping by the Minister of Education. I welcome his questions at the appropriate time. I understand that right now he's consulting with grade 1 students on the education bill, and that's important consulting. I will say that my son had an important recommendation for you. It's called nap time. So there's a recommendation you can get for free. Okay?

Now, Mr. Speaker, what I find interesting is that it's clear that this government doesn't represent the concerns of rural Albertans. They do not represent the interests of rural Albertans; it's clear. I think that, clearly, that point will be made during the campaign, that we're all excited about, during their fixed election seasons that they're having. It's clear that this government doesn't represent the concerns of rural Albertans after introducing Bill 19, after introducing Bill 36, and also introducing Bill 50 and patronizing landowners and individuals like the scholarly and learned lawyer Keith Wilson, who doesn't belong to any political parties yet who's a huge advocate for landowner rights and who has clearly criticized these bills. In fact, he has spoken to ministers, but I think they really didn't quite understand what he was saying based on what he interpreted that Albertans were saying. I think that is something they should take heed of.

One thing that is missing from this bill, Mr. Speaker, is a resolution of the problems with banks that is related to the development freeze on land. So if the government even contemplates the future need to expropriate someone's land, they can send a notice to your bank. Albertans that are listening tonight who are landowners: what will happen with this bill is, in fact, that they send a notice to the bank saying they're going to freeze your land. Then when it comes to a remortgage, the bank can say: sorry; we're not going to loan you any more money. That is the result of what this bill is, the treatment by this government. I say to all Albertans that are watching at home tonight: this is what it could do to you. This is clearly one important point that I want to say that the Wildrose believes is missing from this bill, so let's resolve the resolution pertaining to the problems with banks related to the development freeze on land.

Maybe it was unbeknownst to this government, but in terms of what we have witnessed over the last two years as the assault of property rights, in my view, if you have to do so many things to a bill – be it Bill 19, Bill 36, Bill 50 – with all that has been going on, it's clear that you haven't been listening to Albertans, the true bosses of Alberta. This Wildrose caucus will continue to listen to its bosses.

If you want to remortgage your property or apply for a loan with your land as collateral, the bank will not take you seriously because of the action of what this bill does.

Now, it is good that the government decided to no longer determine that the cabinet would do it behind closed doors. At one point that's exactly what the bill was. It was going to be behind closed doors, and you never had a chance to even go to court to be able to appeal. To a judge or to a lawyer, like the Member for Edmonton-Whitemud, it would be amazing to determine that you had no recourse. That's how the original bill under the Stelmach government was written. Now you're trying to basically rewrite something with amendments, yet you've ignored Albertans. That is unfortunate, Mr. Speaker.

I can say that the Wildrose will continue to work hard for rural Albertans when it comes to this important issue of protecting property rights of landowners. Thank you, Mr. Speaker.

The Deputy Speaker: Standing Order 29(2)(a). The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Standing Order 29(2)(a). I wanted to go back to something a bit earlier that I heard the hon. member say, and that was the big, bad banks. Really, you know, I heard echoes of the political heritage that this hon. member comes from, the Social Credit Party. I wonder if he could elaborate on ways in which the banks trample on the rights of ordinary citizens and landowners in our province.

Mr. Boutilier: An absolutely excellent question by the Member for Edmonton-Highlands-Norwood, and it's my pleasure to take the next four and a half minutes to respond. I will say, Mr. Speaker, that the member raised an important point, in fact, a point in history for the members on the government side. They might have forgotten how the Alberta Treasury Branches actually started. It was because of those big, bad banks in central Canada that were reaping and literally taking farmers and rural Albertans for everything that they had during, of course, the drought.

The history was rich where the leadership of the day, not a PC leadership but other leadership, decided that they would form the Alberta Treasury Branches, that we have today, that is strong and is prospering because of Albertans' support. The reason is that they actually understood because they were listening to Albertans, something this government is not doing. It truly has been a shambles what has happened. I will say that I believe that, clearly, even the member of the New Democrat Party recognizes that this is about equality of property rights for landowners, something that this government is trampling on, the rights of every single Albertan who owns land.

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

9:00

Mr. Mason: Thank you very much, Mr. Speaker. Well, I will certainly agree with the hon. Member for Fort McMurray-Wood Buffalo that this government has certainly disregarded the rights of property owners in its legislative agenda over the past several years. I wonder if we could hear more, however, about the hon. member's support for a state bank.

Mr. Boutilier: Mr. Speaker, I really have no knowledge of what a state bank is. But I will say that – the New Democratic Party

apparently is interested in that – it would mean a state bank that's owned by the Alberta government. We actually have one called Alberta Treasury Branches. That is in place based on, you know, the central banks in Canada that actually had no sensitivity to Alberta families and rural Alberta farmers. Clearly, the Wildrose is sensitive to those needs being met in the agricultural industry.

I will say that we will stand up to banks when it comes to fairness for Albertans. It's something that this government should do when it comes to standing up for property rights and landowners. Anyone who owns land in Alberta needs to be fearful of this legislation, the amendments that have all gone through. It actually looks like the work of a Liberal government in Ottawa who says: we are entitled to govern. That's federal, not provincial. It's like Jean Chrétien or Pierre Trudeau saying: we are smarter than the rest of you Albertans, and we'll decide what's best for you.

Well, I was in Eckville, which is, actually, the Member for Innisfail-Sylvan Lake. Over 700 people from the community, agricultural Albertans came for it. Mr. Speaker, I was so impressed with Albertans in that area. Actually, the Minister of Energy was there. Honest to God, I think I saw a rope going around a tree from what I thought was going to happen to the representatives of the government because of the outrage of what the people in Eckville and other parts of Alberta were facing when it came to the situation.

Mr. Speaker, regarding the state bank that was made reference to – actually, the Member for Edmonton-Whitemud was there and, of course, was taken to task for interrupting the fine, learned lawyer, Keith Wilson. I remember that because I think he had to be escorted out of the building that night because of his chirping at the time.

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

Mr. Mason: Thanks very much, Mr. Speaker. Well, I thought of some amendments that we could make with regard to this bill. One was to rename Bill 23 to We Should Have Listened to the NDP in the First Place. I think that another amendment might rename the bill to Oops, We Made a Terrible Mistake Here. There are a number of ways that the government could rename this bill. But I think the important thing here is that the government has persisted for a couple of years now in embracing this legislation. It's not just the act that's being amended by Bill 23 but a series of pieces of legislation that really trampled on the rights of people in this province and, interestingly enough, trampled on the rights of people who are historically strong supporters of the Progressive Conservative Party.

I watched with interest, as public meetings were held around the province, the clumsy and awkward and ill-advised interventions of various government ministers as they tried to defend these bills without actually understanding them or understanding the concerns of the public. Now we've come to the point where on the cusp of an election the government is finally listening. Well, Mr. Speaker, there's a saying that says that nothing sharpens the mind like a hanging. Clearly, this government has offended a major part of its political base, and it's done so because it was prepared to trample the basic rights of people that it had claimed to uphold.

It was interesting that it was the NDP at the time when these bills were brought in that stood up and championed the rights of property owners in the province. That's something that the Conservative government should have been doing by all accounts. You know, we've been clear all along that we believe that there should be no expropriation except in cases of urgent public need, there must be due process with respect to the rights of landowners, there should be no freezing of land for future projects, all utility projects need to be subject to full public scrutiny and a full regulatory process, power companies should not be required to pay for utility projects of for-profit companies, the protection of power consumers' interests is paramount, and, ultimately, an end to electricity deregulation, which is ultimately what's driving much of this legislation on the part of the government.

There are three pieces of legislation that need to be substantially amended or repealed, not just Bill 19; there are Bill 36, the Alberta Land Stewardship Act, and Bill 50, the Electric Statutes Amendment Act. Bill 50, in particular, gives the authority to define essential transmission infrastructure to the cabinet and does not require a public process to consider diverse input, cutting out the Alberta Utilities Commission. It identifies several major transmission line projects as being critical, including lines between Edmonton and Calgary, Edmonton and Fort McMurray, and Edmonton and Redwater-Gibbons, despite strong public opposition. And it fails to protect consumers from having the costs of massive overbuilding of transmission systems passed on by companies directly to consumers.

Mr. Speaker, it's difficult to address just Bill 23 as it amends the former Bill 19 without addressing the broader issue. This all came about as a result of some decisions that had been made in terms of building new north-south transmission lines. The different pieces of legislation that affect that had worked well in the past. Other governments had managed to use existing legislation in order to bring about the needed infrastructure development of this province and manage public concern and protect the rights and interests of affected property owners. But this government couldn't do it. It failed where previous governments had succeeded.

It failed to use the legislation that was there for them all along because of their mismanagement. We all know about the scandal that arose with the spying. The ERCB at the time employed people to spy on people who were appearing before it and, therefore, fundamentally undermined its own process. How can you expect a fair hearing from a body that's spying on you to find out what you're up to?

That completely destroyed the credibility of the process. So the government, instead of restarting the process and using the legislation that was there, decided that they're going to bring in some very, very heavy-handed legislation, and it took away the rights of property owners to a fair hearing, to fair compensation. It allowed the cabinet to ram through all kinds of changes to land use, and it allowed cabinet to ram through whatever infrastructure projects they thought were necessary without public discussion, without having due process, without letting people who were affected have their day in order to speak and to provide that input.

9:10

It was a very, very authoritarian, heavy-handed, and undemocratic series of legislation that was passed by this Progressive Conservative caucus, by the people – the government proved itself to not really be committed to either landowners' rights or to democratic process. The government showed themselves to be in the pockets of the big utility companies and interested in ramming through the utility projects that those companies were demanding, and not only that, Mr. Speaker, but to add insult to injury, to make the consumers of this province pay for that infrastructure, billions of dollars.

It comes down to that, as it always does in these cases: very powerful special interests with massive private profit at stake

wanting us to build them a $17 billion transmission system and pay for it so that they can use that transmission system to sell their power to the United States or to British Columbia or wherever they want in order to make money. There is nothing wrong with that – I want to be clear, Mr. Speaker – but they should be covering those costs. If they want transmission infrastructure to enable them to export power from this province or to sell it from one end of the province to the other or to B.C. or wherever, that's fine, but don't ask us as consumers to pay for it.

Mr. Speaker, the government ran into a lot of trouble because of that heavy-handed approach, and the government realized it. I mean, you can see the backtracking. This particular bill that's before us is backpedalling. If this government were a bicycle, they would need rear-view mirrors to see where they're going because they're just in reverse on so many issues.

Now, I wish I could say that I thought that that was because the government had come to its senses, that it realized that it should protect people's rights, that it should protect democratic processes, and that it should make sure that private interests pay their own way, but unfortunately, sadly, I don't believe that to be the case. I think this government has taken a look at its future, and it didn't like what it saw. So it has changed its direction, not because they have become enlightened but because they have become frightened, Mr. Speaker.

As we move now towards an election, the government is undoing some of the things which it has done. But what's missing, Mr. Speaker, is a comprehensive approach to rectifying the mistakes of the last couple of years. That's not happening. What we see instead are selected amendments in Bill 23 to the former Bill 19 and a task force to talk to property owners.

They're very big all of a sudden about talking to people and listening to people. The hon. Minister of Education has undertaken a wonderful tour of talking to everybody about the education bill. Mr. Speaker, it is not a consistent, sincere approach that we see from the government every day. It's a last-minute realization that if they want to get re-elected, they have to appear to actually listen to Albertans. So it is a deathbed conversion rather than a clear and ongoing commitment by the government.

I want to just indicate to you that if the government had listened to the NDP in the first place, they would never have gotten into this mess.

Mr. Hinman: And to the Wildrose.

Mr. Mason: To give credit to the Wildrose, they did listen to us, and they have corrected the mistakes of their past much sooner than the government did, Mr. Speaker.

I want to just really, really indicate that the government is doing in this case too little and too late, Mr. Speaker. We do believe that there are important considerations in the building of a province. You obviously have to accommodate growth. You have to be able to get people from point A to point B. You have to make sure that our industry, our business, our farms, and our cities and towns have electricity as they grow, and there is a legitimate role for planning. There's a legitimate role for the government to undertake these things on behalf of the public interest. But when the government doesn't follow the public interest and, instead, gets hijacked by private concerns like TransAlta and other large utility companies and undertakes legislation at the expense of the rights of the ordinary people, then that government is badly off track and needs to be called to account.

That's what I think has happened, Mr. Speaker. It's not that the government has just considered what the public interest is and is acting out of the public interest. If they were, then we wouldn't need some of the draconian legislation that they've passed: Bill 19, Bill 36, and Bill 50. But because they are not acting in the public interest, because they're acting for private interests, they need to act in an undemocratic fashion because given a choice, the public will not accept where they're going.

I think that it's the resistance of the public, the resistance of the people of Alberta that has forced this government to introduce Bill 23. It is, in my opinion, a defeat for this government and its antidemocratic direction. I think that the public, the people of Alberta, have stood up to the government and stared them down. The people of Alberta have won, and the government has lost. Mr. Speaker, I want to say very, very much that I believe that this bill is an admission, a partial admission, of defeat on the part of the government. I wish that it was a true act of contrition and a desire to really change their ways, to mend their fences, and to move on and accept the principles that they once stood for, but I don't believe it to be the case. It is an admission of failure on the part of the government, and it should be taken as such.

Thank you, Mr. Speaker.

The Deputy Speaker: Standing Order 29(2)(a).

Dr. Swann: Well, Mr. Speaker, I could be wrong, but I got the impression that this member was going to support this bill. Is that the case?

Mr. Mason: Mr. Speaker, I think that this bill with some amendments could be supported, but as it stands now, it does not completely address the issues that have been raised by other members. In particular, it still allows the government to freeze the land, requires them to notify banks to deprive landowners of the ability of credit, and I think that there is further work. But, clearly, I want to say that it has done some things. I think it has given full access to the compensation entitlements under the Expropriation Act, and it allows the landowners to sell their property if they're subject, but it does not deal with the ability of the landowners to access credit, and I think that's a serious flaw yet in the bill.

The Deputy Speaker: Any other hon. member under 29(2)(a)? The hon. Member for Calgary-Glenmore.

Mr. Hinman: Yes. Thank you, Mr. Speaker. I guess I'd like to first thank the hon. member for that short time when there were no Wildrose elected in the Assembly, but they were very much going around being property advocates. It was very generous of the NDP to step forward and to protect property rights for that time and to still be standing there.

9:20

I guess I'd have to ask the hon. member about his comments specific to property rights. In your pamphlet you recognize the importance of property rights, but I thought that that was kind of a little bit of a step to the right for you, that normally you see the collectiveness of government in taking these projects forward. I would say that it was almost you having to expand your tent to protect property rights here in the province of Alberta. Perhaps you could explain that a little bit for us.

Mr. Mason: Thank you for that question. If the Wildrose can support state-owned banks, then surely we in the spirit of compromise can find a way to work forward.

But, no, Mr. Speaker, to be serious and for the record, the NDP has always supported the rights of individual property owners balanced with the public good and supported due process with full

consultation and rights of appeal for landowners whose land may need to be taken in the interests of the public good.

We also think that it's very important, as I talked about earlier, that we make sure that it is actually the public interest that is being secured rather than private interests. In this case I believe the government is acting on behalf of private interests against the rights of people within the province, so we are very much against that sort of direction from any government.

Mr. Hinman: Just to clarify, then, I guess it's exciting to see the opposition members understanding the importance of the due process of law, understanding that the government shouldn't be able to freeze property rights for up to 20 years with them wondering where they're going to . . . [An electronic device sounded] It's the hon. minister across the way there playing with his toy. It's chirping away.

We realize that the due process of law is critical. We understand the need for and are willing to support the Expropriation Act as it is, but the one clause that we continue to have a problem over is in section 10, on the notification to the banks and what that can do to a property owner when they find out that all of a sudden this land is under consideration. It can have a major impact on that property owner or a small business or a homeowner being able to renew a mortgage that all of a sudden the bank can have great fear of.

I think it's the northern Badger case where this has implications in that banks that perhaps had a mortgage on an old service station and the government moved. . .

The Deputy Speaker: On the bill, the hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I just rise to make some very short comments with respect to the bill just because there's been so much that's been said tonight and otherwise with respect to this matter that is so completely, for lack of a better expression, out to lunch.

The hon. Member for Edmonton-Highlands-Norwood talked about power lines and people bearing the cost of power lines. Of course, as my hon. friend the Minister of Transportation indicated earlier, this bill makes it very clear that land assemblies are not about assembling for power lines or pipelines but assembling for roadways, water projects, and those sorts of things.

One thing that should be very clear on the record is that if anybody was intending to build a power line for export of power, the cost of that line would be borne by the exporters, not by the people of Alberta. That's very clear in Alberta law. Even though it's irrelevant to this bill, I just wanted to put that on the record because the hon. member keeps bringing those sorts of arguments to the floor and misleading Albertans with respect to the effect of this act.

I've actually had the privilege of being a practising lawyer in the area of land use for a number of years. Our law firm acted for landowners within what's now known as the transportation/utility corridor, which previously was known as the greenbelt, around Edmonton. I can tell you that notwithstanding the fact that the Progressive Conservative Party and this government have been the strongest proponents of private property rights in this province for years and years and continue to be that, the process for assembling land for the Anthony Henday and for the ring road around Calgary was not a very viable or acceptable process for landowners.

First and foremost, government attempted under the environmental acts of the time to set aside a greenbelt. That was taken to court and was struck down. In fact, the transportation corridor around Edmonton was struck down three times in court because there was no appropriate law in place which allowed the government to assemble a piece of land such as that for a transportation corridor.

Now, the hon. members opposite and particularly the hon. Member for Fort McMurray-Wood Buffalo – he should understand there's a significant amount of development in his area – should understand that you need to set aside corridors for major roadways. He says that we should leave the land assembly act out altogether and just rely on the Expropriation Act. Does the hon. member have any idea how much it would cost to expropriate developed land for a ring road? If that land had been allowed to progress without being set aside, if you will, without being sterilized, as some people would call it, for the period of time – and it was 30 years – if there hadn't been the notation on there, do you think there wouldn't have been houses built, that there wouldn't have been development on it? Then where would the ring road have been built? Further out? Would you assemble it further out?

I mean, if you're going to do land-use planning, you have to have an appropriate tool, which is this act, the Land Assembly Project Area Act, to plan the area, to designate the land, and then to appropriately deal with the landowners involved so that they can have appropriate compensation for their land at the time that it's set aside. If they wish to stay on that land, of course it's going to impact the further growth of the value of the land, but it's not going to impact the land value that's currently on it.

This whole idea about going to the banks: they keep quoting section 10 of the Land Assembly Project Area Act. Section 10 actually says that "a person who holds or acquires an estate or interest in land in a Project Area holds or acquires that estate or interest subject to this Act and the regulations," nothing about sending a notice to the bank.

In any event, it is quite appropriate that if you're going to assemble land for a public purpose, normally what you would do would be to expropriate that land at that time. If you're assembling land for a public purpose, which is planning long term into the future, then you need to have an appropriate mechanism to set aside that land and then work with the landowner to determine at the appropriate time that the landowner wants to give up the land and obtain compensation rather than moving a landowner off the land 30 years before they need to do so. That's the interest. That's why this Land Assembly Project Area Act is so important.

Now, there's been a lot of talk about people coming back because we need to fix the act. Well, to be perfectly frank, the act that was passed in the first place did what it was intended to do, and that is to provide a scheme to set aside land for future planning purposes for major projects and to appropriately compensate landowners. Confusion has been raised in people's minds as to whether it does that. What this bill, this amendment act, does is clarify those compensation processes, clarify that people do have the right to the heads of compensation under the Expropriation Act. The Expropriation Act was mentioned in the original bill. This makes it very clear that all the heads of compensation are available to them. The issue in the original act was the term "market value." That provided some confusion for some people. Well, there should be no confusion now. A landowner would be entitled, when this act is passed, to compensation on any of the heads of damage that you could get under the Expropriation Act.

Let's be perfectly clear. You cannot live in a modern, cosmopolitan province like Alberta without planning for the future, planning sensibly for urban growth, planning for where the major transportation corridors should go, and then fairly treating the landowners in that area because – and that is an unusual situation – their land is being taken for a public purpose. But in the case of these types of projects, that are being assembled for future

purposes, it's not being taken right at that moment, and that landowner shouldn't have to sit and wait to see what happens. That landowner should have the right to ask that their land be purchased at that time or to make a deal with the government to be able to stay on the land for as long as the land is not needed for the public purpose.

In any event, we should not be in a position where that land gets overgrown with all sorts of different development and then have to come back and expropriate at a much more significant level to achieve that public purpose. Good planning requires us to think further ahead than the opposition, obviously, wants to do.

9:30

The Deputy Speaker: Standing Order 29(2)(a). The hon. Member for Calgary-Glenmore, first.

Mr. Hinman: Thank you, Mr. Speaker. I appreciate the minister trying to explain the position the government is in. It was their failure to act long-term and, again, their deception of the people on what they wanted to do. The fiasco and why it failed three times in the court is because of the behaviour of this government in acquiring that land and not being honest, saying that they wanted it for environmental purposes when they didn't.

We agree and understand the importance of setting aside transportation and utility corridors. This bill, Bill 23, definitely goes a long ways in repairing much of the damage that this government has inflicted on property owners for the last two years and 30 years if we want to go back in the dilemma that this government has had in failing to plan for the future.

If we actually go back to the founding of this country, it's quite interesting that those founding fathers had the foresight to understand and see the importance of utility corridors and transporttation. They actually went out and surveyed the entire country and put it on a grid. Every two miles and every mile there was a road allowance of 66 feet to allow development. So Canada started off on good terms looking forward, understanding the importance of being able to have access to property and not having to cross over private property rights.

This government failed Albertans miserably. Again, even with the southwest ring road in my area this government for 30 or 40 years has talked about it, and said: "Oh, we're looking at it. We want to do it," but they haven't taken the steps to actually secure that transportation corridor. Now we're in a position where we can't access that because the government has failed to be honest and upfront with what they're wanting to do, using behind-doors cabinet meetings, meeting with individuals from the First Nations and other areas but never having an actual plan, Mr. Speaker.

The question for the minister is: how can you stand up here in this House and act like this is the first bill that you're putting forward when this is nothing but the second and third time to attempt to make proper amendments to an extremely flawed bill? Yes, this is the best yet. You're covering all those things, but you haven't covered section 10 on the notification and section 5 of the land assembly act, and that needs to be. We'll be bringing some amendments forward on that. To get up and say that this was all part of the foresight when you literally ripped property rights right out from underneath every Albertan that was in an area where this government wanted to put a power line or a road allowance – you keep denying that has anything to do with it. I just can't for the life of me, Mr. Speaker, understand how the minister can act like this is Bill 1 and everything has been great.

Mr. Hancock: Well, Mr. Speaker, that just shows the hon. member doesn't have a clue really relative to the history of the whole thing.

First of all, the government of Canada 100 years ago didn't survey the whole country. We have a Torrens system in western Canada, a series of surveys in western Canada that does quarter sections and sections and that sort of thing, and it isn't a hundred years old. What is a hundred years old, well, not quite, but 40 years old at least, is our respect for private property and the individual landowner in this province.

What this bill does – and if the hon. member had been listening, clearly he would have heard me say that the Land Assembly Project Area Act in itself was a very important act in that it set aside a process, first of all, to let landowners know when there was a land assembly happening that might affect their land and an ability for them to participate in that process and, then secondly, when a land assembly area was designated, a way in which they could ensure that they were fairly and properly compensated. There was some confusion created around that. I didn't say that the confusion was caused by the Wildrose Alliance, but I could've.

This amendment act is here very clearly to clarify, to make it very, very clear, that the heads of damage under the Expropriation Act, which were always intended to be there, are there and that land assembly will only be done when it's in the interest of long-term future planning for roads and for water projects and those sorts of projects. It's absolutely important that landowners have that right, to be able to approach government and say: if you're going to set aside our land for a future project which limits our ability to develop it, we need to have the opportunity to get compensation now.

The Deputy Speaker: The hon. Member for Fort McMurray-Wood Buffalo. Well, we ran out of time.

The hon. Member for Airdrie-Chestermere on the bill.

Mr. Anderson: On the bill. Thank you, Mr. Speaker. Well, that was a riveting debate there. I thought there were some good points shared there.

I'm going to take a little bit of a different tack with regard to speaking in second reading on Bill 23.

[Mr. Zwozdesky in the chair]

I heard this mentioned earlier. There's a real habit and pattern developing here where the government really feels the need to ram bills through so quickly that I really don't think – and there was some cheering to that on the opposite side, that they like to ram bills through quickly. I don't think that they understand that in order to pass truly effective and solid legislation, there really does need to be a lot of very sober second thought given to every bill that's introduced. It's very important that we as a Legislature have that opportunity.

The example is these three land bills or four land bills if you include Bill 24: Bill 36, Bill 19, and Bill 50. They got rammed through so fast and so quickly that there were some pretty glaring, gaping holes that were there that didn't get addressed. I don't blame actually in any way, shape, or form, nor should I, having voted for one of these land bills – the Minister of Education was earlier incorrect. He was mentioning that I had spoken in favour of Bill 19. I think he meant Bill 36, which I absolutely did the first time speak in favour of.

What's not understood on that side yet I think is the reason for that, and I think they should all relate to it. These bills are often essentially delivered to caucus with a couple of days' notice to read over them. No time – oh, don't give me the puzzled look. Unbelievable. The final draft of Bill 36 was given to caucus two days before it was introduced in the Legislature. You know that. Don't look confused. Two days before.

We have no time to go to the public . . .

The Acting Speaker: Through the chair, please.

Mr. Anderson: . . . to our constituents and actually go through the bill and say: "Look, this is what's in there. These are the points that are in there. Here, take a look." There's no time to go to, you know, people that we trust, lawyers that we trust to go and say, "Take a look at this bill, and see if you're seeing anything untoward in here or a problem in that, to go to someone like a Keith Wilson or like a Stan Church or someone like that who has some background in these land bills and go through it with them top to bottom and make sure that the people of Alberta have an opportunity to look through these things and to give us feedback, to put it to a committee and let that committee bring in stakeholders and bring in experts so that we can make sure that we get the right piece of legislation passed at the end.

We didn't do this with bills 36, 19, 50. Bill 24: I was on this side of the House for that one. For those first three there was no time to do that, so mistakes are made. Obviously, mistakes are made. Clearly, with regard to Bill 36 I made a mistake. Clearly, I did not fully understand the legislation. Thankfully I was able to go to actually two seminars by two different individuals about Bill 36 and these property rights bills. I was able to talk to people in my constituency about them after the fact, and it became very clear very quickly that my judgment was completely wrong with regard to voting for and speaking for Bill 36. As I've said in this House many times, I apologized to my constituents for being hoodwinked, so to speak, for not reading that bill as carefully as I should have, and for voting for it and speaking for it.

9:40

I guess that's where the difference between myself and some of the other folks in this room is. I was able to make that clear decision that I'd made a mistake. There seems to be a problem with many members in this House who still to this day don't seem to think that they've made a huge mistake with regard to these land bills, including Bill 19. They still think that all these land bills were perfectly fine and perfectly necessary. The only thing was that there was a little bit of a communication problem. You know, it was always: the bills were fine; it was just that they were being misunderstood. Incredible.

When you make a mistake, admit you made a mistake. It's okay. People don't expect perfection from their politicians. Good grief, that's for sure. They do expect that when a mistake is pointed out to them and it's clearly a mistake, admit it, move on, and make the correction. Make the correction. I think that was the real problem with this government.

Now, I will say that with regard to this bill they did eventually make a correction. It has come a couple of years later, and that's fine, but they did make a correction. Better late than never is the adage. Boy, oh boy, think of what it took to get through those two years. Think of the slagging, of the character assassination that occurred by many of the members opposite on an individual, Keith Wilson, who went all over the province talking to thousands of people around the province about these bills, pointing out all four of the bills' flaws – why they were wrong, why they needed to be changed, how they needed to be changed – again and again and again, did all this work, and his character was repeatedly assassinated by this government for just stating what his opinion was on Bill 19. It is just incredible.

I mean, this individual, as much as – you know, obviously the Wildrose was speaking strongly against these bills as were the NDP and others. Had this individual not been able to go around and raise such a kerfuffle in rural Alberta, there is no doubt in my mind that none of the changes that have occurred to these land bills would have been done. Frankly, this province and every landowner in it owe a huge debt of gratitude to that individual, Keith Wilson, and that government opposite really should give that individual an apology, a sincere apology for the way that he was treated and maligned and harassed frankly by this government.

If you were at the Eckville debate, I use harassment for a reason. He was literally harassed by certain people on the other side while giving his speech, just totally disrespectful. Yet here we are. All those things have been taken and changed. Most of the things that he pointed out about Bill 19 have been changed. That's good, and it's good that their listening. Why the character assassination? Why the assassination of character and judgment of members on this side of the House?

You know, if we could go through all the different quotes – and I'm sure one day we will – talking about how members on this side of the House were out of their minds, that we were misinterpreting every single clause, taking it out of context, fearmongering, all these different things, for simply . . . [interjections] The member says that it's all true. Still he thinks that all of those mistakes in the legislation that were being pointed out – and, really, we were just looking at the reports with regard to Bill 50 from the University of Calgary and from IPCCAA, with regard to Bill 36 from folks such as Keith Wilson, and just repeating those criticisms. We were called just absolutely the worst names for it. It really is quite something to watch a government of 40 years. The arrogance is just breathtaking in that regard.

We were just doing our jobs, and that was to represent the landowners in our constituency and around Alberta, trying our best, trying everything we could to stop a 70-seat majority government. We did everything we could to do it, and frankly with the help of many good friends and landowners we were able to stop that government. That's a huge accomplishment for every opposition party in this House, for Keith Wilson, and for others. We were able to turn this legislation around, this piece of legislation.

Now, unfortunately, we still have a couple of other outstanding pieces, Bill 50 and Bill 36, that are still unacceptably poor pieces of legislation, that we will hopefully get to work on in the future and try to fix or, in the case of Bill 50 and Bill 36, repeal and start afresh, but at least we've slowed down the process. I think that's a huge testament to fighting tooth and nail against all odds in support of something that you believe in. So we're very happy with that, and we're grateful to have had that opportunity to defend landowners in that way.

I do have one issue with this, and it is that I think the government has basically – you know, I still would like to see us go back to the drawing board on Bill 19, go to a special committee, meet with some of the stakeholders and so forth on this and come up with a truly good piece of legislation, but if this is the way we're going to go, they've got it pretty close here.

The one issue that is still outstanding for me is section 5 of the Land Assembly Project Area Act. I'm still not understanding this, and perhaps someone can clarify it for me. It is an honest question. I'm trying to figure this out. This is after a piece of land is frozen, et cetera, whatever.

> 5(1) The Minister . . .
>
> (b) shall file a notice of the project area order and its associated regulation, together with a certified copy of the order and a certified copy of the associated regulation, with the Registrar . . .

And registrar is defined as the registrar at the land titles office.

> . . . and, on its being filed, the Registrar shall endorse a memorandum of the notice on each certificate of title pertaining to land within the Project Area.

That would seem to suggest to me that that will go on that specific land title, so on a person's land title. If that's the case – and this is an honest question – it would seem that that would be a situation where if someone wanted to use that land as collateral or wanted to sell it, it would devalue the property because it would be very limited in what it could be used for, and a bank wouldn't take it as collateral in some cases. I don't know.

I'm not an expert in this particular area, but I do have some worry on that end, and in full disclosure I think that that has been brought up in this House. It's been brought up by several lawyers, including Mr. Wilson, as kind of the only deficiency remaining in this bill. I would really like to see an explanation on that, perhaps an amendment on that so that we can make sure that this piece of legislation is as good as it can be prior to moving forward. That's really the only question I have with regard to a specific clause in the bill.

Again, I would like to personally and on behalf of the Wildrose Party commend Mr. Wilson. He is a fine gentleman. He truly believes in the province of Alberta and the values of liberty, the values of property ownership and respect for property ownership and how important that is to our entire system, to the rule of law, to a functioning democracy and one that respects people's rights. Although I do not believe for a second that the folks across the way were interested in using this as a way to subvert democracy or anything like that, I do think that there is a slippery slope, and the people that are in those chairs right now won't always be in those chairs. The problem is that we always have to be looking forward into the future to make sure that the laws we pass now, as well intentioned as they might be, are not used as a sword in the hands of people in the future who aren't as committed to democracy and property rights and things like that principle. So I do thank Mr. Wilson for that.

Respectfully we ask that question, and hopefully the Minister of Human Services will answer my question with regard to section 5 in the assembly project area act. I look forward to his answers.

9:50

The Acting Speaker: Section 29(2)(a) is available. The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you very much, Mr. Speaker. I wanted to just make a bit of a comment. I know that the hon. Member for Airdrie-Chestermere has indicated that this particular piece of legislation goes most of the way toward erasing the egregious clauses of Bill 19. Previously the Minister of Human Services and Government House Leader stood up and suggested that we were creating confusion and misleading the public with respect to the provisions of this bill. I want to just be on the record here that when I talked about power lines and so on, I was referring to Bill 19, the existing legislation, which this act amends.

It's clear to me – and that was the subject of my speech – that the government has realized that they've run into real trouble and have really seriously crossed many Albertans that have traditionally supported them. The point of the speech was that they have finally had a conversion at the last possible minute and that the reason we're here is for the government to correct some awful mistakes, which they could have avoided had they simply listened to the opposition and listened initially to the NDP when we pointed these things out. I want to be really clear with the minister that under Bill 19 the government could designate any land that they wanted for a public project, including things like power lines, and then give themselves the power to make regulations by cabinet, behind closed doors, around what the land would be used for and if and how any compensation would be paid.

The fact that this government could pass such legislation really, really, I think, undermines its credibility and its commitment to the basic principles that it allegedly stands for. Anyone who takes a look at this situation should not just look at the bill that is being passed now, at the last minute, but at the actions of this government over the past couple of years to really understand the lack of commitment they have to basic principles and democracy.

The Acting Speaker: Standing Order 29(2)(a) is still available. Does anyone else wish to speak on 29(2)(a)?

If not, then we'll look for another speaker on second reading of the Land Assembly Project Area Amendment Act. Are there any other speakers at second?

If not, the hon. member to close debate?

Are you ready for the question, then?

Hon. Members: Question.

[Motion carried; Bill 23 read a second time]

Government Bills and Orders
Committee of the Whole

[Mr. Zwozdesky in the chair]

The Deputy Chair: I'd like to call the committee to order.

Bill 25
Child and Youth Advocate Act

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this Bill 25? The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I would like to offer a few comments just as we open debate in committee with respect to Bill 25. There were a number of comments made in second reading which I wanted to very quickly address and then offer one technical amendment.

There was a question raised about the distinction between the roles of the advocate and the child and family services council for quality assurance. I think it should be clear that the council for quality assurance is intended to provide advice related to quality improvement with a focus on the child intervention system. In other words, the council should look broadly at how numerous systems interact in providing services to a child and family and investigate the incidents to determine what immediate advice should be made relative to the improvement of our processes.

The advocate provides individual advocacy services not only to children and youth receiving child intervention services but also under the Protection of Sexually Exploited Children Act and children and youth in the youth criminal justice system. The systemic review piece of the advocate's role is very important as the information gathered during the day-to-day work of the advocate provides a unique perspective in identifying areas where improvements can be made.

The advocate will have a seat on the council to ensure that the work of the council and the advocate's office is linked with ministry quality assurance's activities and that the advocate has the same information as the council to carry out his mandate. In other words, it's not intended to in any way limit the advocate but actually expand the access the advocate might have to the work of the council and to be able to build off that work if he or she feels that that's an appropriate thing to do. The fact that we're indicating that the advocate will be on the children's services quality assurance council is intended to provide access to more

information to the advocate and assist the advocate in his or her endeavours.

An external panel is called by the council, the same as the Serious Incident Response Team, as discussed by the Premier during her campaign. The quality council, actually, is that response. The quality council is to look into every serious incident and any death of a child in care or receiving services from the department. So it can set up the external panels as a serious incident response process. In other words, rather than waiting for a fatality inquiry or for a criminal process, it could set up an expert panel to have access to and to look at every aspect of the service that that child received, the protection that child was suppose to receive, and the incidents surrounding what happened to the child. This intense scrutiny on the incident at several levels allows us to be proactive in terms of identifying opportunities for improving and helping to ensure that changes to services are being made long before the court proceedings are complete.

Concerns about the current advocate staying on as an independent advocate and the length of his term were raised. I want to be very clear on this. We need to have some transition between the current office and the new office. A children's advocate was just hired after an appropriate process and came into office I believe around the beginning of June. That children's advocate has a four-year contract. The legislation provides for a transition, so the advocate who is currently in place with a four-year contract will become, when this act is passed, the children's advocate until such time as the Legislature chooses a children's advocate.

Now, I would have to admit that it would be my hope that the Legislature, through Leg. Offices, would respect the advocate's office. We've had a process, a competition. He's been selected as a result of that competition. We've brought him in from wherever he was before – I believe it was Prince George, British Columbia – and from whatever he was doing before, and it would be, in my view, not the most appropriate thing to do, just because we've now decided to make this an office of the Legislature, to in essence terminate his contract.

10:00

It is clear in the act that the current children's advocate serves until a children's advocate is chosen by the Legislature, presumably under the recommendation of the Leg. Offices Committee. Now, it's also clear, however, that even if he does so, he doesn't get the five-year term that's in the act. He gets to continue his contract until his current contract is terminated, essentially, which would have to be the case.

There is a strong need, I would suggest, for consistency in the leadership in the advocate's office during the transition. The current advocate is a strong voice for children and will do a great job in his role, but again there is nothing in the legislation that prevents the Legislature from deciding to appoint a new advocate before the current advocate's contract expires.

Why the advocate's reports from investigations of serious injuries and deaths would not disclose identifying and personal information about a child? Well, the advocate's reports should and will be public. They will be tabled in the Legislature by the Speaker or the Clerk. They will be reports to the Legislature. But it's important to consider in writing public reports that disclose private information, that disclosing a child's name, even if the child has died, may disclose the status of other persons in the family or disclose the family status itself. That in itself would be a breach of their right to privacy. There are appropriate processes which can be undertaken when it's believed to be in the public interest to disclose that information. Other parts of the act help to clarify when it's appropriate to disclose, but it wouldn't be appropriate to publish that automatically in the child advocate's report.

Does the advocate have access to cabinet information like the B.C. advocate does? It's clear in the act that the advocate has all the powers of a commissioner under the Public Inquiries Act. The Public Inquiries Act clearly sets out what information can be subpoenaed, requested, and obtained. It makes it clear that information from cabinet, which has the privilege of cabinet attached, is not automatically available but can be available in appropriate circumstances with appropriate review.

Will the privilege aspect of information reporting be something that protects the minister's office, or will it instead be really the removal of the barrier? Well, the advocate will access or compel information as needed to assist him in an investigation or as part of his day-to-day work. Again, there's not an automatic compelling of information, but it can be accessed in appropriate circumstances with appropriate review.

Is the advocate going to address concerns about the over-representation of aboriginal children and youth in government systems? That, Mr. Chairman, is a very important question, a very important issue. I think it's quite unacceptable that close to I believe the number is 67 per cent of children in care or being assisted by the system are aboriginal children. That's unacceptable. That's a piece that needs to be dealt with. I would hope that the advocate would lend his expertise to providing advice with respect to that, as I would hope everyone else in the system would. That's a societal issue that we absolutely have to overcome, and we will overcome it. I hope to have advice for as long as I'm in this office from every appropriate source, and the advocate is certainly one of those appropriate sources. It's not a problem that's unique to Alberta. But it's certainly a problem that we need to address.

Age of youth served up to 22 to be consistent with the Child, Youth and Family Enhancement Act or 20, as indicated in the legislation? That confuses me a little bit because I'm not sure where the reference to age 20 is. The legislation in Section 1(c)(ii) does in fact reference the age of youth served as 22, not 20.

Do former youth in care still have access to advocate services? Yes, in most cases, because youth are asking for help within designated services. If youth are asking for services that are not designated – i.e., help for applying for a student loan – then there is not support from the advocate's office, but if a youth who was in care is looking for services that are supported or designated, then clearly the advocate's office is open to them.

Can anyone contact the advocate to report a child in need of advocacy services? Well, absolutely. Of course they can.

Section 9(1) talks about the rights of children. What does it mean, and could it include the child's right to access to their parents? Well, rights include those under the United Nations rights of the child. It includes specific rights related to receiving services, such as being involved in decision-making, requesting contact with family and friends, and access to education and health care.

Can the advocate call a public inquiry? No, but the advocate has all the powers of a commissioner under the Public Inquiries Act when conducting an investigation. So, in fact, there's quite an open authority for the Child and Youth Advocate to conduct an inquiry using all of the authorities of the Public Inquiries Act and without waiting to be asked or told that he can.

Then the question is why the advocate doesn't apply in matters of financial administration under the Public Service Act. Mr. Chair, I would have to acknowledge that there was an oversight while drafting the legislation in not including the advocate in

certain parts of the Financial Administration Act. In fact, there is a reference in the consequential amendments to adding a deputy head of department, but there aren't the other corollary amendments which would be adding a department and department head.

Those are the issues that I have a concern about, so I would be moving an amendment to the act to strike out 29(3) and substitute new wording in there which makes it very clear that, like other offices of the Legislature, the Child and Youth Advocate's office is considered a department, the Child and Youth Advocate is considered a department head, and there's also a reference, as was already in the act, to a deputy head. I would ask support of the House for that amendment, just to add in two pieces which should have been there in the initial drafting and were unfortunately overlooked.

I believe that answers most of the questions that were raised in debate in the House earlier in second reading. I'd be more than happy to respond, once we've dealt with this amendment, to any comments or questions that other members of the House might have.

I believe it's being circulated, Mr. Chair, and once it's circulated, perhaps we could then deal with the amendment.

The Deputy Chair: Thank you. We'll just give the pages a moment to complete the circulation of amendment A1 to the Child and Youth Advocate Act.

Does everyone now have a copy of the amendment? Is there anyone who does not? Please signal.

Are there any comments on this first amendment? Hon. Member for Calgary-Mountain View, did you wish to lead off?

Dr. Swann: Well, thank you, Mr. Chairman. The minister has given us a very brief outline of this amendment, and I gather that the oversight was simply to include the office of the Child and Youth Advocate under the financial administration of the Child and Youth Advocate. Perhaps the minister could just say a bit more about what that means.

The Deputy Chair: The hon. minister.

Mr. Hancock: Certainly, Mr. Chair. Under the Financial Administration Act officers of the Legislature are included for financial purposes to provide for appropriate provision of spending and controls on spending, so it's appropriate, when there's a new Child and Youth Advocate established as an officer of the Legislature or an office of the Legislature, that that office be added into the sections of the Financial Administration Act which deal with that area for other leg. officers. This amendment is intended to do just that. It adds a subsection (vii) to that section 29 to include the Child and Youth Advocate and the office of the Child and Youth Advocate.

10:10

On page 23 of the bill, section 29(d) was amended by striking out "and," et cetera, and it included it in only one of the sections when it needed to actually include it in three sections. It was just a simple oversight by the drafters with respect to the number of areas where the Financial Administration Act had to be amended in order to include the office of the Child and Youth Advocate. By leaving it the way it is in the bill now, it would simply amend the area referring to a deputy head, and we also need it in the area that refers to a department head or a department. In other words, it will make it parallel with how other leg. offices are treated in the Financial Administration Act.

The Deputy Chair: Are there any other speakers to the amendment?

Are you ready for the question?

Hon. Members: Question.

[Motion on amendment A1 carried]

The Deputy Chair: Are there any other speakers at Committee of the Whole to Bill 25? The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you very much, Mr. Chair. Well, notwithstanding the comments of the minister earlier, I want to move that Bill 25, the Child and Youth Advocate Act, be amended in section 26 by striking out subsection (4). I'll circulate these prior to making any comments.

The Deputy Chair: We'll give the pages a moment, then, to distribute the next amendment, which we will call A2.

Do all members now have a copy of the amendment? If not, please signal.

Let us proceed, then, hon. member.

Dr. Swann: Thank you, Mr. Chair. Well, since the bill is supposed to be about establishing the independence of the Child and Youth Advocate, reporting directly to the Legislature, free to review issues in the child intervention system in an unbiased and objective fashion, I guess the question is: why do we need a cabinet-appointed council for quality assurance, which the advocate is supposed to be a member of? It strikes us that if there is a real, sincere interest in the independence of the Child and Youth Advocate, the advocate should have the power to establish a quality assurance council and mandate or provide direction to that council to investigate certain areas of uncertainty or concern or redundancy and not have a council that could potentially be in conflict with the independent advocate himself or herself.

If an advocate is properly funded and staffed, we believe that a lot of the quality assurance work could be done under the auspices of the independent Child and Youth Advocate as opposed to in some ways neutering the impact or diluting the impact of the independent Child and Youth Advocate. We're suggesting that we go back to the drawing board on the council for quality assurance and ensure that they are, in fact, independent also of government.

Thank you, Mr. Chair.

The Deputy Chair: Thank you.

Hon. minister, to this amendment.

Mr. Hancock: Thank you, Mr. Chairman. I certainly, after a quick review of this, understand the concept the hon. member is raising. There was, as I indicated in my opening remarks, some concern about the need for both the Child and Youth Advocate and the quality council, and there was some question raised about the independence of the advocate being a member of the council, those sorts of issues. I think it's extremely important in this area of the protection of children to make sure that we have the best possible system for children, that we use every opportunity and avenue that we can to ensure that we're doing the right thing for the right reasons, that we're bending over backwards to ensure that children in care – well, all children – are protected, are dealt with appropriately.

The previous minister set up a quality assurance council in September, and it has its first meeting next week. Now, that council is set up under a ministerial order. But when I was reviewing the process moving forward with the children's advocate, I believed that we really should make that council a public council, given the strength of statute behind it. We could have brought that in with a separate act, but I think it is consistent with and supplemental to the role of the Child and Youth Advo-

cate. It doesn't in any way denigrate the Child and Youth Advocate's role. The Child and Youth Advocate's role is very clear. His authorities are very clear. Nothing that the quality council will do will interfere with the Children and Youth Advocate's authority. In fact, in my view, it will enhance the ability of the Child and Youth Advocate to have access to information.

One of the amendments that is included in this is the last amendment, which purports to amend Section 105.74 under director's duty, which says, "the director must, as soon as practicable, report the incident to the Council;" that is, "a serious injury to or the death of a child." The provision there is to add "the Child and Youth Advocate and" before "the Council." I wouldn't have any concern with that because, in fact, there is a duty to report to the Child and Youth Advocate anyway. So I think that might be surplusage. It certainly wouldn't be offensive at all, but in the context of being buried within the rest of this amendment, unfortunately, I won't be able to recommend that we accept it.

I think it's very important that this council be there, that people know and understand that we take issues seriously and need to have a thorough look at them and learn from them at the earliest possible date, and that that work can happen either adjacent to the work of the advocate, in advance of the work of the advocate if that's the advocate's desire, or in any other way. It doesn't have to inhibit and shouldn't inhibit the work of the advocate. It's important that the advocate have a collaborating role, so to have access to everything they're doing and putting him on the council ex officio I think is important.

The ability to have the expert review panels is extremely important. The ability to put together people who are knowledgeable in the area to look into it thoroughly I think is extremely important, and the advocate having access to their work is important. Again, it doesn't detract from the advocate. If he believes that it's not being done thoroughly or appropriately or that it needs to go further, it doesn't stop him from doing that. From my perspective, I don't believe there's any reason why we shouldn't pull out all the stops for kids.

The Deputy Chair: The hon. Member for Fort McMurray-Wood Buffalo, followed by the hon. Member for Edmonton-Highlands-Norwood.

Mr. Boutilier: Thank you very much, Mr. Chairman. The minister's comments relative to this Child and Youth Advocate Act: I can say that the Wildrose certainly agrees with him. Make a note of that. The Wildrose agrees with this minister on this topic. As a father with a son who is four years old and for any parent with a youngster we want the ultimate protection of them. I commend the government. I think that on this one they have been listening to what the Wildrose has been saying and what opposition members have been saying. I'm very pleased to say that this is reflected in the act as well as in the amendments put forward here tonight.

To that, you know, his ministry today is one that includes the previous ministry of children's services. I'm very proud to say that a member of our caucus was minister of children's services for numerous years and did an excellent job in that area and laid the foundation for much of what's going on.

He did raise one point, though, on the question of independence. Certainly, I would welcome further comments in terms of the perception of independence as opposed to how this act and the amendments are being structured.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Edmonton-Highlands-Norwood on the amendment.

10:20

Mr. Mason: Thank you. On the amendment, Mr. Chairman. I would like to speak in support of this amendment because I believe that to advance the best interests of children in government care, we need to make sure that we don't have officers and agencies of the government that are operating at crosspurposes, that are in fact operating in the same area with similar areas of responsibility and jurisdiction, because that's a formula for a lot of confusion and a lot of inadequacy in terms of effectively carrying out their respective responsibilities.

From the current bill one of the things that this amendment will change has to do with the role of the council. In section 105.73 it says:

> The role of the Council is
>
> (a) to identify effective practices and make recommendations for the improvement of intervention services, at the direction of the Minister and in co-operation with the Department.

That's the role of the council that's created by this bill.

The functions of the advocate: section 9(2)(g) and (h) say that the advocate is to

> (g) undertake or collaborate in research relating to improving designated services or addressing the needs of children receiving those services;
>
> (h) provide information and advice to the Government with respect to any matter relating to the rights, interests and well-being of children.

That's essentially, Mr. Speaker, the same things, the areas of responsibility.

If you go back to the role of the council, 105.73(b) says that the role of the council is

> (b) to appoint an expert review panel to review incidents giving rise to serious injuries or deaths of children as reported by a director under section 105.74.

If you go back to the functions of the advocate in 9.2(d), the advocate is responsible to

> (d) investigate systemic issues arising from a serious injury to or the death of a child who was receiving a designated service at the time of the injury or death if, in the opinion of the Advocate, the investigation is warranted or in the public interest.

So you have the council that may under the direction of the minister investigate exactly the same incident that is being investigated by the advocate. You've set up a duality here. You've set up a redundancy that can't do anything but create confusion. And the advocate may say, "Well, I'm not going to look into this because the council is," or he or she could say, you know, "Since they've looked into it, and I don't agree with them, I'm going to come up with something different." There are all kinds of things that can go wrong. It is the role of our Assembly, I think, when we pass laws to look at them and say: "What can go wrong? If we do this, what are the consequences not necessarily likely to be, but what are the consequences potentially that arise from this?"

Potentially there is an opportunity here for a serious risk of the council and the advocate stepping on each other's feet and creating a lot of confusion. Potentially, because each thinks the other is going to act or should act, there is the potential for neither of them taking any action when they should take action.

So I think that the hon. Member for Calgary-Mountain View's amendment will improve the bill. I think it will make sure that it's cleaner, that the lines of authority are clearly identified so we know just whose responsibility it is.

I don't know why, having agreed with the hon. Member for Edmonton-Strathcona that the advocate should be an officer of the Legislature, the government then creates a council that's respon-

sible to the minister unless, you know, there's just some desire to make sure that there's somebody that can do the same thing that's accountable to the minister. So it strikes me – I could be wrong – that the government just can't let go of having control, of having somebody that's accountable to the minister doing the same thing as someone who's accountable to the Legislature. And I think that it puts them both in a very difficult position, Mr. Chair, so I would urge members, actually, to support this amendment.

Thank you.

The Deputy Chair: The hon. Member for Edmonton-Riverview.

Dr. Taft: Thank you, Mr. Chairman. First of all I want to say thank you to the members in the public gallery who are here at 10:30 at night, several of them, watching democracy in action, as it were. We are, for their information, right now in the committee stage debating amendments on the Child and Youth Advocate Act. I don't know if you're able to follow along or make sense of anything we're saying here.

I am also going to speak in favour of this amendment. I appreciated the comments from the Member for Edmonton-Highlands-Norwood, and I think that he's putting his finger on one aspect of an issue here, which is that we have progress on one hand, which is making the Child and Youth Advocate an independent officer of this Assembly, and then we have sort of a break in that process when we have the minister able to essentially duplicate that through appointing his or her own committee.

I can see all kinds of problems with that, as previous speakers have said. That's what energizes this amendment. I don't want to repeat what others have said, but I want to draw attention to one other concern I have, which probably comes out of best wishes or goodwill here. It's my concern that we are losing track of the front-line workers in all of this. We're up at the top, giving the minister powers to create panels and committees and so on, and we're creating an officer of the Legislature, and I'm concerned that we're losing track of where the work really happens, which is the front-line workers.

In fact, it's quite possible that by appointing not just one but two new top management levels that can create all kinds of stress at the front lines, we're going to make the front-line services even more difficult. My heart goes out to that child welfare worker who is doing the best they can with very limited resources in sometimes horrendous circumstances, as this minister knows, and then has the advocate looking over one shoulder and then a ministerial appointed committee looking over the other shoulder. I think that could be quite paralyzing, and my concern is that it's going to end up with more forms and more paperwork and more reports and inadvertently, through the best of intentions, we end up actually slowing the system down or making it even more difficult for the front-line workers to do their jobs.

I wanted to get that on the record. In our good intentions here we may inadvertently cause more problems than we solve, and I think there's double that risk by creating not just the Child and Youth Advocate but continuing with this other committee of the minister.

Goodness knows those office managers and case managers who will have – what happens to them if, for example, a Child and Youth Advocate comes down with one set of recommendations and the expert panel comes down with a different one? What then? I think we need to be very careful. Obviously, I support the Child and Youth Advocate, and I commend the minister for bringing it forward, but I am concerned that we're really taking a sideways step at best by having this second structure as well.

Thank you.

The Deputy Chair: The hon. Minister of Human Services.

Mr. Hancock: Thank you, Mr. Chairman. I really appreciate the hon. member raising those remarks. I disagree with his conclusion. I'll make that statement right up front, but I believe that it's very important that we understand that people on the front line, the social workers and others who are engaged directly on the front line, have one of the toughest jobs imaginable. They have to make judgment calls using their skill and ability on a daily basis and deal with some particularly horrific situations and, of course, also deal with the concern that we have that government and society and community not interfere unnecessarily with a parent's rights as well.

10:30

There's a balance to ensure that children are protected without unduly interfering with the family but then facing some of the most horrific things you can possibly imagine happening to vulnerable children in the province. I really appreciate the hon. member raising that as a concern because I think we want to make it perfectly clear that, first of all, neither the quality council nor the advocate has a role to find liability. Liability for any incident should be found by the courts. The role of both the advocate and the council is to help improve the system, on one side, and the advocate has the further role of being able to advocate for children and for systemic change for the benefit of children.

The quality assurance council role and mandate are to review incidents and to look into situations and provide advice with respect to how we can do things better. The advocate has a broader mandate to, yes, look at serious incidents as well, with powers to investigate and the commissioner's powers, but also to advocate. I think we want to have, first and foremost, the understanding that we need to hire well-skilled people, appropriately trained people. We need to ensure that they have competent people working with them and that they have the resources necessary, and we can't be second-guessing them all the time. We have to allow them to do their job, empower them to do their job, enable them to make principled decisions, and to back them up when they do it, even in the circumstances when sometimes mistakes are made.

We do have to look at incidents and learn from them and make sure that we inform ourselves better and constantly strive to do a better job, and I think that's a very important thing to put on the table. I would not be in favour of setting up either an advocate's office or a quality assurance council if it meant that we were constantly second-guessing and riding the people who have to make these difficult decisions in the face of some of the most horrendous information you could possibly see.

The Deputy Chair: Thank you.

The hon. Member for Edmonton-Highlands-Norwood, followed by the hon. Member for Calgary-Mountain View.

Mr. Mason: Thanks, Mr. Chairman. Just a question for the hon. Minister of Human Services. Would it not be possible to more clearly delineate and separate the functions in this legislation? What I heard the hon. minister just say is that one has a different task than the other, but it's clear for me that the language doesn't support that. The language here has them both doing very similar functions. If there are two separate functions to be carried out and one is more appropriate with a council reporting to the minister, another an independent advocate reporting to the Legislature, then can the government not come forward with some language that would clearly delineate those separate functions and make it clear that they are separate functions?

Mr. Hancock: Mr. Chairman, I think that those are reasonable comments, but the only concern I would raise is that the advocate has a clear independence role that must be maintained. While it's appropriate for the minister, I think, and the advocate to have discussions from time to time, it must be clear that the advocate operates under his own volition under the mandate that's given to him by the Legislature and reports to the Legislature.

There may be times in an area, which I think the council has, which is much more restricted than that of the advocate, when the minister actually wants to engage in reviews but wants to go externally from the department to do it. It's better to have sometimes external eyes looking at something, reviewing a situation, and you need to have an appropriate body to do that. My purpose in asking that to be established under the act is to make it clear that that body is there – people don't necessarily always see ministerial orders and understand, and if they didn't read the news release, you wouldn't necessarily know it was there – and to have that body established.

That is a much closer body to the ministry and one which the minister can interact with to ask it to look at certain aspects, to investigate certain areas. It's not in the purview of the minister to go to the advocate and direct the advocate's work in any way, shape, or form. It is in the purview of the minister to ask the quality assurance council to look at certain aspects. Now, they can look at other aspects on their own volition, I believe. Certainly, they have a legislated mandate here, if it's passed, to investigate serious incidents and deaths. Yes, to a certain extent that could provide for an overlap, but I think the good people on the council and the good office of the advocate working together can determine how to appropriately manage their two mandates to ensure that they're complementary, not contradictory efforts.

Dr. Swann: Well, I guess that's precisely the question here. With similar mandates, one identified by the minister, the other identified independently by the advocate, are we not seeing a recipe for either redundancy or conflict? Can we not be more clear by establishing the quality assurance council under the auspices of the advocate so that there isn't that double direction attempting to be given to this quality assurance council?

Mr. Hancock: Well, Mr. Chairman, I think we've been around this base several times now. I think, obviously, we have a clear difference of opinion. In my view, what I've asked the Legislature for is a more comprehensive set of reviews. I believe it's appropriate to take the risk that there might be a divergence of viewpoint in the benefit of making sure that we've done as thorough and complete an analysis and that we do everything we can, both internally and externally, to make sure that we have the best system possible for kids.

I have faith that good people working on these sorts of things will be able to delineate rather than duplicate their efforts, delineate what things could most appropriately be done by the quality assurance council and what things are most appropriately done by the advocate. We've clearly left the hammer in the advocate's hands to say that if he doesn't think the quality assurance council has done a thorough enough review or isn't prepared to wait for what they're doing or thinks they're going in the wrong direction, as an independent officer of the Legislature he can go on and do it himself.

The advocate clearly has the final view as to whether or not he or she needs to go further, but in most circumstances, because he's a member of the assurance council and has access to everything they're doing, they can work together to set up a more collaborative framework. I'm prepared to err on the side of doing it twice as opposed to the side of not doing it at all or not doing it properly or thoroughly. I think it's that important.

The Deputy Chair: The hon. Member for Edmonton-Highlands-Norwood on the amendment.

Mr. Mason: Thanks very much, Mr. Chairman. I just want to say that my concern here – and I don't think the current minister would do this, but we have to anticipate for the future – is that a minister who is less guileless than this minister might, if that minister didn't like an investigation or a report done by the Legislature's children's advocate, trigger his own inquiry to find a contradictory result. It creates the opportunity for not just legitimate confusion but to potentially interfere with the independent officer of the Legislature. I really think it's unfortunate that the minister is still unwilling to accept this amendment because I certainly think it strengthens the children's advocate.

The Deputy Chair: Thank you.

Are there any other comments with respect to amendment A2? Are you ready for the question?

Hon. Members: Question.

[Motion on amendment A2 lost]

The Deputy Chair: We're back to Committee of the Whole, and I have the hon. Member for Edmonton-Highlands-Norwood next on my list.

Mr. Mason: Thank you very much, Mr. Chairman. I also have an amendment. This is my only amendment this evening to this particular act, and I'm moving it on behalf of my colleague from Edmonton-Strathcona. I will move that Bill 25, the Child and Youth Advocate Act, be amended by striking out section 24.

10:40

The Deputy Chair: There is an amendment being circulated. It will be amendment A3, I assume. We'll give the pages a moment to distribute it to all members.

If all members have a copy now of amendment A3 as presented by the hon. Member for Edmonton-Highlands-Norwood on behalf of Edmonton-Strathcona, then we'll proceed. If not, signal, and we'll get a copy to you.

The hon. Member for Edmonton-Highlands-Norwood on the amendment.

Mr. Mason: Thank you very much, Mr. Chairman. The motion eliminates section 24, and section 24 is a transitional provision. The minister addressed this in his comments earlier, but I don't agree with him, with respect. If we're going to have an independent officer of the Legislature, it ought not to be somebody who is appointed by the government. I think that it just contradicts the basic principle behind the whole piece of legislation.

Now, the hon. Member for Edmonton-Strathcona has fought long and hard for a Child and Youth Advocate that is independent of government, and we've seen over and over again, Mr. Chairman, that we need to have that strong, independent voice. It doesn't mean that the ministers and the departments have not worked very hard, to the best of their ability and sincerely and with skill, to protect children in government care. But we have seen cases where children have been injured, abused, or killed in government care, and we have seen that we haven't been able to get all of the information all of the time and get, clearly, to the bottom of it.

With something as emotional as that, it's difficult – and I understand why – to be completely objective about it when you are in part responsible for the situation that has arisen, not that you're responsible for the death. There may have been something that could have been done that wasn't done, something that was missed. All of those things happen. The advantage of having a Child and Youth Advocate who is an officer of the Legislature, as they did in every other province besides Alberta until this piece of legislation was introduced, is an important way to ensure that objectivity, that dispassionate view of a very emotional and stressful and difficult situation that could arise from time to time, that does arise from time to time. So it's important that that officer be directly responsible to the Legislature.

This transitional provision basically continues the contract that was given by the government to the person who's in that job. This has nothing to do with that person or their skills or ability. This is the principle that the Legislative Assembly, in selecting an officer, needs to have the authority to make that appointment itself. It can't really be an officer of the Legislature if it's a government appointment. Admittedly, this will disappear in four years, but that's a long time. I think we should do this right from the beginning.

Mr. Chair, I am urging members to support this amendment, which would have the effect of placing in the Assembly's hands the responsibility of conducting a search and interviews to select the person who's best suited to be an officer of the Legislature and accountable to the Legislature as opposed to someone who is hired in a position where they expect that they're going to be part of a management team within a government department. It's two different things, and the principle, I think, is important. We should take responsibility for this from the beginning so that we create a culture of independence right from the beginning, right from the get-go.

I think that pretty much concludes my comments. Thank you.

The Deputy Chair: Thank you.

I have the hon. Member for Calgary-Mountain View next on my list, but I don't know if it's to the amendment or if it's to Committee of the Whole in general.

Dr. Swann: To the amendment.

The Deputy Chair: To the amendment? Proceed, and then the Minister of Human Services.

Dr. Swann: Thank you, Mr. Chairman. I'm pleased to stand and support the amendment. I guess it's self-evident that if it's going to be independent, we should have some say in the identification of this individual.

The government has finally come to the notion that this advocate must be independent of the minister and be seen to be independent not only by the families out there but by the elected representatives, who are trying to ensure the very best conditions and the very best of assessments independent of any political influence.

Well, one has to say that even as elected members we know that our term may be short lived as a result of the decisions of Albertans, so the individual who has been already identified by the government – I see no reason why we can't begin the process that the government decided to take on in choosing the most recent child advocate. That individual could certainly be considered again in the broader context of the committee that will identify the child advocate, and everyone, I think, would feel that there was a serious commitment in the short term as well the longer term to getting independence and to addressing some of the long-standing concerns of Albertans and members of this opposition, who have been calling for this for many, many years.

I certainly will be supporting this amendment. I hope other members will see the wisdom of setting the record clear and clean and identifying independently this child advocate so that everyone can go forward with confidence and support that new advocate. Now there's going to be second-guessing. There are going to be questions about the advocate's decisions and his independence. Let's set the record clean and clear and remove any doubt and second-guessing about this individual as far as his independence from the minister is concerned, because it's not there.

The Deputy Chair: Thank you.

The hon. Minister of Human Services.

Mr. Hancock: Well, thank you, Mr. Chairman. I certainly understand the concerns that are being brought forward by the Member for Edmonton-Highlands-Norwood on behalf of Edmonton-Strathcona and supported by the Member for Calgary-Mountain View. However, I think there are two or three points that I did mention in my opening remarks that I want to reiterate.

First and foremost, we're not talking about a five-year period. We're not talking about a four-year period. We are talking about the three and a half years that are left in the current advocate's contract. This is somebody who went through a process, a public service objective, a public service competition, to be chosen for the job and was selected from a number of applicants for that job. It's not his fault that we're now transferring the office and making it an office of the Legislature through this act.

So, first and foremost, I think that in any aspect, unless there's a good reason, a really good reason to interfere with people's lives like that, we should be conscious of the fact that people make decisions based on promises made to them. I think that there was a fair, open, honest public service competition. This isn't a political appointment. This isn't anybody's friend. This is somebody that was hired through an appropriate public service competition.

Secondly and probably more importantly, we're talking about an office that's already established and transitioning it into the Legislative office. That requires, in my view, some consistency in leadership and approach until that office is established. That could be a year. It could be six months. It could be two years, whatever it is. But there needs to be an advocate in place to help with that transition.

10:50

Thirdly, there's absolutely nothing in the current act which prohibits the appropriate committee of the Legislature from meeting and starting a process to select a new children's advocate. There's nothing prohibiting that. Now, personally, I don't believe that's necessary right away, but it is within the purview under this act. It is within the purview of the Leg. Offices Committee to start a process to select a children's advocate.

So there's no need for this amendment to remove the transition process because if the effect of this amendment is essentially to say that there's a vacancy as soon as the office is created and that Leg. Offices should go ahead and do the selection – well, if that's the desire, they can do it. I would counsel against it. I would suggest that it's not necessary. I would suggest you let this advocate establish, and at any time if there's any question about his independence, which I can't imagine, any question about who he reported to, any question about his ability to carry out the job, Leg. Offices has the opportunity at any time to select a new advocate. That's clear in the act, and I think it's clearly within the mandate of the Legislature to do that.

I think this is presumptuous in terms of saying that we automatically assume that this advocate is not the right person for the job and won't do a good job. It's unnecessary in terms that Leg. Offices can do that job if they want, select a new advocate. It's not helpful in terms of not allowing for someone to be in place to work with the Clerk and Leg. Offices with respect to, for example, what their budget should be for the next year and those things that need to be put in place fairly quickly and in carrying out the transition. It's unfair to the individual who's in the job now.

The Deputy Chair: Thank you.

The hon. Member for Calgary-Glenmore on amendment A3.

Mr. Hinman: Thank you, Mr. Chair. It's an honour to be able to get up at this time and discuss amendment A3. I guess in spirit I have to say that I agree with this amendment, but I guess sometimes we have to have some reality checks. It's interesting that the minister has said that, you know, well, the government has gone out and had . . .

The Deputy Chair: Sorry to interrupt, hon. member, but your microphone may be covered because we're not quite hearing you here.

Mr. Hinman: I don't think so. It's open. I don't know what else I can do. I usually am accused of speaking too loudly, not of not loudly enough. Anyway, I'll speak up a little bit more, and perhaps that will help.

The minister got up and spoke and said that it's not his fault for the contract that the government entered into. I would certainly agree with him on that fact, but he didn't go on to say whose fault it was, so I guess I'd like to point that out. It's the government's fault, and the problem here is that the government continues to put the cart ahead of the horse in so many of these pieces of legislation that it brings forward or is so concerned about fast-tracking things in the short sittings that we get this haphazard legislation that doesn't really have the openness and the accountability that Albertans would like to see.

With the amendment and with wanting it to go to a special select committee for the child advocate search, a committee I'm on, I guess I just want to point out that the majority of the members are reflected in there in how the House sits. The government has the majority of members. As much as in principle I would like to see the government do this in the proper steps, the reality is that this bill is going to go through because the government has brought it forward and they have a whip. I have yet to see in the years I've been here where a government bill gets defeated, because there isn't an open and individual vote on these things as much as the government likes to say: oh, everyone is free to vote how they feel they want to. It never happens, and it always amazes me how there's never any dissenting vote, yet we always hear of the robust discussion in caucus but no dissenting votes once we come into the House here, which I think is where that discussion really belongs.

The point on this amendment is that the government shouldn't be the one selecting the Child and Youth Advocate, yet it has. We're in the conundrum of being six months into a four-year contract and debating whether or not we want to go through the process, which I don't know will be productive because of the process that this government goes through, whether it's in the select committee or here in the House. Like I say, as much as I in spirit agree with this and that the government, I guess, had the foresight to have waited till now and even had a temporary person or something that could do it, I just don't want to upset the apple cart now even though it's ahead of the horse and say: well, let's open the process all back up and start over. So as much as I wish the government would have gotten it right, I would rather, I guess, go along with what we've got now than to switch here next month and say that we need to start over. But that is where it should be.

With that, I'll sit down and listen to what the minister or the mover has to say on the amendment.

The Deputy Chair: Thank you.

Are there any other people who wish to speak to amendment A3? If not, are you ready for the question?

Hon. Members: Question.

[Motion on amendment A3 lost]

The Deputy Chair: Back to Committee of the Whole. Did anyone else wish to speak to Bill 25 at the Committee of the Whole stage? The hon. Member for Calgary-Mountain View.

Dr. Swann: Thanks very much, Mr. Chairman. I have one more amendment to present to try to strengthen this bill. Obviously, we believe that the minister and the government have moved some on this issue, and we're pleased with some aspects, especially the independence of the Child and Youth Advocate.

I'll circulate amendment 2, I will call it.

The Deputy Chair: It will be called amendment A4, hon. member.

Dr. Swann: A4. Thank you.

The Deputy Chair: Hon. members, we'll give the pages a moment to distribute amendment A4 as proposed by the hon. Member for Calgary-Mountain View, and then we'll get on with the debate.

Hon. members, if the circulation is complete or nearly complete, we'll proceed with the debate. If somebody hasn't yet received a copy and wishes to, please signal. Thank you.

The hon. Member for Calgary-Mountain View to continue with the debate on amendment A4.

Dr. Swann: Thank you, Mr. Chairman. I'm moving that Bill 25, Child and Youth Advocate Act, be amended in section 26 by striking out subsection (4). The rationale behind this, of course, is that since our amendment to remove the council for quality assurance was voted down, we propose the council's role at least be limited to providing strategic child intervention advice to the minister. We envision this looking something like the Alberta Secretariat for Action on Homelessness, which advises the minister on homelessness. The design is to minimize conflict, redundancy, or a watering down, again, of the separate but somewhat equivalent roles now of the advocate and the council.

11:00

The Deputy Chair: The hon. Minister of Human Services on amendment A4.

Mr. Hancock: Thank you, Mr. Chair. I guess it will probably go without saying that I would ask the House not to accept this amendment. By virtue of the amendment, what would in effect happen is that we would take the publicly directed process in the act for setting up a council for quality assurance and some things that the public can easily look at and see in terms of what it does, what its mandate is, what's expected of it, and how it reports in a way that is clear so that the public gets reports from it and that they do a public report, not submit a report to the minister for tabling, and that would leave the status quo.

The status quo is that we have a quality council which is appointed by ministerial order, on which the public doesn't know its mandate other than what was in the news release, doesn't understand how it reports or how it engages, and doesn't have the benefit of understanding that there is this thorough analysis by expert panels of what's going on other than from time to time, as has happened in the past, where the minister might say: well, I will have that referred to the Health Quality Council.

Here we have a publicly established, publicly reporting council with an expert opportunity to engage in review of serious incidents and deaths of children in care, to assist in improvement of the ministry's mandate and role, and to make sure that what we're doing is in the best interests of kids and that we constantly have a view for quality assurance with external eyes on it. We have that, established recently. What we have now, though, is not in the public eye, and the public doesn't have an ability to look at its role and mandate. By accepting this amendment, in my view, it wouldn't be deleting the need or the opportunity for such a council to exist. It would simply take away its public establishment and its public reporting.

The Deputy Chair: Thank you.

Are there any other speakers to amendment A4? If no other speakers wish to speak on A4, are you ready for the question?

Hon. Members: Question.

The Deputy Chair: The question has been called, then, on amendment A4 as proposed by the hon. Member for Calgary-Mountain View.

[Motion on amendment A4 lost]

The Deputy Chair: Back to Committee of the Whole in general. Are there any other speakers to Bill 25 at committee? The hon. Member for Calgary-Glenmore.

Mr. Hinman: Yes. Thank you, Mr. Chair. I get up with a little bit of hesitation as this has had an impact in my riding. It's one of those questions where people have come and asked: why? The Premier: one of her promises during her campaign was a children's serious incident review team. I can't help but ask, you know: is this the response to the serious incident review team, that we now have a child advocate and we are trying to mesh the two together when, in fact, we haven't addressed, I guess, the problem? That's one of the questions, you know. Is this child advocate going to go back and review some of the serious incidents and especially one of those here in the province that caused the tragic death of a young child that went through a very painful 60-day process? This government failed to respond and protect an individual that needed protection though day after day someone should have stepped in.

Again, after a one-year review of it, never has anything come of the incident with Baby Elizabeth. When the paper finally broke the story after the ruling came out that it wasn't an accident, that it was abuse that caused the death and that it was a homicide, this government now seems to be responding to that with this bill. It's a great concern for me in the way that they're addressing this. It isn't adequate, and I don't know what they're going to do, like I say, to do the serious incident review.

Just for the record, Mr. Chair, I want to go over a little bit of the process with Baby Elizabeth and the 60 days that led up to the homicide and how this government seemed to fail to respond to this very serious incident. Again, it's one of the questions in Bill 25, and I don't know if it's addressed yet – and maybe it is – the proper sharing of information and, again, an individual who takes charge.

In early March 2010 Baby Elizabeth was taken to a drop-in clinic because she was fussy, and she was prescribed some medicine for an ear infection. Two to four days later, while babysitting, Elizabeth's paternal grandmother, Francisca, notices that the baby is in pain and asks the mother to take her to the hospital. The child is taken to the hospital, saying that her baby is fussy, and doctors discover that the baby's leg has been recently broken. The injury is recorded as a toddler fracture, which at that point, five days in, is certainly something that isn't unusual. Again, as the minister has been very eloquent in saying, we don't want to interfere, yet when the signs become evident, we need to step in.

On day 13, at a follow-up appointment with an orthopaedic surgeon, a doctor discovers that the other leg has recently been broken. No one contacts child and family services. On March 15 Elizabeth's grandparents call the social services response team with concerns about the baby's unexplained broken legs. The history on the file of the family shows that there's been a history of problems there. The family also calls Crime Stoppers to report a suspicion of abuse and neglect.

On day 14 CFSA supervisors assign the case as an emergency investigation. This is 14 days in. A CFSA assessor interviews one of Elizabeth's half-siblings at school, then interviews the mother and another child at their Forest Lawn rental home. The other caregiver is interviewed, and a safety plan is made, allowing only adults to look after the baby, not the other children in the home.

On day 15 a CFSA assessor attends the baby's medical appointment with the mother. The assessor speaks with the police child abuse unit, but with no complaint of inflicted injury no police investigation is initiated,. On day 20 or 21 the assessor attempts to have the child examined by an Alberta Children's hospital child abuse specialist.

On day 22 the assessor talks with the orthopaedic surgeon, who makes a referral to the hospital's child abuse specialist. A follow-up appointment is booked for six days later. Unbelievable. Here is a child with two broken legs, they have the experts coming in, and it takes six days.

Day 28. Mother and baby attend an appointment with the child abuse specialist, where a full skeletal exam and blood work are ordered on Elizabeth. After learning of the family history, the specialist advises the CFSA assessor to call police. A detective from the police child abuse unit is assigned to the case.

Day 38 now. We've jumped 10 more days down. Skeletal examination results are received back from the hospital from the child abuse specialist.

On day 42, four days later, the specialist calls CFSA with the news that the child has two newly identified broken bones on her arms. The injuries are dated. After an internal meeting the CFSA assessor contacts the mother and the police and the child abuse detective.

11:10

On day 43 the CFSA assessor meets with the mother to discuss changing the safety plan so that she is Elizabeth's sole caregiver. On day 45 police detectives interview the mother and the child's older half-siblings.

On day 48 the CFSA assessor, a police detective, and a hospital child abuse specialist meet to discuss the case. No notes are recorded. This is the part, Mr. Chair, that is so frustrating to the grandparents, who initiated this. They had offered to look after this child. There was a history of abuse in the family, and the paternal grandmother said that, yes, she would look after this child. They had this meeting, and there were no notes ever kept in

that meeting. You have to ask: why? How did they have a meeting, and who were they trying to protect? This child or themselves?

This is why it's critical that we get a child advocate, so that these things can be addressed in an orderly manner and a time-efficient manner. It is so heart-wrenching for this family to have gone through 48 days at this point, with this child going from being jovial, happy, easy to get along with to crying, fussy, with multiple fractures.

On days 49 through 58 the CFSA assessor has three telephone conversations with the mother. On day 61, again, three days later, Elizabeth is found unresponsive at the home by the police. She is rushed to hospital, where she is pronounced dead at 4:41 a.m. Her death is initially recorded as accidental. An autopsy later determined that she died from asphyxia.

Mr. Chair, the story of Baby Elizabeth is unacceptable. The family is still very concerned that nothing has happened there. It's interesting that earlier the minister in speaking said that liability should be found in the courts. This family has asked and asked for an investigation, and an internal investigation has not ever produced anything on why there were no responses, on why the team didn't work. There have been allegations that they have a quota. There have been allegations that, you know, they've had other incidents.

One of the questions that the family has asked over and over again is to have a public review of this and to make it public. Again, we understand that you don't need to bring the names forward, but with the previous 10 children that have been withdrawn and taken into government custody, what were the triggering points, and what caused them to take a child into custody to protect that child? This is a clear case where, in looking back with 20/20 hindsight, you can only ask one question: why was nothing done? We need to have the comparison.

With this Bill 25 are we actually going to address and will the child advocate go back and look at something like this and find where the breakdown was, and are we going to fix the system so that we protect children in the future? There's nothing more heart-wrenching than to have one of these precious little ones that are being beaten and abused – and everybody seems to know that – yet no one takes action to do anything. It's just wrong, Mr. Chair. How can we live in a society today where we say that we're so civilized and that we're so politically correct, yet we lose the life of a precious little one like this over, it just seems like, bureaucracy, that it's not my job or that it's someone else's job, the lack of communication, not being able to bring people together immediately?

Going back to the Premier's statement that she wants a children's serious incident review team, is that another broken promise and we're just going with this new bill, or is the child advocate going to be given that job not only to be able to have a public inquiry or whatnot but to be able to bring in a serious incident review team that is serious about reviewing something in a timely manner and not letting days turn into weeks and turn into a couple of months?

Anyway, we certainly have a big hole here in this area. I hope that when this bill is passed, the new Child and Youth Advocate will look back at this, that it will be made public so that we know what triggered, what caused these problems and why there was no response. That's the hard part. I think that most people in here have seen that video in China where that little child got run over and 18 individuals walked by and didn't do anything. How callous can we become as human beings when it's not our responsibility? I'm ashamed to say that when I see what happened here – here are specialists that are all supposed to be concerned about a child, yet 60 days went by with multiple broken limbs and nothing done, Mr. Chair.

I do with all my heart hope that this bill will set it up so that in the future we respond in a quick and efficient manner. I couldn't agree more with the minister that we don't want to infringe on a family's rights, but when this type of abuse has taken place and that question is there, especially when it comes from family – this is the grandmother who looked after this child often and offered. Children's services called and said, "Would you take this child if we were to remove it?" and she said yes. Yet no action was taken when all of the signs showed that there was a problem there. Now the other three children after a year have been taken from the custody of that parent.

It's just disheartening to see something like this happening in our province, and I truly hope that Bill 25 will address that, though we have many concerns, and we're not sure that it really is going to be definitive and have that emergency response team. Again, the distance, we hope, will be presented there, that the minister won't somehow be overseeing this, as it seemed to appear in the case with Baby Elizabeth.

With that, I'll let others speak on this bill, and hopefully we'll do better in the future, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

Are there any other speakers at Committee of the Whole for Bill 25? The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you very much, Mr. Chairman. I just want to indicate that despite some failures in the bill, some confusion, which have been the subject of some amendments tonight and which I regret were not accepted by the government despite their eminent good sense, this is a good change. This is, in fact, change that we have been pushing for and fighting for for a number of years. I'm pleased to see that the government has accepted and adopted the principle, which has been fought for by the hon. Member for Edmonton-Strathcona quite relentlessly, that the children's advocate should be an officer of the Legislative Assembly and not someone who is part of the management team of the minister of children's services or the minister of whatever the department is called at the time.

I think that this is a very good change. I'm looking forward to having a children's advocate that can strengthen our protection of children, that can strengthen our awareness of the issues faced by children in care and by the people who are there to enforce and protect them. I expect that this legislation will save lives, improve the quality of life of children who are in care, and make a difference for people.

I urge all members to support this legislation. Thank you.

The Deputy Chair: Thank you.

The hon. Member for Calgary-Glenmore.

Mr. Hinman: Yes. Thank you, Mr. Chair. I realize that there is one other question that I failed to get on the record, that, hopefully, the minister will answer. I realize I certainly have no expertise in this area, just a concern. My understanding is that B.C.'s advocate was originally able to access cabinet documents and report on problems that she found on how cabinet was handling things. Is Alberta's advocate going to be able to access those documents so that we don't have to go forward to learn? We've got incidents now that we need to go back to, that we can learn from. In this bill will the child advocate have that authority to go back and access all those records so that we can actually learn from our mistakes rather than having to repeat them in the new position that's been brought forward?

The Deputy Chair: The hon. Minister of Human Services.

Mr. Hancock: Thank you, Mr. Chairman. There are a number of items that the hon. member has raised in his previous comments and now in these comments, which I won't dwell on at length. Obviously, the situation with Baby Elizabeth was a very tragic situation. The least we can do is learn the most we can from that incident and make sure that we implement systemic and individual improvements to ensure that those sorts of situations don't happen again. That's the least we can do, arising out of that very tragic incident. There was, in fact, a serious incident review team put in place and a report from that serious incident review. Many of the recommendations have already been acted upon, and I hope that we can continue to learn.

11:20

The purpose of setting up the quality council and making it a statutory council as opposed to simply a ministerial order council is to make it clear that those serious incidents and deaths that happen need to be reviewed immediately, responsively, and we need to learn as much as we can. They should never happen. But let's face it; these are children at risk, and we will continue to have incidents. We need to do everything we can to find ways to improve the system so that we don't have incidents. I want to learn as much as we possibly can, and I think that process has been undertaken. There's nothing in the act which stops the advocate from using past circumstances to enhance his advocacy and look for opportunities for learning from them and to advise us as well on those circumstance.

I addressed the hon. member's concerns in my opening remarks, so I won't repeat them all. I would just asked him to go back and read that. Then if he wants to have a discussion about it at another time, I'd be more than happy to do it. But I did go through sort of a litany of the authority that the advocate has under the public commissioner's act and the opportunity that they have access to cabinet documents in that circumstance. I would indicate to the member . . . [interjection] Well, no, it doesn't have complete and unfettered access to cabinet documents. There are very few circumstances, in fact none that I'm aware of, where there is complete and unfettered access to cabinet documents. They do have the power to compel evidence and ask for information, and if it's appropriate to be released, then the decision can be made to release it.

What the hon. member indicated in his remarks was, in my view, a little bit of confusion because cabinet documents would not deal with the incidents that the hon. member is referring to. Obviously, the minister would get advice with respect to it if there is a serious incident or a death of a child in care, but under this act the information also will go to the advocate, obviously, and to the quality assurance council for their automatic review. They won't have to wait for any direction to review. [interjection] If there's information with respect to an incident with respect to a child in care, a serious incident or a death of a child in care, it automatically goes to the quality assurance council under this act and, obviously, also goes to the child's advocate, and then the appropriate investigations will automatically happen. They don't need to mine paper in order to find incidents. Those incidents are by law under this act reported to them.

Mr. Hinman: I appreciate the minister helping me clarify that, but the point that I was trying to make is that this information has already happened in the past. Is the new child advocate going to be able to go back and review what the minister received? I mean, to put it bluntly, Mr. Chair, the family feels that there had to have been political interference or something because common sense says that there should have been an action. To help clarify that, it would be good to know that the child advocate can go back and look at those documents, and if there was something, they would bring it forward and show it.

It's not about going forward, as the minister has talked; it's going back. Is this child advocate going to have access to those briefings and the information that was given to the minister and if there's anything from the minister to the former child advocate, I guess, at that time?

The Deputy Chair: Thank you.

Hon. minister, do you wish to respond?

Mr. Hancock: Well, Mr. Chairman, I think that's a very troubling allegation, actually. What I would say to the hon. member is that there was a very serious incident. It begged a thorough response. It got a thorough response. There was a team appointed to investigate it, and that team investigated and reported. The Child and Youth Advocate can continue to look at that circumstance if he wishes. It's certainly in his power to do so to see that everything that can be learned from it has been learned from it.

But I would say two things to the hon. member. First and foremost, again, as I said in response to Edmonton-Riverview when I thanked him for his comments about the work that's done on the front lines, I don't think there's any front-line worker who would put up with the type of interference that the hon. member is talking about. People might have made bad calls. There may have been a failure to exchange information appropriately. Those things we need to learn from and understand. But to suggest that there was some interference in them doing their work would be sinful.

The Deputy Chair: Thank you.

Mr. Hinman: Maybe interference isn't the correct word.

Again, I haven't read that report that came out. Whether it's case overload, I mean, when you go through this case, there are just problems there that shouldn't have happened. The family is extremely disappointed in the way it was handled. Like I say, they feel that there needs to be more information given out as to how no decision was come to over 60 days, you know, just the honesty in saying, "Look, there was case overload, and they couldn't address it for 10 days though it was critical," and "Look, there are these other ones that we saved." I mean, this is a very serious, tragic incident, yet to the family's knowledge there is no explanation. Their question is: how was there not a decision made? Something went wrong, yet that's never come out. That's why looking back is so important for them to understand and to learn more and, again, to have that open vetting, I guess, Mr. Chair.

The Deputy Chair: Thank you.

Are there any other members who wish to speak to Bill 25 as amended?

If not, please be reminded that the committee has already voted on amendment A1 and accepted it.

[The clauses of Bill 25 as amended agreed to]

[Title and preamble agreed to]

The Deputy Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Deputy Chair: Those opposed? That's carried.

Bill 26
Traffic Safety Amendment Act, 2011

The Deputy Chair: Are there any comments or questions? The hon. Minister of Transportation.

Mr. Danyluk: Thank you very much, Mr. Chair. Indeed, it is my pleasure to rise to speak in support of Bill 26, the Alberta Traffic Safety Amendment Act, 2011. Let us remember what the act is intended to do. It's to make our roads safer, save lives and reduce injuries, and change behaviours. Our approach focuses on three main areas: targeting repeat offenders, building on existing penalties in .05 to .08, and tightening rules for new drivers, which will be incorporated under regulations.

I say to you, Mr. Chairman, that the toughest sanctions bar none are drivers with a blood-alcohol content of over .08. Probably the biggest change relates to licence suspensions for those over .08 until their court case is resolved. There are also big changes in the mandatory interlock. This has been proven to be successful in changing behaviours. The interlock system will be implemented for one year for the first offence, three years for the second offence, and five years for the third offence. Also included are vehicle seizures: three days for the first offence, seven days for the second offence, and seven days for the third offence.

11:30

Mr. Chairman, I want to also stress and suggest to you that I believe that it's very mandatory that we monitor the records of individuals for 10 years. We need to get a long-term behaviour change, and that's how we're going to try to address or partly try to address the repeat offenders. Our approach to repeat offenders favours monitoring, education, enforcement, and addictions assessment, all designed to help change behaviours. It has been proven that consequences need to be immediate and meaningful to change behaviours. In Alberta those consequences will be paid for by the driver and not the taxpayer. Also, studies show that no single approach changes behaviour, and that's why we're acting on many fronts.

As well, Mr. Chairman, one of the areas is building on existing sanctions for drivers with blood alcohol of .05 to .08. Right now these drivers are given a 24-hour suspension with no consequence for repeat offenders regardless of how many times they have committed. This legislation proposes that the first offence would be a three-day licence suspension and a three-day vehicle seizure. The second offence would be a 15-day licence suspension and a seven-day vehicle seizure and for the third offence a 30-day licence suspension and a seven-day vehicle seizure. Very importantly, on the second offence education courses kick in. Not only is this supporting the existing need and practice to keep drivers off the road at .05; it is also about prevention and early intervention.

I would suggest that the argument of roadside justice is puzzling to me because that's simply not the case. Law enforcement officers can issue a 24-hour licence suspension now. They also currently have the ability to issue penalties at the roadside; for example, a ticket for failing to stop. These are not new powers. I need to be very clear with you that the .05 to the .08 are not new powers. I would also say that if an individual gets stopped and a police officer looks at them and feels that they are impaired and they are asked to blow, what happens is that if they blow over .08, they are in a criminal act, and if they blow between .05 and .08, they will be in the newer legislation.

The penalties are not based on an officer's judgment. They are based on calibrated equipment, on the basis of a scientific reading for the same device that is used now. Anyone can ask for a second test from a second device, Mr. Chairman. We've learned from B.C. We already have full, fair, and just opportunity for independent review.

Forty years of research, and I want to say solid research, since 1991 on .05. I'll quote three different findings: Chamberlain and Soloman; Moskowitz and Fiorentino; Howat, Sleet, and Smith. At .05 a person is simply not fit to drive. Skills deteriorate with very low levels of alcohol, as do vision, steering, braking, information processing, and divided attention. One review showed that alcohol impairs some driving skills starting at any significant departure from zero, and I stress to you, Mr. Chairman, that's "some." Also, at .05 the majority of experimental studies reported significant impairment. So .05 is a realistic statutory level at which most people's driving performance is impaired.

This one is important, Mr. Chairman. The Traffic Injury Research Foundation of Canada found that drivers with a blood-alcohol content of .05 to .08 were seven times more likely to be involved in a fatal crash than drivers with zero blood alcohol. I mean, we can't argue with those facts and those outcomes. Jurisdictions which have gone from .08 to .05 have seen 20 to 40 per cent less fatalities.

Mr. Chairman, let's be very clear. We are not criminalizing .05 to .08. It's absolutely not the case. There are no criminal charges, no fines, no demerits. The Supreme Court of Canada in 2009 acknowledged both the rights of the provinces to legislate in this area and how the carnage impacts matters within provincial jurisdiction: health, highways, vehicle insurance, and property damage.

Mr. Chairman, I want to say to you that I have met with the hosting industry. I have met with the hotel industry. We've consulted with the Restaurant and Foodservices Association. It was one party at the table. The restaurant association, in particular, had two major concerns. One of them was the 10-year monitoring. I want to say that I explained that this is how we need to get to repeat offenders. The other concern that they had is being different than B.C., and we assured them that it was very different than B.C. We have an independent appeal, a tribunal for appeal. Also, we don't have fines.

We talked to industry about working together to educate consumers. This is about safety, plain and simple. We are not advising Albertans not to drink. We're not saying that you can't have a glass of wine over the course of dinner. Our position has been clear. It is no different than what was there before, but the penalties are different. We are saying: don't drink and drive. We aren't saying the amounts. It's not different; .05 is nothing new for the customer.

Industry is an active partner in many initiatives to support safe alcohol service in Alberta's bars and restaurants. For example, to date over 140,000 Albertans working in licensed premises have been trained on responsible alcohol service, including how to identify and not serve individuals who appear intoxicated. This is mandatory training for anyone working in a licensed premise. We want people to think ahead before they make a decision that they will regret.

National and international evidence shows that monetary penalties are not effective for this offence. There are no revenues to the province. There are no fines and no demerits, as I said before.

Also, provinces cannot regulate on vehicle standards. Transport Canada does.

Mr. Chairman, our work is based on a solid, growing body of research, and whatever the numbers or configurations of statistics, all of the research tells us one thing. Impaired driving causes deaths on our roads. The research tells us how to change behave-

iours for the long term. It's swift consequences, early intervention, education, and monitoring and progressive penalties.

The changes to impaired driving involve an integrated approach, which balances enforcement with education and prevention, while maintaining a process to address appeals. Let us not lose sight of what we are trying to accomplish. We are working to prevent alcohol-related collisions and deaths, and I will not apologize for making our roads safer.

Mr. Chairman, I do have an amendment, and I believe it's at the table. I'm not sure if you're going to call it A1.

11:40

The Deputy Chair: Yes, hon. member, we'll call it A1 as soon as I receive it.

Mr. Danyluk: I can wait for a minute to have it passed around.

The Deputy Chair: Thank you. Here it comes.

Mr. Danyluk: Would you like me to speak to it, or shall we wait?

The Deputy Chair: Let's give it a moment to be circulated. Thank you.

Mr. Danyluk: Okay. No problem.

The Deputy Chair: Is there anyone who still wishes a copy of amendment A1?

If not, then please proceed, hon. minister.

Mr. Danyluk: Okay. Mr. Chairman, I would suggest that we are proposing a very minor amendment to Bill 26. Actually, it does not change the language but changes the spacing and the indentation to clarify the intent.

Mr. Chairman, Bill 26 adds subsection (6) to section 88 of the Traffic Safety Act. This subsection outlines the appeals available to drivers at roadsides. There are two possible avenues of appeal. Subsection (6)(a) is to go to the police station for a breathalyzer test on an evidentiary device, and (6)(b) is to take a second roadside breathalyzer for a second approved screening device.

The clause that begins with "the purpose of which is to show" was intended to apply to both (a) and (b). It specifies that the appeal is successful if the second test is below .05. However, it is printed as part of (b) only, so the amendment makes it clear that it applies to both appeal methods. We ask all members to support that decision, please. It's just, basically, a clerical error.

The Deputy Chair: Thank you, hon. minister.

Comments with respect to amendment A1? Are there any speakers to amendment A1?

Dr. Taft: I think we should all congratulate this minister on making what is probably the most minor amendment that we've ever seen in the history of this Assembly. I didn't know it was possible to make an amendment without even changing a word, but I guess it is. I'm okay with that.

The Deputy Chair: Thank you.

Are there any other speakers to amendment A1? If not, then I'll call the question if you're ready.

Hon. Members: Question.

[Motion on amendment A1 carried]

The Deputy Chair: Going back to Committee of the Whole on Bill 26, the Traffic Safety Amendment Act, the hon. Member for Calgary-McCall.

Mr. Kang: Thank you, Mr. Chair. It's a great pleasure to speak to Bill 26, the Traffic Safety Amendment Act, 2011, which is about proposing changes to the Traffic Safety Act. This act is about making our roads safer from drunk drivers. The main points in the bill are that drivers who will be charged over the legal limit of .08 will have their licence suspended at least until they have their say in the courts and, the second one, that drivers blowing between .05 to .08 will have their licence suspended for a first offence, as the minister pointed out, for three days, 15 days, and 30 days.

First of all, I want to say that I support the bill. As whatever will make our roads safer, save us the pain, the misery, and the carnage on our roads, I think we should all support that effort. I fully support what the minister is trying to achieve by bringing in this Bill 26.

Recently it caused lots of pain in Grande Prairie, and just the day before yesterday there were, I believe, three deaths in Beaumont. It is the innocent people, Mr. Chair, that get killed. Innocent people suffer, and the drunk drivers most of the time walk away. In my personal experience, back in 1971 I believe, I was rear-ended. I was just waiting to make a left-hand turn on 17th Avenue and 15th Street S.W. The guy was drunk. He rear-ended me, and my car was on fire. I didn't know what happened. All of a sudden other people came and pulled me out of the car. I could have been dead myself. I could have been cooked alive in the car. So I've got personal experience. We were also victims of a guy who was drunk who ran over my father's car, and he killed five people, including my father. I know the pain it causes the families. You know, it's lots of money: insurance, property, health care.

Mr. Chair, in 2008 the stats, you know, were that 60 per cent of people were not drinking and that 22.5 per cent of people were involved in fatal crashes. Yeah, we see this. Although the drinking and driving accident numbers have been coming down, still I would say that even one death by a drunk driver is one too many on the roads. In Alberta our drinking and driving accident rates have been kind of higher than in the other jurisdictions, and this is a very, very serious cause for concern. We should all as Albertans be taking very, very seriously the drunk drivers on the road. We should let Albertans know that drinking and driving will not be tolerated on our roads. It is not acceptable to be on the roads drinking and driving.

As we have seen in B.C., from the latest stats, for the year ending September 30, there were 68 alcohol-related motor vehicle deaths across B.C. They were averaging about 113 such deaths in the province in, like, the previous five years. With the new law in B.C. – we have only been talking about B.C.'s stats – it goes on to prove that the law is working. It is the enforcement part, I believe. That's why, you know, the accidents have come down. Right now our police have the power to have those 24-hour suspensions. They can suspend a licence for 24 hours. According to today's paper the VPD didn't have to hire more police officers to enforce this law. Even the Calgary police are saying that they would need to hire more officers to enforce this proposal if it becomes the law.

11:50

What I kind of struggle with, you know, is why our drinking and driving accidents are way up there when we have those 24-hour suspensions. We should have maybe better enforcement. I don't know what's happening out there. Maybe 24-hour suspensions are not being enforced that much.

When I go back to the distracted driving legislation, there were lots of accidents caused by people talking on their cell or grooming or whatever, and we were all concerned that with the distracted driving legislation, you know, lots of people would be getting tickets. The same thing with the seat belt law. But Albertans are law-abiding citizens, and whatever law or legislation we bring in, they will abide by the law.

With this legislation, too, I kind of find that I've been struggling because the stats say that only 2.2 per cent of people who have been in the limit of .05 to .08 are involved in drinking and driving accidents and that 98 per cent of Albertans who had a couple of drinks coming home from work or just a social drink have been pretty responsible drivers. You know, I'm struggling to support this legislation. Just because 2 per cent of Albertans who have been in that .05 to .08 zone, that limit, have been in accidents, we are going to be penalizing, I think, 98 per cent of Albertans who have been very responsible drivers on the roads.

The minister is saying that we are trying to change the culture. You know, if you bring in this legislation and we pass the law, then maybe it will change the culture. It remains to be seen. We make the laws, and people think: oh, I will be in trouble with the law if I break the law. Maybe it will change the culture, but I think that with this legislation we will penalizing the 98 per cent, the responsible Albertans that I was talking about.

The restaurants and the hospitality industry, too, are concerned about their business dropping and that there may be layoffs in the industry, and that may affect lots of families, too. There will have to be, you know, some kind of an adjustment period there. Who knows how much effect passing this law is going to have on the hospitality industry? I have been getting e-mails to my office from the restaurants down close to my house. My house is close to Barlow Trail, and there are lots of restaurants on Barlow Trail. They have been saying that their business will be hurt if we pass this legislation.

I don't know what the government is going to do to educate Albertans on this. I don't know how we're going to bring this awareness: it's not okay to drink and drive; be responsible. I don't know where the responsibility line is that we're going to draw. Definitely it has been proven in B.C. that it has hurt the hospitality business there. It came down 21 per cent, and it came back up 10 per cent. Whatever we do here, we should be, I think, keeping the hospitality industry in mind as well.

You know, I'm really struggling, like I said before, with this legislation, between supporting and opposing this legislation. I don't know what the government is going to do to address the concerns of the hospitality industry. The minister said that we had the consultation with the hospitality industry and that they were okay with it.

The AMA, you know, says that they are supporting this legislation. I think they claim to have 700,000 members. I'm a member of the AMA, and I never heard from them with regard to whether I am for this legislation or against this legislation.

Dr. Swann: That's the Motor Association, not the Medical Association.

Mr. Kang: No. That's the Alberta Motor Association. There was something I got in the mail.

Then the penalties. The minister said that it's not a cash cow for the government, but there will be indirect penalties for the drivers who will have their licences suspended and their cars seized. It's going to cost them maybe 500, 600 bucks just for being responsible drinking drivers. [interjection] Well, you know, people do it now. They have a drink with their dinner, and then they're driving home, and they're not impaired. They are under the legal drinking limit. They are not legally impaired. You know, that's another problem I have. Maybe we should have the law changed, and we should drop the legal limit to .05.

Those are the issues I'm having with this. You know, there are constitutional issues. If a person is charged, his licence will be suspended until he goes before a judge. I don't know how this is going to stand up in the courts under the Charter of Rights because of the presumption of innocent until you are proven guilty. I don't know how this is going to stand up. Our courts are already clogged up, and this will put more burden on our legal system.

You know, I'm sure this bill is going to save lives. It will give the police the tools to make our roads safer. It may change the attitudes about drinking and driving although, like I said before, accidents have been coming down, and the rate of drunk-driving charges has dropped by close to two-thirds in the past 20 years. Still, too many people are dying, and Alberta has the second-highest rate of charges in the country. Those are my concerns with this bill, Mr. Minister.

I remember that before the no-smoking ban came into effect, you know, the hospitality industry was concerned that their business would suffer badly. There was a transition period. I think their business came back up. After we pass this legislation, maybe the people will be – I don't know how people are going to adjust to this new legislation about having a social drink. Those moms going to the hockey game or pops going to the hockey games or the guy who is driving home from work: they want to have a drink with their buddies on Friday or whatever.

Those are my concerns. With that, thank you, Mr. Chair.

The Deputy Chair: Thank you.

The hon. Minister of Transportation wishes to comment briefly on the previous comments.

Mr. Danyluk: Thank you very much, Mr. Chairman. I just want to talk about a couple of things that were mentioned, and that's the responsible drinking and driving. Please be very clear that the criteria, if I can say that, for drinking and driving of .05 to .08 have not changed. Right now you would get a 24-hour suspension. The penalties that we're asking to put in is where there would be the change, but the criteria are not any different.

12:00

Mr. Chairman, I want to say to you that when the hon. member talked about a cash cow, still costing people to get their vehicle back, I have to emphasize again to you that they are driving impaired. It's not as if they're not drinking and driving. They are drinking and driving, and there's a penalty in place right now.

You also made mention that we would punish 98 per cent, you know, that shouldn't be punished. Mr. Chairman, they're still drinking and driving, and they would still be under the same penalties that we have today.

You talked also about the hospitality industry. Mr. Chairman, I have met with the hospitality industry. I have met with the hospitality industry a second time. I will be very clear that the hospitality industry looked at a couple of different things. One of the concerns they had is that they thought we should leave the 24-hour suspension in and then have three other stages, so have a four-stage system. They thought that would address it.

When we met also with a group of hotels and restaurants, I mean, there was no doubt that one of their main concerns was that 10 years was too long to hold an impaired driving on your record. I think that's one of the most important parts of the bill, that we can look at repeat offenders. That is the hardest part for us, the

repeat offenders. It's so critical. We need to develop that history, and people need to know that we are serious.

I look at it that there is no excuse for drinking and driving. As I said before, I mean, I don't apologize for individuals that are drinking and driving. I truly believe that if there is anything that we can do as citizens, as parents, for our children, I think it's critical that we try to make some changes, whether the changes are in culture, whether the changes are real.

Also, Mr. Chairman, please know that there are eight other jurisdictions that we have looked at. You mentioned B.C. That's one of them. We've looked at other jurisdictions. Saskatchewan is at .04. We didn't feel that we should go to .04. We stayed the same so that if individuals understand what .05 is right now, there is no change. They don't have to learn something different. There's no change in the law, but in the penalty there is. I say to you again that the .05 to .08 is the small part. It is the repeat offenders and the .08 with the interlock system as well as the suspension of licences as well as the seizure of vehicles.

Mr. Chairman, just a last comment. You know, one comment struck me that the hon. member made, and maybe I heard it wrong. It was the discussion about impacting people. I would say to you that the impact is on families. We've seen all of that in the news. I need to stress to you again, if I can, that this is not about changing areas; it is putting more penalties in.

The Deputy Chair: Thank you.

Hon. Member for Calgary-Glenmore, did you wish to comment as the critic? Okay.

The hon. Member for Airdrie-Chestermere.

Mr. Anderson: Thank you, Mr. Chair. I appreciate the debate that we're having tonight. It's a good debate. There are some good points on both sides. But I can't help, hon. minister – and I know your intentions are good. You're a good man, and you certainly want folks to be safe on the road. I truly believe that. But this discussion is quickly turning into the same type of discussion that we as Albertans had with the federal government with regard to the long gun registry. That's what this is sounding like.

The reason I say that is because, obviously, the gun registry came out of that horrific shooting at the Polytechnique in Montreal. After that there was this outcry to do something about it: we've got to do something about it so that this heinous type of crime and this heinous happening doesn't occur again. So the federal Liberal government brought in the long gun registry. I hope that most of us or, certainly, most of the members on that side of the house – and I'm not saying that you all feel this way, but I would say that probably the majority of you do – would pretty clearly say that the long gun registry didn't keep people from being murdered or stop shooting sprees from happening in Canada.

It was an initiative that essentially targeted the wrong people. It didn't do anything to curb crime. It didn't address the problem. It was a knee-jerk reaction that had unintended consequences for people that would never cause crime. Of course, it was gun owners and taxpayers who had to foot the bill of $2 billion for a gun registry that didn't do anything to curb crime.

These are the same arguments that I'm hearing from over there. It's the exact same argument. I know it's well intended, but this law is not going to save lives. I'm convinced that it will not save lives. It will not do anything to save lives, and I'll tell you why I say that. I absolutely am convinced that when we see these pictures, these horrendous pictures – there was another crash over the weekend with a drunk driver that killed three people. Terrible. We see what happened in Grande Prairie, the awful, tragic circumstances and tragic ending to those poor boys' lives. Everyone in here agrees that we need to end drinking and driving as quickly as possible for this reason. But think of what you're proposing here. Is this really getting at the problem? Statistically is it really getting at the problem? Or are we doing something here that isn't going to solve the problem, and we should instead be looking at a totally different way of addressing drunk driving deaths and injuries?

I would say that we should absolutely be looking in another spot. There was a study done – hold on; I'm going to get my notes together here real quick – by the Canadian transport association. It's called the Alcohol-Crash Problem in Canada: 2008, prepared for the Canadian Council of Motor Transport Administrators and Transport Canada, which, of course, is the federal ministry, by the Traffic Injury Research Foundation. This was in December 2008 but given and presented in December 2010, so just late last year. The figures for this came from Statistics Canada, the CANSIM database and Juristat, so these are pretty ironclad statistics. This is what the statistics say, okay? For 2008 61.3 per cent of all fatally injured drivers had a zero blood-alcohol level. That makes sense. Thankfully, most people on the road are not intoxicated, so obviously there's going to be a lot of accidents that – okay. It makes sense. Of the fatally injured drivers who had been drinking, the remaining 39 per cent or so, 85 per cent exceeded the legal Criminal Code blood-alcohol limit of .08. The remaining 15 per cent were within the legal limit.

For all provinces the largest proportion of drinking driver fatalities is at blood-alcohol levels greater than .08. If you break down the BAC, blood-alcohol content, levels further, most fatally injured drivers who were tested had BAC levels more than double the legal limit. In Canada 22.6 per cent of fatally injured drivers had blood-alcohol levels greater than .16, with 10.3 per cent from .081 to .16. Get this: only 2.2 per cent had blood-alcohol levels from .05 to .08. For the provinces this pattern also held, with only a small per cent of driver fatalities in the .05 to .08 blood-alcohol level. In fact, the statistics show that more people were killed by those who blew from zero to the .05 level – more people were killed by that group – than the group from .05 to .08.

12:10

Now, statistics are funny things. I know that these are snapshots in time and all that sort of thing, and I understand that. But one has got to look at this and say that if all but 2 per cent of drivers were injured by people – outside of the ones that were injured by people who had a zero blood-alcohol, for the remaining. To say that such a small fraction of those were actually caused by those blowing .05 to .08, one has to question if we are trying to punish the wrong group here. One really has to question that. What are the unintended consequences?

Just like with the gun registry there are unintended consequences. There were unintended consequences for taxpayers and unintended consequences for gun owners. So too here. What are the unintended consequences? Well, (a) are we going to cause a situation where it's easier for police to use the administrative penalties under this law and then walk away from someone who maybe should be fully charged and investigated, blowing .08 and above? Police have discretion to do certain things. In those borderline cases do they use their discretion in both those administrative penalties and walk away when really they should be throwing the book? Maybe.

What about the hospitality industry, which has been devastated by the new B.C. law? I'll find it for another time up, but it's something like a 30 per cent decrease in sales for the hospitality industry in B.C.

An Hon. Member: Forty.

Mr. Anderson: It was almost 40 per cent. That's right. Think about that. That is going to cause businesses to go under. It's going to cause major economic problems for people. For what? Is it saving lives? I don't know. I don't think it will. I don't think the proof is there to say that it will save lives at all.

What about this? It's funny, you know, that people say: we've got to do something about these laws about drinking and driving. So the ministers come up with this. Well, I guess I would say that if you're looking at it, would this law have saved the lives of those boys in Grande Prairie? Would it have saved the lives of the people who got killed over the weekend? No. It wouldn't have.

You want to know what would have saved the lives of those people? If we had had greater enforcement of the existing laws, if that drunk driver had been pulled over and had blown into that gauge and it read .05 to .08, and what happened was that the police officer had taken that person's licence for 24 hours and had taken him off the road. That would have prevented it, if it was – that's if – .05 to .08, which is very unlikely. Almost certainly the person that killed these folks was way over .08, as the statistics clearly show, in which case more enforcement would have caught that person and would have charged that person with a DUI, and those individuals would have been safe. That is what likely would have occurred.

If you want to stop drunk driving, you need to enforce the existing laws that say that between .05 and .08 it's a 24-hour suspension. You take the person off the road. That is good enough for those folks because they're right on the edge. There's no doubt that as the study says, hon. minister, judgment does start to get clouded at .05. But guess what? It starts getting clouded when you turn the radio on. It starts getting clouded when it starts snowing outside. There are a hundred things that cloud your judgment. Absolutely. You should try driving with four kids if you want clouded judgment. Holy. That's clouding your judgment. That's distracting. There are lots of things that distract us. Obviously, if you're on some cough and flu medication, that can make you a little bit drowsy. There are all sorts of things that can impede our judgment.

We have to make a call as a government as to where we are going to draw the line. Where are we going to draw the line on this? Is it when our judgment is impaired this much and we're going to cast a broad net for, you know, virtually anybody who goes out for a couple of drinks after work and above? Or are we going to focus our limited resources – our limited court resources, our limited enforcement resources, all the resources we can – on the people that are killing people? Those folks are the ones blowing over .08. I think it's very clear that that's the case.

You know, again, it reminds me of the debate that I heard coming from the federal Liberal Party during the issue of the gun registry. There's no doubt that shooting sprees in colleges are heinous, terrible things – everyone can agree with that – but did the gun registry save anybody? Did it? No, it didn't. I wonder if it put anyone in jail that wouldn't otherwise have been caught. I guess we'll never know that. What we do know is that it was a law that was far too expensive, and if we had spent that money on enforcement and more police officers, we probably would have had better results.

This, I think, is actually an even starker difference than the gun registry because I don't think this will in any way, shape, or form save lives. What will save lives is putting more checkstops up, getting police out enforcing these laws more, throwing the book at those that blow over the legal limit of .08. There are education programs that we should be looking at. There are issues that we can be working with the hospitality industry on with regard to testing folks before they leave and so forth to help them identify that they're intoxicated and so forth. There are all kinds of different things that we can be doing that are going to have far more of an effect on saving lives than this law will. The unintended consequences to the hospitality industry are too great.

Let's just not stop there. What if somebody is blowing .05, .06 into the breathalyzer and they have their car taken from them for three days and then seven and so forth? Let's say three days. How is that person supposed to get to work? What if they weren't intoxicated at all? What if the device was faulty? We know for a fact that the devices are not always accurate. They're presumed guilty until proven innocent, essentially, so there's nothing that they can do. Their car is gone, so how do they get to work? Do they lose jobs? Do they not have the ability to go to an interview? What things happen at seven days? [interjection] There's a voice over there that seems to think: "Three days? Oh, they'd survive." Okay. Well, then, it's not a stiff penalty, so it's not a worry.

If we're going to place penalties, it should be something that's actually going to be uncomfortable for people. But why would we give it to somebody who's a perfectly law-abiding citizen, who's maybe had a glass of wine to drink, who is not a danger to anybody, is on the way home, blows .052 into the breathalyzer, and has their car taken away for three days on a Sunday evening or on a Friday or on a Thursday night or whatever after work, whenever it is? Again, are we targeting the right people? I would say that we're not.

The other unintended consequence I wanted to talk about was rural Alberta.

Mr. Hancock: I thought you had an amendment.

Mr. Anderson: I do. This is my first round, just to kind of get it all out there, and then I'll put the amendments on there.

The Deputy Chair: Let's keep it through the chair, gentlemen. Thank you.

Mr. Anderson: Okay. Rural Alberta. You can say what you want, but the fact of the matter is that in rural Alberta it is difficult, very difficult. It's not like you can just hop on the public transit and go home. You can't even do that in Airdrie, and we're 45,000 people. If you're from a smaller town, you know, it's pretty difficult to get a taxi cab or something like that. So what happens, of course, is that instead of going out for a drink with their friends – I do that a lot; I usually end up buying and not consuming, but I do go out for a drink often with friends in my constituency – they just won't bother doing it.

12:20

I'm not talking about getting together for a drink and getting plastered, that they're having – I don't know what would get someone plastered these days – six, seven beers, whatever, and that they're just going out the door. Well, of course, that's not who we're talking about here. We're talking about going out and buying your buddy a beer or two. Then they go out the door, and they're over the legal limit, or there is a chance they'll be over the legal limit. They just won't do it anymore. They just won't do it. How is that going to affect our hospitality industry in rural Alberta? It's not going to be a good effect.

I do have some amendments, and I will bring them forward.

An Hon. Member: Not now.

Mr. Anderson: No, not now. I'll let somebody else speak. I'll bring them another time, soon.

I want to encourage a free vote on this issue because I think that we all come from different areas. We all come from different constituencies. You know, we have members from very, very rural places. I think of the minister of tourism: very rural. [interjection] At least I remembered, Minister, which is more than I can say for your House leader there about the Minister of Transportation a few moments ago. That individual is in a very rural riding. How does he feel about this? Does he feel that this is something that he can support? Maybe it is. But he should be free to vote. The same with the Minister of Municipal Affairs and the Member for Olds-Didsbury-Three Hills and so forth. We all come from different areas, some of us very urban, like the Minister of Education. He's quite the urban socialite.

I would like to see a free vote on this issue to truly represent your constituents, to truly represent what you think is best, what, in your judgment, you think is going to be something that they're going to want and is something that's going to be for the good of Albertans. I hope that you will do that in the cabinet. To those that are not in the cabinet, you are technically private members, and I hope that you will vote your conscience on the matter and go from there.

With that, Mr. Chair, I'll take my seat. I look forward to more solid debate on this issue.

The Deputy Chair: The hon. Minister of Transportation.

Mr. Danyluk: Thank you very much, Mr. Chairman. I need to start off the discussion with, you know, all of the different comments that were made in regard to what the hon. member sees as a problem: don't drink and drive. I mean, that's it in a nutshell. Don't drink and drive. We are targeting the right people, and we're targeting the right people by addressing the .08 and above. I told you what the penalties were, of course, with the mandated ignition interlock, also with the suspension of licences and also with the seizure of vehicles.

I heard the hon. Member for Fort McMurray-Wood Buffalo comment the other day about rural Alberta. You know, that brings me a concern that we segregate rural Alberta because rural Alberta may not have the taxi. Well, if you're going to drink and drive, you figure it out. You know, that's the point. The point is that you're drinking and driving. Seventy per cent of the fatal accidents that take place in rural Alberta involve alcohol. When that happens, that's partly because of the speed. I mean, you need to organize. You need to have an individual that's the designated driver.

The other point, Mr. Chairman, is that if you read the legislation, it would very specifically say – and you would read that – that we are doing educational programs. That is critical. We're doing educational programs so that people don't get into the situation of repeat offenders.

One comment that I found interesting is that they hit the .16: "Leave the .05 to the .08 even though they're impaired. Leave them alone even though they will be charged at this time for a 24-hour suspension." They have to get from .05 to .08 to get to .16 or higher. This is about the change of culture as well. That's why we're not only doing the .08 and above. That's why we're doing the graduated licences as well, making sure that there is a culture change, and it's necessary to change how people think about drinking and driving.

You're probably right. You said that the individuals that were involved in the accident could have been at .16 or that they would have been above the legal drinking limit. But you know what? If we would change the culture – you said that, in your mind, you believed that none of this would have an impact on how people do things. I truly believe that we need to change the culture. Do you know that our kids are changing the culture? Our kids do not believe in drinking and driving. In fact, they believe in zero tolerance.

You also made mention about having four children and that you are impacted by the four children. I want to say to you: you know, if you're impacted, you're impaired. You'd better do something because you're a hazard on the road. I don't care. You put up a barrier. You do whatever you need to. But if they're distracting you, then you are not doing the job of being a parent and safe on the road. You are truly impaired. So do something different. I don't care if you put in a cage, but if that's a problem, you need to do it. [interjections]

The Deputy Chair: Hon. member, the chair is very interested in hearing what you have to say. Thank you.

Mr. Danyluk: Mr. Chairman, the next point that I want to say is that we need to look at the B.C. law and look at how the B.C. law is different than what we're doing here. There is always reference to the B.C. law. The B.C. law did a lot of things differently than what we're doing here. One, the penalties. We've heard that. Two, there was no opportunity for appeal. I want to say to you that our position is very much education, not only the education of individuals that are driving but very much education with the hosting groups. I think that's critically important.

I'm very puzzled with the long gun registration. To me, we have a record in this province that has twice as many deaths per hundred thousand people than the average of Canada. What ends up taking place is that we need to look at ways that we can change the culture, and we all have responsibility.

You mentioned the Traffic Injury Research Foundation of Canada as being the right people with the right information. Well, they very clearly say: 7.2 times more likely to be involved in a fatal crash than drivers at zero. That's drivers at .05 to .08. It's the same one that you had claimed. I'm saying here: hey, we could do everything with stats. The thing that hurts me about stats is that in five years I think it was 587 people that died in alcohol-related accidents. Also, what ended up taking place is that there were over 8,000 injured. I mean, to me that's a real stat. I stand before you and say: what can we do to make a change? We look at it in that direction.

Mr. Chairman, going back to you again, at the end of the day I need to say to you that, as was said, this may not be the whole answer. Somebody is still going to drink, somebody is still going to speed while they're drinking, and somebody is still going to kill somebody. So part of this has to be cultural change, part of this has to be a deterrent as far as penalties, and part of this has to be education. It's all of that combined together. It's not one thing that's going to change it. I'm sorry, Mr. Chairman; this is not gun registration. This is lives that are being affected every day.

12:30

The Deputy Chair: The hon. Member for Edmonton-Riverview, followed by the hon. Member for Calgary-Glenmore.

Dr. Taft: Thanks, Mr. Chairman. I'm appreciating this debate generally tonight. I want to once again read into the record the determined attendance from people in the public gallery, who I think have waited hours and hours now for this debate. Well done.

I want to start, as the Member for Calgary-McCall did, by reflecting on my own experience and my family's experience with traffic safety and alcohol. There are in my family and my wife's family at least three people who have lost their lives because of impaired driving, three different accidents. So, you know, this is

an issue that's very close to my heart, very close probably to the hearts of many people here who have had friends and family killed or maimed by impaired drivers. I can't help but bring that experience to this particular debate. That's how it goes.

I've heard much from the government side and well expressed by the minister about a shift in culture. He talked about the kids today having zero tolerance for drunk driving. I'm not sure if that's quite true, but I have no doubt that the culture has shifted. I reflect on my own life experience. The simple reality is that 35 or 40 years ago impaired driving was no big deal. It was kind of a joke. It has gradually shifted so that it's taken much more seriously. It's common now to be at a dinner party or out somewhere, and somebody will agree not to have a drink or will cut themselves off after one drink. That's a change in culture, and I'm certain that the culture will continue to change.

I do want to say to the government that one of our problems with this bill and with the previous bill is that the whole process is too hurried. This legislation was brought forward a week ago today along with five other significant bills. I know that government wants this to be law by Thursday. That's bad process. I don't care what you say. That's no way to run a Legislature. That's no way to run a Legislature, to dump six bills and try to drive them through in two weeks. What happens is that mistakes get made. We in the opposition don't have a chance to consult with stakeholders. And let's be honest. I'm not convinced that all of you on the government side have had a full chance to explore the issues and consult with stakeholders either.

So I think that fundamentally the biggest victim of this hurry is the victim of public consensus, if I can put it that way. We are not letting enough time pass for the public to come to a consensus which will legitimize this law. If I contrast it to the process through which the distracted driving law was put through, that was a piece of legislation that worked its way through many steps of motions and private members' bills and years of debate. I think it was a better bill because of it. I also think that the public finally came along and understood what was going on. I wish we were taking more time on this.

This feels like the hammer has come down from the Premier's office. She had a meeting with the Premier of B.C., got this bee in her bonnet, and bingo. A few weeks later it's going to be law. Good law or not, that's bad process. So I think that comes to the concern.

A number of questions come to mind, and some of those were brought forward by the members for Airdrie-Chestermere and for Calgary-McCall. I think an issue that I've heard from stakeholders is that perhaps we should focus instead on better enforcement of the .08 level. I can't remember the last time there was a checkstop that I encountered, for example. Some of the evidence brought forward in earlier debate makes me wonder if we shouldn't be focusing on people who are drinking more. Is the group who are at the .05 to .08 level really the problem? I don't know; maybe they are. But I'd like a little more time to figure it out. I want to make a decision and vote on this legislation based on the evidence. In the course of so little time I'm not sure the evidence is clear. It's certainly not unequivocal in my experience.

I'm also confronted with the possibility that there might be legal challenges on this, even constitutional challenges, and that may well play out. We've seen that occasionally with government legislation pushed through before. At times this government has lost, and it's because bills have been whipped through without enough consideration and enough, shall we say in this case, sober second thought.

I am also wanting to know if there were alternatives explored. What else might we do to achieve the same result through other ways? Working with the hospitality industry, educating the public: did we look at anything else? This came up in such a hurry that I don't know that we did. I always like to have two or three options to consider when we're making a decision because you get a better decision that way. In this case it doesn't feel like we have those options.

There are a number of concerns, and I say all of those in light of my opening comments, which are that, sadly, my family has been directly affected repeatedly by drunk drivers. So my nature is to support this. I want safer roads. I find impaired driving to be one of the most appalling of crimes in many ways. Yet coming to the debate as I do with that feeling, I'm not convinced about what we have here.

Mr. Chairman, I do have an amendment that I want to bring forward. It's on behalf of the Member for Edmonton-Centre, who is not – I will stay on the correct side of the protocols.

Mr. Hancock: Kevin, can't we debate a little more before?

Dr. Taft: You know what? We'll have lots of time for debate.

There's the amendment. Mr. Chairman, I'll wait a minute for this to get handed out.

The Deputy Chair: Thank you. The amendment before you will be called amendment A2, as proposed by the Member for Edmonton-Riverview on behalf of the hon. Member for Edmonton-Centre. Does everyone who wishes to have a copy now have it, and may we proceed with the debate?

Dr. Taft: Mr. Chair, just for people's reference, the amendment relates to pages 2 and then pages 17 and 18 of the bill.

12:40

The Deputy Chair: Are we able to now proceed with the debate? Yes, we are. Thank you.

Hon. member, please proceed.

Dr. Taft: Thank you. I'll read the amendment into the record. I am quoting here. Ms Blakeman moved that Bill 26, Traffic Safety Amendment Act, 2011, be amended as follows. Section 5 is amended by adding the following after clause (a):

> (a.1) by adding the following after clause (a)(iii):
>
> (iv) extend a disqualification or suspension under section 88.1, provided that the disqualification or suspension shall not extend beyond the time of the disposition of the criminal charge.

Section 12 is amended in the proposed section 88.1(3) by adding "or until the expiration of a period of two years, whichever is earlier, subject to an extension of the two year period by the Board after a review under section 30"
after subsection (2)(a), wherever it occurs.

I'm sure that didn't make any sense to most people here without a bit of interpretation. The intent of this amendment is to increase the constitutionality of a disqualification of persons from driving after they are charged with a Criminal Code offence for drunk driving but before the case is heard. The intent, as I understand it from the Member for Edmonton-Centre, is that this puts a time limit on how long proceedings can take and how long a vehicle suspension may occur. The amendment makes sure that should the proceedings for the Criminal Code offence continue over a long period of time, the disqualification should not extend beyond two years without a hearing by the board or four years ever. Since people have the right to justice within a reasonable time frame under the Charter, this change may actually help the law stand up in court.

I do want to note that while some of our members do not agree with the proposed law in our caucus – and we will be having a free vote in our caucus – we can at least try to fix what is here.

Essentially, what this does is put a tighter time limit on how long a disqualification occurs. Currently as the bill is proposed, a disqualification will last until the whole thing is sorted out. Well, if it takes four years or five years to sort it out, that's too long. This would put a two-year limit on that disqualification.

With those comments, I'll open it up to debate. I think I'm just about out of time anyway, Mr. Chairman.

The Deputy Chair: Thank you.

Mr. Danyluk: I would like also to have the hon. Solicitor General comment. I just need a little bit of – and I should say that the workings of this act for sure is the involvement of myself as the Minister of Transportation, the Solicitor General, and the Minister of Justice. If I can just for a minute ask one question, and that is: does the two years and the four years have any implication if the time extension is with the person who is accused? I'm not quite understanding that, okay?

The Deputy Chair: The hon. Member for Edmonton-Riverview.

Dr. Taft: Okay. I'll do my best to explain. Perhaps we can continue this debate even tomorrow because you may find you like this amendment. What it would do here: let me just give you an example. I'm on page 17 of the bill right now. Subsection (3)(a) right now reads:

> (3) Where
>
> (a) a person's operator's licence is surrendered under subsection (2)(b), that person is immediately disqualified from driving a motor vehicle in Alberta and remains so disqualified until the disposition of the criminal charge referred to in subsection (2)(a).

That's how it currently reads, and we all know how long it might take for a criminal charge to be disposed of.

What this amendment would do, Mr. Minister, would be to add after that "or until the expiration of a period of two years, whichever is earlier, subject to an extension of the two year period by the Board after a review under section 30." What we are saying is that it is not an open-ended disqualification. There is some time limit.

I am told that this actually improves the chances of the legislation withstanding a Charter challenge. Now, I'm not a lawyer, and we're not supposed to give legal opinions in this Assembly anyway. I'm just telling the minister what I've been told. I hope that made sense.

The Deputy Chair: Thank you.

On amendment A2, any other comments? Anyone else wishing to speak to amendment A2?

If not, is the House ready for the question?

Hon. Members: Question.

[Motion on amendment A2 lost]

The Deputy Chair: Are there other speakers? I have Calgary-Glenmore on Committee of the Whole.

Mr. Hinman: Committee of the Whole on Bill 26. Well, it's a pleasure to be able to get up and to address Bill 26 on behalf of the Wildrose, to speak against Bill 26 and go over a few reasons why we feel this is not in the best interests of Albertans. I would like to start off by saying, though, that the Wildrose is very concerned with the lives of Albertans. It's easy to skew and for people to turn and say: oh, so you're against enforcement for legally impaired drivers. No, we're absolutely not.

I guess what I want to start off with, Mr. Chair, is the precedent that what Albertans and Canadians stand on is that we're innocent until proven guilty. This bill changes all of that to where you're guilty and going to pay the penalty up front, and as per the amendment that just got defeated, maybe you'd have only two years or four years before you have your day in court. That is just wrong here in the province of Alberta and here in Canada. We need to have due process and our day in court and not just be able to appeal to go to a second tester.

You know, I appreciate the Minister of Transportation's passion on this. He keeps saying: zero tolerance. Well, if that's what it is, why are we not bringing in a bill with zero tolerance? It doesn't seem to be there. Again, numbers are always interesting, and we can look at them and react.

I, too, like my Wildrose colleague from Airdrie-Chestermere, feel that this has a lot to do with what happened with the long gun registry. I want to start off, again, with what the relevance is for me, which is that that tragic day in Montreal had nothing to do with the long gun registry. That weapon that they used was already illegal and shouldn't have been there, just as when someone who is two times the legal limit for drinking is in an accident, yet we seem to be pointing at someone that owns a gun or someone who has gone out for a social drink and saying that that's the problem.

It's interesting to say that you're seven times more likely, if you're between .05 and .08, of getting in a fatal car accident, but if you look at the statistics, I think it works out that you're nine times more likely if you're from no alcohol to .05. There's more in that segment in the study than there is from .05 to .08. Maybe that's just purely because of the fact that it covers a larger range from zero to .05 as opposed to from .05 to .08, which is a smaller segment of the chart.

12:50

We just have problems with this in so many ways. It's perplexing why the government has brought this forward and even more perplexing why the Premier has said: I want this passed and in place before Christmas. She's broken many promises on her election platform. I don't know where this one comes from, yet she seems to be so passionate about this.

Again, there are too many Albertans that have been impacted by deaths on our highways. We've seen way too many recently. These are individuals who are often two or three times the legal limit that are causing these accidents. We need to go back and look at the actual numbers again here and ask ourselves: you know, is this a knee-jerk reaction? Is this just the old liberal parent looking out for individuals, and government can make us all safe? That's very much the "Big daddy will look after you; we'll make our citizens safe" mentality that has certainly taken over this government's thought process.

Dr. Swann: Do you feel the same way about seat belts?

Mr. Hinman: The hon. Member for Calgary-Mountain View wants to know if I feel the same way about seat belts, and I actually have a personal story on that. I was driving back from visiting my son in Grande Prairie and was somewhat dismayed at the number of people that were blowing by me. I was driving the speed limit of 110, 112 from Edmonton to Red Deer. I came over the hill, and I saw a police car down at the bottom. I thought, "Oh, great." Traffic was bad. People were just soaring. I figured some were going 140,

150 kilometres an hour, causing some danger, I felt, on the road. Yet all of these people zipped by. I looked at the police as I went by, and I was just shaking my head, you know, like: what are you doing there?

His lights came on, and he pursued me. I couldn't understand why for the life of me. This was early on when it first started. He pulled me over and gave me a ticket because I didn't have my seat belt on but had all these speeders going by. And I said: surely, with all of this going on, you think that you're going to increase the safety of Alberta drivers by pulling me over while people are zipping by, going 140 and 150 kilometres an hour? I learned by the school of hard knocks that you have to have it on.

We focus on the wrong things, and this is a classic example of focusing on the wrong things. Putting on your seat belt does not make you a safer driver. It actually says that people feel they're more invincible and drive a little crazier because they don't think they're going to get hurt. Seat belts are a good . . . [interjection] This is the same mentality. We know that seat belts are safer, but to have a policeman sitting on the side of the road looking for people that aren't wearing seat belts while people go speeding by at 20 and 30 and 40 kilometres over the speed limit is wrong. We're missing it.

This bill is wrong. It's addressing .05 to .08 when, in fact – and I shouldn't say "this bill." This section of this bill is wrong. What we want are those that are over the legal limit. What we want are those repeat offenders. We should go after them, and we should go after them really hard. We should set the example.

I mean, we keep hearing, Mr. Chair, that Alberta has, I think, 40 per cent more accidents than other regions. Or the other regions have reduced by 40 per cent; we've only reduced by 17 per cent. And we think: oh, that's because we don't have ours at .05. No. If citizens know that there are no police and there are no tickets given for speeding, Alberta is going to be the zone where everybody is speeding.

Everybody knows that in Alberta there's very, very little enforcement on drunk driving. That's why we have a problem, Mr. Chair. It's not that we didn't lower our level like other areas. They've lowered their level, but they've increased their policing. They're out there with checkstops. I mean, I don't think I have seen a checkstop in probably 11 or 12 years. I remember when I was young, going to university. You know, 30 years ago we had a lot more checkstops then. It was serious business.

When my friends went out, they always loved me because I was the designated driver. I didn't participate in the drinking. So everybody said: "Hinman, do you want to come along?" "Sure, I'll come along." They got to do the drinking; I did the driving. We've grown up with that idea, but the fact of the matter is that if we stop giving speeding tickets, the real problem, speed, which causes more accidents, will go up. The problem is that we're not enforcing the laws we've got.

I've put out many questionnaires and on the web asking Albertans that. It's overwhelming; 95 per cent want stricter enforcement. Enact it. Do it. We're not doing anything. For some reason government seems to think: oh, if we just pass new legislation, we're doing our job. It's popular. It's the nice thing to do. But it just doesn't cut it, Mr. Chair. It's disappointing.

Again, the minister keeps getting up and stressing that this is not a cash cow. Today it isn't, Mr. Chair, but when this bill passes – because I'm confident with the Premier and her arm-twisting that it will pass here in the next few days, and it will be enacted before Christmas. Like I say, I can't understand how something like this can't go to committee and we can't do some study and we can't listen to Albertans. If we're representing Albertans, maybe we should listen to Albertans and not just say: "We know best. We're a liberal government, and we know best. We're elitist. We know best. We don't need to consult."

They say that they consult, but it's an insult because who do they consult? Oh, their special guests. Bring them in. We'll talk about the budget. Bring them in. We'll give out a list of people to come in that we'll consult with. It's not an open session, you know: doors will be open at the civic centre from 1 until 5 to hear from citizens. It's a very specific group that they bring in. They don't consult; they insult the average Albertan because they're not allowed to be part of the process. It's very easy for this government to open up and allow Albertans to be part of the process.

The studies that we see – again, so many have gone over them that I hate to bring them up – you know, are that in 61 per cent of the fatal accidents there is zero alcohol involvement. Zero. Sixty per cent. That's the majority. If we're so concerned – and we all are – maybe we should be analyzing that first. Is it speed? Do we need to lower the speed limits? No, I don't think so. Is it young drivers? Possibly. Is it older drivers? What are we looking at? Why are we pointing at this very small group of 2 per cent? Two per cent of the fatal accidents are from .05 to .08. Do we even ask if that's just an anomaly, if it just happens to be that there are going to be accidents and there are going to be a certain number that will fall in to each of these categories? As I said, there are actually more that fall into the category from zero to .05.

Mr. Chair, I just have to say that with the questionnaires that I've sent out and with my web page that I've got up, 95 per cent of the responses that I am getting back are saying: enforce the law that we already have. We don't need to lower it to .05. We don't need to go on this witch hunt after individuals who want to have a social drink and then drive home. I've heard from businessmen that work downtown. They like to stop in at the bar, have a couple of drinks, visit for a while and drive home. Two drinks: they're all very specific about that. They know that: two drinks to be able drive home. They won't be able to do this anymore.

This government is notorious for passing legislation and not knowing the economic consequences. This is going to have a huge impact on the hospitality industry. We know it. B.C. has shown it. I believe it's a 40 per cent drop in the hospitality industry. That's fine if that's the desire of the government, but say that. "You know what? The hospitality industry is doing too well. We don't like individuals going out and having a good time, and we want to limit that. People are just living too high and too happy, so let's reduce that and bring misery to them because that's what government likes to do, inflict misery on the citizens to know who's really in charge."

There's no question, Mr. Chair, that it is a privilege to drive. We've passed some legislation. Again, another one that went through very quickly was the distracted driver legislation. For the overwhelming number of people that I talked to, it's not whether or not you're holding a device in your hand; it's whether or not you're talking on a device. So, again, we've kind of missed the mark on trying to create that safety. [interjection] That's what I'm saying, that we missed the mark. If you're talking on your cell phone, you're distracted whether you're holding it or not.

1:00

Anyway, the point is that this government is continuing to extend its track record of passing laws that they're proud of, yet they serve no purpose or they're actually a detriment to the people that they're trying to protect. They're protecting them from themselves, it seems. I just don't think that that's government's job. If we want to go to zero tolerance, then let's put that in the bill and say that it's zero tolerance. Let's not be wishy-washy and set up this arbitrary number where we can hopefully catch people.

Again, I want to go back to this idea that the government keeps saying that there's no cash cow here. I agree. In this bill there isn't. It's always one step at a time. Today there's no penalty, but I will bet you that when the next budget comes out in April, there'll be a penalty attached to this because they need the revenue. These guys are desperate. They don't say that they have a spending problem. These guys have a revenue problem, and they've said it over and over again. They won't commit to saying, "We're going to balance the budget," but what they will commit to is: we're looking for revenue sources; this is going to be a great one. They'll have a four-month period or whatever and see how many they're catching, and then they're going to extrapolate it out and say: we can't afford not to be putting fines out there; we'll be able to bring in $15 million.

I need to recognize that it's awesome that in the stands we've got, I think, 11 or 12 people here. It's 1 o'clock in the morning. Obviously, this is an issue. Anybody give a thumbs-up to this bill? How many thumbs down? It's unanimous that the citizens of the province here are 100 per cent against this bill, and here we have the ministers laughing at them. That's pretty sad. [interjection] Well, I think that it's more representative than what's sitting over there. What's been discussed over there is not representative. We need to get out and listen a little bit.

Mr. Chair, I have to speak again. The Wildrose caucus is not in favour of this. This is no more than big government reaching out with their heavy hand. For what reason? I just don't know what the political motives are here. Usually you can see something in this. I really think that the biggest political motive is for them to be able to stand up and say: we're against drunk drivers. Everybody is. This isn't about being against drunk drivers. This is a setup to be able to introduce their cash cow in four months, six months, or a year from now. Once again, that's not going to be for the benefit of Albertans.

I'll sit down and to listen to other people speak against this bill. Perhaps the government is going to speak in favour of it. We'll see.

The Deputy Chair: The hon. House leader.

Mr. Hancock: Thank you, Mr. Chairman. I needn't remind any members of the House that committee is intended for clause-by-clause analysis of the bill, and usually that's when people deal with the clauses of the bill and bring forward amendments. I do appreciate the fact that we were able to deal with one amendment to the bill tonight. I had anticipated that there'd be others, but it appears that we're back on debating the principle of the bill as opposed to clause-by-clause analysis, and therefore I would move that in light of the hour we adjourn debate.

[Motion to adjourn debate carried]

The Deputy Chair: The hon. House leader.

Mr. Hancock: Thank you, Mr. Chairman. I would move that the committee rise and report Bill 25 and report progress on Bill 26 and beg leave to sit again.

[Motion carried]

[Mr. Zwozdesky in the chair]

Dr. Brown: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports progress on the following bill: Bill 26. The committee reports the following bill with some amendments: Bill 25. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

The Acting Speaker: Thank you, hon. member.

Does the Assembly concur in the report? If it does, please say aye.

Hon. Members: Aye.

The Acting Speaker: Those who are opposed, please say no. That report is carried. Thank you.

The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I move that we adjourn until 1:30 p.m.

[Motion carried; the Assembly adjourned at 1:06 a.m. on Tuesday to 1:30 p.m.]

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