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The 27th Legislature
Fifth Session

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The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta
The 27th Legislature

Fifth Session

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Progressive Conservative: 67 Alberta Liberal: 8 Wildrose: 4 New Democrat: 2 Alberta: 1 Independent: 1

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Legislative Assembly of Alberta

1:30 p.m.

Monday, March 5, 2012

[The Speaker in the chair]

Prayers

The Speaker: Good afternoon. Welcome back.

Let us pray. At the beginning of this week we ask for renewed strength in the awareness of our duty and privilege as members of the Legislature. We ask for the protection of this Assembly and also the province we are elected to serve. Amen.

Hon. members and ladies and gentlemen, please remain standing now for the singing of our national anthem. We'll be led today by our long-time song master, Mr. Paul Lorieau. Please join in in the language of one's choice.

Hon. Members:

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

The Speaker: Please be seated.

Hon. members, this past weekend might have been a weekend of celebration for some members. Thirty-one members marked the fourth anniversary of their first election, and two additional members marked the fourth anniversary of their second election on Saturday. So congratulations to all of them.

Statement by the Speaker

Member for Little Bow 20th Anniversary of Election

The Speaker: Today, March 5, 2012, however, marks a very special anniversary for the hon. Member for Little Bow. In 1992 on this date the MLA for Little Bow was elected in a by-election and since that date has subsequently been re-elected in 1993, 1997, 2001, 2004, and 2008. He has averaged a remarkable 58.2 per cent of support by way of votes in these six elections.

The hon. member joins a select few who have been honoured to serve the people of Alberta through their work in this Assembly for over 20 years. Seven hundred and ninety one members have been elected since 1905, and only 32 of those men and women to date have reached or surpassed the milestone of serving in six Legislatures. That is 4 per cent of all those who've been elected as MLAs in Alberta's history.

Little Bow is a riding with a rich legislative history. The constituency of Little Bow first came into being on an election map of Alberta in 1913. The voters of Little Bow are loyal and consistent. Only five members have been elected in that constituency in the 99 years of its existence. They are James McNaughton, who served eight years, from 1913 to 1921; Oran L. "Tony" McPherson, who served 14 years, from 1921 to 1935, and also served as Speaker from 1922 to 1926; the Rev. Peter Dawson, who served from 1935 to 1963, a total of 28 years, and served as Speaker for 26 of those 28 years, from 1937 to 1963, a number that will never be surpassed; and Ray Speaker, who served a total

of 29 years, from 1963 to 1992, when the current hon. member commenced his service.

In his 20 years the hon. member has driven an estimated 1.6 million kilometres in the course of his work as a member of this Assembly. His constituency is 11,571 square kilometres in size, which is in comparison larger than the countries of Jamaica and Qatar.

Over his career the hon. member has served as the minister responsible for capital planning and the associate minister of infrastructure and transportation and is currently the parliamentary assistant for Agriculture and Rural Development. He has served on numerous committees and councils and, prior to his service in this Assembly, served as a municipal leader for many years.

The hon. member is a humble representative. A farmer from Carmangay, he pledged from the beginning of his legislative career to do his best and to work hard and to listen to his constituents. He's a friend to all of us.

I would ask that the hon. Member for Little Bow approach the podium, and I would also ask that the Premier of the province of Alberta approach the podium.

Hon. members, we have a 20-year special Mace pin, and I'm going to ask the hon. Premier to either present it to the hon. Member for Little Bow or pin it on him. [The Member for Little Bow was presented with a 20-year Mace pin by the Premier] [Standing ovation]

Introduction of Visitors

The Speaker: The hon. Member for Little Bow.

Mr. McFarland: Thank you very much, Mr. Speaker. For the first time in 20 years I get to introduce my whole family. [applause] Believe me, it wasn't supposed to be like this; I'm usually the hard one, you know.

First of all, I have two very special friends: constituency manager Lois McLeod and her husband, Rob. I'd ask that they rise. Lois is one of the sixth-longest serving constituency managers in Alberta, and she has helped me for 20 years.

I'll embarrass my wife next because she didn't want any of this, my wife, Mary, of over 41 years. She has spent all her life as a registered psych nurse and still helps people today. That's truly why I got the job; she's saving me a bed.

Our daughter, Shara, and her husband, Drew: Shara is an HR person with Pason Systems in Calgary; our son-in-law, Drew, is in sales and service with Swagelok. Please stand up.

1:40

I won't make you guys do this. I'll introduce the rest of you and then have you stand up. Our youngest son, Patrick, is a youth clinical mental health therapist, and his friend Keiko McCreary is doing MS research in Lethbridge. Going across to the other side, Brenna Jones is from Marsden, Saskatchewan, an LPN down in the Lethbridge area, and our second-oldest son, Sean, has got Prairie Custom Paint Works, a business of his own. Our oldest son, Ryan, is a regional director with employment standards, and his wife, Leslie, is a systems administrator with Enmax. Would you all please rise and receive a warm welcome.

Introduction of Guests

Mr. Horner: Well, Mr. Speaker, that's a tough act to follow, but it is always great to see young people in our Assembly to witness the kind of commitment that a long career like that can take and also the family behind it.

It is an honour for me to introduce to you and through you to the members of the Assembly a group of grade 6 students from J.J. Nearing elementary school in St. Albert. They are accompanied by teacher/group leaders Mr. Curt McDougall, Mrs. Christine Sowinski, Mrs. Renée Dewitt, Miss Brandi Kennedy and parent helpers Mr. Jason Krips, Mrs. Deborah Oke, and Mrs. Gabrielle Campbell.

I'd like to make mention of a special young man, Aidan Krips. Aidan was a mere eight months old during my first campaign and spent a lot of that time in a playpen at the campaign office while his father, Jason, worked as my campaign manager. His dad later worked for the government of Alberta as my executive assistant. So I've watched Aidan grow up to be the fine young man that he is.

Through Aidan and my own experience at J.J. Nearing I can tell you, Mr. Speaker, that when you ask any of these kids about their teachers, one word: awesome. They are in the members' gallery. I would ask that they rise and receive the traditional warm welcome of this Assembly.

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

Mr. Olson: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to all members of the Assembly a group of people from my constituency. I haven't actually spotted them yet, but I trust they're up there somewhere. The Camrose Christian home educators are here, 15 exceptional students along with their parents. Sir, I know these parents to be strongly committed to the education of their children, and I really appreciate them being here today to see the Legislature in operation. I hope that they have a wonderful time and enjoy their visit. If they would all rise if they're here.

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

Mr. Rogers: Thank you, Mr. Speaker. It gives me great pleasure to rise today and introduce to you and through you to all members of this Assembly 13 of Alberta's brightest and best students from East elementary school in the city of Leduc. They are seated in the public gallery. They are accompanied by their teacher, Mrs. Trena Kiss, and educational assistant, Mrs. Shannon Giles. I would ask that they rise and receive the warm welcome of this Assembly.

The Speaker: The hon. Minister of Human Services.

Mr. Hancock: Well, thank you, Mr. Speaker. It's an honour today to rise and introduce to you and through you to this Assembly members of the Alberta College of Social Workers. March 4 to 10 is National Social Work Week, and it's an important opportunity to recognize the dedication of social workers and to thank them for making a positive and lasting difference in the lives of others. Those in the social work profession build on the strength of individuals, families, and communities to assist them in overcoming difficult and challenging situations.

I'd like to thank all social workers across Alberta as well as the ones here in the gallery today: Lynn Labrecque King, executive director of the Alberta College of Social Workers; Ernie and Sheila Schlesinger, true pioneers of social work who've received the Canadian Association of Social Workers' distinguished service award for over 40 years of contributions; Elaine Spencer, a social worker for over 25 years and a current educator at Red Deer College; Elizabeth Radian, a social worker for over 30 years and a current educator at Red Deer College; and Lori Sigurdson, an elected official at the College of Social Workers Council and a faculty member at MacEwan University. I'd ask them all to rise as

representatives of social workers across this province and receive the thanks of this Assembly.

The Speaker: The hon. Minister of Sustainable Resource Development.

Mr. Oberle: Thank you very much, Mr. Speaker. It's a real honour for me to rise today on behalf of the Solicitor General and Minister of Public Security, of course the Member for Calgary-Egmont, to introduce to you and through you to this Assembly Jennifer Downing. Jennifer has been a resident of Calgary-Egmont since 1994 and has been on the Egmont constituency board since 2008. In addition to her board duties Jennifer is an avid traveller in Canada and the world though she is about to take a break from that as she's going back to school to earn her bachelor of commerce. Jennifer is seated in the public gallery. I would ask her to rise and receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Minister of Service Alberta.

Mr. Bhullar: Thank you, Mr. Speaker. Earlier today I had the pleasure of hosting the Alberta consumer champion awards. These awards recognize outstanding people, groups, and businesses that go the extra mile to educate consumers about their rights and to ensure Alberta's marketplace is fair for everyone. As the minister responsible for consumer protection I'm very pleased to introduce to you and through you these Alberta consumer champions. I would ask that you please stand as I call your name. The winners in the business category: Mr. Don Kachur from Highland Moving & Storage, that created an online household inventory checklist called Click and Move to ensure consumers receive an accurate written quote for moving and storage services; and Sorin Mihailovici. I owe you that for the idea I gave you this morning, Sorin. He created the Scam Detector app, which is a free online service and smart phone application that provides information on how consumers can protect themselves from more than 500 different scams used worldwide in 80 different countries.

The winner in the media category is Julie Matthews from Global News Edmonton for a report she did on romance scams. Mr. Speaker, I had no part of such a thing. Julie spent several weeks investigating online romance scams and posed as a potential love interest to expose a romance scam artist in her report. Thank you, Julie.

The winners in the youth category, Mr. Speaker. Michelle Ku of Calgary is the first-place winner. Nicholas Yee and Eunil Cho of Edmonton are the second-place winners. The third-place winner in the youth category is Farzanah Allinoor. Two of the winners, Ron Hutchinson and Derek Hassay, could not be here this afternoon.

Mr. Speaker, I'm very proud of these individuals and of the work they do to ensure that our consumers are protected and that we have well-educated Albertans. I ask them to once again rise and receive the traditional warm welcome of this Assembly.

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

Mrs. Sarich: Thank you, Mr. Speaker. It's an honour and privilege for me to rise today to introduce to you and through you to all Members of the Legislative Assembly five guests that are seated in the members' gallery, here in recognition of the National Film Board of Canada's world premiere of the film *The Basketball Game*, which debuted at the recent Global Visions Film Festival, which is celebrating its 30th year. I'd ask them to please rise as I mention their names. Hart Snider made his directorial debut with the animated short film *The Basketball Game*, a film he also authored and edited. He has a master's degree in media studies

from Montreal's Concordia University and specializes in editing and writing in film, television, and interactive media. Hart is extremely proud to return to his hometown of Edmonton for the world premiere of this film. Hart is also joined by his father, Dr. Earle Snider; his mother, Ruth Snider; his brother Adam Snider; and Bonnie Thompson, National Film Board representative and producer in the National Film Board northwest office, located right here in Edmonton.

Mr. Speaker, it's important to note that the National Film Board of Canada was established in 1939, and they have a rich history of collaborating with emerging and established filmmakers in every region of Canada. They are known as an award-winning organization. They have received 12 Oscars, 14 Webbies, and more than 90 Genies to name a few. They create interactive works and support many emerging artists and are a world leader in auteur animation.

I would like my guests to receive the traditional warm welcome of the Legislative Assembly. Thank you.

1:50

Oral Question Period

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

Advocacy to Government

Dr. Sherman: Thank you, Mr. Speaker. This government continues to bully Albertans: Airdrie alderman Allan Hunter yelled at by the Finance minister; Linda Sloan, AUMA president, bullied by the Minister of Municipal Affairs and by the Premier's chief of staff; Shiraz Shariff, the PC party's own candidate, pushed out; and now the threatening letter from the Member for Dunvegan-Central Peace to Betty Turpin because she advocated for students freezing in a school. When Albertans raise important issues and concerns, this government chooses to bully and intimidate instead of listening and addressing their concerns. To the Premier: what the heck is wrong with this government?

Ms Redford: It is important for Albertans to know that they can advocate on behalf of the people they represent. The people who were talking about the school and the work that needs to be done in Grimshaw were certainly entitled to take all of the steps that they did. I was, frankly, a little disappointed with our Member for Dunvegan-Central Peace in his comments. We had an opportunity to discuss this over the weekend. You may know today, Mr. Speaker, that we were very grateful to accept the member's resignation as chair of a cabinet policy committee because this is a government that is going to respond to what Albertans say in terms of what they need. We will listen, we will respond, we will be constructive, and that is the culture of this government.

Dr. Sherman: Mr. Speaker, I'd like to thank the hon. Member for Dunvegan-Central Peace for doing the right thing in offering his resignation. To him: I thank him.

To the Premier: why is it more important for this government to intimidate and hammer local officials into submission and the other officials I've previously mentioned than to get our children heat for our gymnasiums?

Ms Redford: Mr. Speaker, what this government will do is to provide the essential services that students need, that our pupils need in schools, that our patients need. We're going to ensure that systems are working well, that we're responding to the needs of Albertans in this province. That is our priority.

We will always have challenges with respect to what those conversations will be. In fact, in a democracy we should have different points of view, and sometimes conversations get heated. Mr. Speaker, you know very well from this very Legislature that that happens. The important part is that we have the dialogue, we treat each other with respect, and we deliver better services for Albertans.

The Speaker: The hon. leader.

Dr. Sherman: Thank you, Mr. Speaker. Will the Premier please be objective and look at the politicization of decision-making in Alberta and do the right thing and commit today in this House to fixing the school in Grimshaw and putting some heat in the gymnasium while we're at it?

Mr. Lukaszuk: Mr. Speaker, be it known that I have actually had a number of good visits with the school board in question. I have visited the school. As a matter of fact, I had the unusual experience of crawling underneath the floor of the gym of this school just to see the state of this school. I'll be the first one to say it here, and I said it to the school board. This school is not up to our standard; the children of Grimshaw deserve a better school. It's something that I will be working on together with the school board.

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

Judicial Inquiry into Health Services

Dr. Sherman: Thank you, Mr. Speaker. Now let's crawl under health care. The Health Quality Council report found that 51 per cent of doctors felt their ability to advocate had been limited, 20 per cent experienced active harmful obstruction for advocating, 30 per cent had a negative outcome, 10 per cent were simply ignored. AHS execs and administrators were involved in systemic harassment and intimidation. There was "bureaucratic and political interference" leading to a culture of fear and intimidation. These are the facts from the report, Premier. Will the Premier correct last week's blunder and include bullying of doctors and political interference in the judicial inquiry on health care?

Ms Redford: Mr. Speaker, the Health Quality Council was very clear with respect to a number of things that need to be addressed in the health care system. Two weeks ago, when that report came out, we accepted all 21 of those recommendations. We are not going to include those issues in a judicial inquiry. The reason we have a judicial inquiry is because there is independent work that was commenced this morning, chaired by Justice Vertes from the Northwest Territories, to deal with issues of queue-jumping. We made that commitment. If there are issues around doctor intimidation connected to that, we know that that can be part of the report. That's in the terms of reference. That's our commitment, and we made that commitment.

Dr. Sherman: Mr. Speaker, the Health Quality Council was very clear. In slick, legal double-speak here – given that the Health Quality Council report also states that safety margins for patients were substantially compromised, patients suffered due to long waits, palliative care patients received suboptimal care in the ED, where some spent the last hours of their lives in an ER department. Here are the facts, Premier. Will you correct last week's blunder and keep your promise to hold a public judicial inquiry into your government, that broke this health care system?

Ms Redford: Mr. Speaker, in fact, the Health Quality Council report was very clear. It actually said that we didn't need to have a judicial inquiry.

We accepted all 21 of the recommendations that the Health Quality Council made. We will act on all of those recommendations, Mr. Speaker. In terms of our commitment to an independent judicial inquiry that would be up and running before the election, we kept our commitment.

Dr. Sherman: Mr. Speaker, the Health Quality Council was very clear that this government has caused intimidation.

Given that a gross lack of public home care and long-term care are some of the prime root causes of the failure of our health care system, can the Premier please explain how a few pilot projects and a measly \$25 million, an extra 12 bucks for our primary care networks, and 30 long-term care beds in Strathmore are going to fix our health care crisis?

Ms Redford: Mr. Speaker, this hon. member stood up in this House three weeks ago and demanded added funding for primary care networks. Our minister of health delivered on that promise because that's going to matter to Albertans. I'll tell you that the way to start good public policy is to begin a conversation with stakeholders and to introduce projects that will matter. We have committed to three family care clinics that will be up and running this year, an investment of \$100 million. It speaks to access for families around health, wellness, and primary care. That's a commitment Albertans can rely on.

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

Dr. Sherman: Thank you, Mr. Speaker. Thank you, Madam Premier. A measly 12 bucks is better than a kick in the head.

Edmonton General Continuing Care Incident

Dr. Sherman: Last week family members of Audry Chudyk came to this Legislature to tell her story, a deeply disturbing story of severe senior neglect at the understaffed and underfunded Edmonton General continuing care centre. She had fallen twice. When Audry's husband Mariano went to see her on Valentine's Day, he found her unconscious, unresponsive, with black bedsores, laying in her filth, with feces underneath her fingernails. Staff had to be persuaded by her son to call 911. How could this government allow this to happen in the richest place on the planet, Premier? Come on.

Ms Redford: That is a terribly unfortunate incident. We never want to have these things happen in the health care system. That's one of the reasons that we have systems in place through the Minister of Seniors to ensure that these reports are made in a timely fashion at a time when it matters to the patient, Mr. Speaker, and not when people try to make political gain out of it three weeks later.

Dr. Sherman: Mr. Speaker, my own father didn't get home care until the night before he died.

Given that this Premier told this House on February 9 that "this government provides public health care to seniors that allows seniors to live in dignity," the parents and grandparents and great-grandparents of these children up above, to the Premier: could you look Audry Chudyk's husband in the eye and honestly tell him that your government did everything so Audry Chudyk can live in dignity?

Ms Redford: The reason that we have a system that investigates unfortunate incidents where people are impacted is so that we can ensure that we identify what happened and that they don't happen again. It's an unfortunate tragedy when these things happen, Mr. Speaker, and no one is going to deny that. Our Department of Seniors is going to ensure that we take the opportunity to work with health care providers such as Covenant Health to ensure that there are systems in place that don't allow these things to happen again.

Dr. Sherman: Mr. Speaker, the only thing unfortunate is our failed seniors policy.

Given the deeply disturbing nature of what happened to Audry Chudyk, who is still fighting for her life today, it was deeply offensive to read that the Minister of Health and Wellness over there said, quote: I would certainly hope that as concerning as this particular case is, that no one would be allowed to cast doubt or criticism on the work of our nurses. Unquote. To the Premier: will you demand today that that minister over there, the health minister, apologize to the Chudyk family for suggesting that they should not be allowed to raise criticisms?

Ms Redford: Mr. Speaker, if we take a look at the conversation that arose around this terribly unfortunate incident, the first thing and the correct response was to try to determine the facts. The context of who should or should not be held responsible must be determined in the context of those facts.

2:00 Judicial Inquiry into Health Services (continued)

Mrs. Forsyth: Obstruction by this government must end, starting with the bullying of our doctors and the broken promises made by this Premier. The Premier told Albertans several times that an inquiry would have to include doctor intimidation and political meddling. Instead, in her inquiry the government was given a way out by ignoring the issues completely. Now Albertans may never know who needs to be held accountable, and the culture of corruption will be allowed to continue unchecked. Why does the Premier insist on covering up her government's bad behaviour?

Ms Redford: Mr. Speaker, today is an important day in Alberta. In the middle of the summer last year Albertans heard that there could be a problem with queue-jumping that would impact our confidence in an Alberta health care system. I'll tell you that I was quite pleased to support an independent judicial inquiry, which many hon. members in this House suggested we would never call. Today that inquiry was called. It is headed by a retired and well-respected judge from the Northwest Territories, the terms of reference are clear, and if there are facts to be found out, we will find them.

The Speaker: The hon. member.

Mrs. Forsyth: Thank you, Mr. Speaker. Given that the terms of reference of the inquiry completely ignore the cold reality that patients can no longer feel confident that the doctors can stick up for them, with over 20 per cent of doctors experiencing active harmful obstruction, does the Premier seriously believe that doctors and Albertans do not deserve answers for the bullying caused by your government's mismanagement?

Ms Redford: Not two weeks ago there were answers with respect to that. There was a Health Quality Council report, that many members in this House demanded be called last year. There was a

report published that was quite frank with respect to the state of health care. As a result, we took 21 recommendations from that report, every recommendation in that report, and we accepted them. We are acting on those recommendations, Mr. Speaker. In fact, we are taking the advice of the Health Quality Council to act on them now as opposed to what the hon. member would suggest, which is a lengthy inquiry to avoid the issue. We are dealing with the issues now.

Mrs. Forsyth: Mr. Speaker, I'll tell you what Albertans are demanding: the truth.

Given that the AMA president says that your inquiry only bandages over the system and argued that the Health Quality Council's findings on doctors' intimidation can't be swept under the rug, does the Premier think Dr. Slocombe's comments are wrong, or are they just misguided?

Ms Redford: Anyone who has an opinion is certainly entitled to have that opinion. Our responsibility as the government of Alberta is to ensure that health care systems are working in this province for the good of Albertans, not for a doctor's agenda, not for a nurse's agenda, and not for the agenda of a political party, Mr. Speaker. We've accepted the recommendations, we're implementing those recommendations, and we have an independent judicial inquiry starting their work today on the issue that matters to Albertans.

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

Criticism of Government

Mr. Mason: Thank you very much, Mr. Speaker. When the Holy Family school board challenged this Tory government's refusal to replace a dilapidated and unsafe school, their own MLA tried to silence them with threats. This Premier promised that this government would be different, more open and accountable. It's odd how they keep promising that, but nothing ever changes. To the Premier: why are you misleading Albertans about doing things differently when your government uses the same old intimidation tactics as always?

Ms Redford: Mr. Speaker, I'll tell you what doing things differently means. It means that when these allegations came to light, I acted, and as a result of that people have had to accept responsibility for their actions. Both myself and the Minister of Education have been clear that we did not think these were appropriate comments. There have been consequences as a result of that, and that has changed.

The Speaker: The hon. member.

Mr. Mason: Thank you very much, Mr. Speaker. Given that the Premier's own chief of staff, her Municipal Affairs minister, and her entire caucus all attempted to intimidate the Alberta Urban Municipalities Association into silence about the partisan political nature of funding for cities and towns, how can this Premier stand there and, with a straight face, claim that her government does not attempt to intimidate its critics?

Ms Redford: I don't know if the hon. member was at the meeting with the AUMA 10, 15 days ago, but what we saw at that was a very good relationship between members of this Legislature, most on this side of the House, as well as with the minister, who, as I understand it, received the only standing ovation at the event. As we move ahead, it's going to actually matter that we're

constructive about what that relationship will be, Mr. Speaker. It was demonstrated at that event that we have a strong working relationship on policy issues and not politics, and that's going to make a difference for Albertans.

The Speaker: The hon. leader.

Mr. Mason: Thanks very much, Mr. Speaker. Well, given that after the Member for Edmonton-Rutherford phoned the president of the AMA complaining about the mental health of another member of this Assembly, she appointed him as the health minister and after the Minister of Finance fired three doctors for putting on a syphilis campaign that he didn't like, how can this Premier's claim that bullying critics will not be tolerated be anything more than just misleading pre-election propaganda?

Ms Redford: Mr. Speaker, these are unfounded allegations. There is no basis for them, and I won't respond to them.

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

Edmonton General Continuing Care Incident (continued)

Mr. Chase: Thank you, Mr. Speaker. As we were all appalled to hear last week, 67-year-old Audry Chudyk, a resident of the Edmonton General continuing care centre, was found unresponsive and lying in her own feces on February 14. Meanwhile, Auditor General Fred Dunn's 2005 recommendation that systems for monitoring the compliance of long-term care facilities with basic service standards be improved, while accepted, has been ignored for nearly seven years now. To the Premier: why have Alberta Health Services' recommendations, that might have saved Audry Chudyk and her family such suffering, not been implemented?

Mr. VanderBurg: You know, it was very clear earlier and it's very clear to all Albertans that if there are safety issues, if there are abuse issues, you report it. Everybody here and everybody out there has an opportunity to report it, and it's mandatory. We have an obligation to protect seniors together, not to publicize it in here.

Mr. Chase: Enough of apologies, enough of excuses. Let's have some action. When will the results of the investigation into the case, launched by the AHS's contractor, Covenant Health, be released to the public? The damage is done. When will it be released?

Mr. Horne: Mr. Speaker, the results of that investigation will be delivered to me by Alberta Health Services when they receive them from Covenant Health, and they will be made public.

Mr. Chase: Will the minister of health commit today to implementing the Auditor General's outstanding recommendations so that other residents of long-term care need not suffer such abuse as has gone on for seven long years?

Mr. Horne: Mr. Speaker, the hon. member has made a very serious allegation with his last statement. I'm quite prepared to stand in this House and to listen to accounts of unfortunate, very unfortunate incidents such as the one that has just been mentioned and to join with my colleague in explaining to this House what action we are taking in response to that. What I will not do: I will not gratify erroneous and, quite frankly, dangerous generalizations based on these individual cases and suggest for a moment that this

is rampant in the entire system. That's an insult to the people that deliver the care.

The Speaker: The hon. Member for Cypress-Medicine Hat, followed by the hon. Member for Calgary-Mountain View.

Promotion of Alberta Energy Industry

Mr. Mitzel: Thank you, Mr. Speaker. The relationship that Alberta has with the United States is an important one, especially when it comes to oil and gas. In fact, overall we have the largest trading relationship of any two countries in the world. With significant economic and employment benefits on both sides of the border we want to ensure that this relationship stays strong. My question is to the Premier. My constituents commented very favourably to me last week regarding your trip to Chicago, but I'd like to ask you directly: who did you meet with in Chicago, and really what was the outcome of these meetings?

Ms Redford: Well, Mr. Speaker, Illinois in the Midwest is a very important market for us. There are five refineries right outside of Chicago, where 70 per cent of the feedstock that's going into those refineries is coming from the oil sands. Illinois is one of our largest trading partners, with over a hundred companies that are delivering products directly to the oil sands, and we had a very good opportunity to meet with the Chicago Council on Global Affairs, with Midwest state legislators, with the council of executive officers to actually talk about how to continue to build and enhance that trade.

2:10

The Speaker: The hon. member.

Mr. Mitzel: Thank you, Mr. Speaker. Again to the Premier. While I was happy to hear that all the meetings went so well, there are other issues out there, and I hear about these and see these in the want ads in all of our papers. I believe there is much higher unemployment in many parts of the United States. Were you able to get any further in resolving some of the labour issues that exist?

Ms Redford: Well, Mr. Speaker, for most people in this Legislature who are actually concerned about our economic development and are as optimistic as we are about it, we need to know that within the next 10 years there will probably be 110,000 positions that we're not going to be able to fill from inside Canada.

We had very productive discussions with the trades union councils to identify opportunities in partnership with the federal government where we could put in place preclearance systems so that skilled workers were being prequalified in the United States and then could deal with the immigration issues coming up here.

The Speaker: The hon. member.

Mr. Mitzel: Thank you, Mr. Speaker. My final question is to the Premier. Because I truly believe that we must maintain and cultivate our relationships with our neighbours to the south, what is the purpose of your visit to Washington next week?

Ms Redford: Mr. Speaker, we had very good news last week when TransCanada PipeLines announced that they were going to proceed with the line from Cushing to Port Arthur. That's going to matter to the U.S. economy, and for us the really good news was that the White House made very favourable comments with respect to that. We believe that one of the reasons for that is that as Canadians and Albertans we've been working together to be very effective advocates for what's going on in the oil sands.

The work that we will do this week in Washington and in New York, attracting investors and speaking to people on both sides of the aisle with respect to why the oil sands matter for the United States and for Canada, I think allows these decisions to happen in a way that Albertans can have confidence in their economic future.

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

Physician Services Agreement

Dr. Swann: Thank you very much, Mr. Speaker. Alberta's 7,000 physicians have for a year now been without a contract that would give them a real voice for patients at the table when key decisions about health care are being made. Instead, the Minister of Health has imposed a one-year increase in compensation and primary care network funding, meant to shut doctors up before the election. To the minister: do you really believe this desperate pre-election attempt to silence physicians will work, and what are you afraid of?

Mr. Horne: Well, Mr. Speaker, we are not afraid of anything. This government wants a long-term agreement with our physicians. We believe it is in the best interests of the public health care system to have a long-term agreement with our physicians, and in fact negotiations are continuing.

Dr. Swann: Quite so, Mr. Speaker. In rejecting binding arbitration and subverting the negotiating process, this minister thinks he's going to build trust with health workers. Is that what you're saying?

Mr. Horne: Mr. Speaker, this government isn't subverting anything. I spoke to the president of the Alberta Medical Association as recently as yesterday. We have plans to meet later this week. The letter in question that the hon. member refers to was a letter I sent to the physicians of Alberta. This government said that we wanted stability and predictability in our health care system. That means addressing in the short term, prior to negotiating our long-term agreement, the resource requirements to keep our health system running smoothly. That started with a \$12 increase for our primary care networks, which have not received an increase since 2003.

Dr. Swann: Mr. Speaker, how can this minister seriously believe that unilateral action is going to improve trust and patient care in this province?

Mr. Horne: Mr. Speaker, we don't. That's why we are continuing negotiations with the Alberta Medical Association. If this hon. member wants to stand up and tell me and this House that \$93 million in additional financial resources to support Albertans' physicians is a bad idea, I leave him to it.

Thank you.

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

Promotion of Alberta Oil Sands

Mr. Johnston: Thank you, Mr. Speaker. Albertans recognize that our prosperity and ability to develop our energy resources depend in part on decisions made in other jurisdictions. The infrastructure necessary to get our energy to market can only be built with the

co-operation of others. All my questions are to the Premier. What are you doing to make sure that people have the facts on the oil sands?

Ms Redford: Mr. Speaker, we know that throughout North America there is infrastructure in place that is allowing our economies to thrive, whether it's in the United States or whether it's in Canada. We know that the regulatory decisions that are being made on both the west coast and also the United States need to be part of an informed public discussion. So we're talking about who we are as Albertans, how proud we are, what our environmental record has been, that we are proud environmental stewards, that we're continuing to build sustainable technologies, and that we're making investments with respect to joint partnerships with industry. Of course, we saw some very good news last week with industry coming together to say that they will share intellectual property with respect to this. This is the story that we need to tell in the United States. It's resonating, and that's why we're getting a good response from the White House.

The Speaker: The hon. member, please.

Mr. Johnston: Thank you, Mr. Speaker. To the Premier: how do you intend to get the support of other jurisdictions in Canada?

Ms Redford: Well, Mr. Speaker, it was very interesting last week, of course, to see some of the comments that were made with respect to the oil sands. I was very pleased that within a couple of days there was an informed national conversation going on with respect to what the energy economy means to the rest of Canada. As we know – and we did talk about the fact – we're looking at a tremendous tens of millions of dollars going into at least Ontario with respect to economic development in the oil sands. When we do that, those billions of dollars are what's going to allow Canadians to emotionally connect and to ensure that we're all proud of what we're doing here.

Mr. Johnston: A final question to the Premier: will these efforts support the necessary pipelines being built?

Ms Redford: I believe they will, Mr. Speaker, because what we've seen now in the discussion with respect to pipelines, after much of the fanfare at the very beginning of these hearings, is that people who are getting jobs building and refining off these pipelines understand the importance to their communities of what these resources mean. It is important to connect the dots in a way, whether we're in the United States, British Columbia, or eastern Canada, that people are understanding that it all matters for a strong energy economy. We're having success, and I think that's good for Alberta.

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

Residential Construction Standards

Ms Blakeman: Thanks very much, Mr. Speaker. Last week I raised concerns that the glacial pace on improving construction and inspection was not protecting the homeowner or condominium owner. The Minister of Municipal Affairs responded by suggesting that last May's wildfire disaster in Slave Lake precluded the government from bringing in new homeowner protection measures as promised. Now, it has been the practice of Municipal Affairs for some time now to contract out the administration of disaster recovery programs to LandLink

Consulting Ltd. My question is to the Minister of Municipal Affairs. What's the real reason behind the snail-like progress on helping Albertans to be protected?

Mr. Griffiths: Mr. Speaker, I was at our meeting of Municipal Affairs with all of our department staff. There was endless discussion about all the hard work that went into helping Slave Lake deal with what turned out to be the worst disaster in the province's history. I think every single person in Municipal Affairs who spent all their time and energy working to help the people of Slave Lake and region work on rebuilding would be very offended by the insinuation that they did nothing.

Ms Blakeman: All of your staff worked on that?

Back to the same minister. There are now too many examples of Albertans being assessed huge amounts in order to make their condo or house livable and safe to list in 35 seconds. I'd like to know why the minister won't implement an interest-free loan fund for folks that are faced with massive special assessments for substantial repair costs related to shoddy construction.

Mr. Griffiths: Mr. Speaker, that may be something we can consider down the road. It would be inappropriate to discuss that before we finish passing the budget because we can't really start to spend more money at least until we pass the budget.

In the meantime, as I've said before, we're working with homeowners in this province on a home warranty program, on extending the term limits for fines and limitations so that we can make sure that we protect home builders. They still have avenues through the courts to make sure that they can deal with those people, those construction practices that have left them with inappropriate housing.

Ms Blakeman: Well, let me follow up on that with the same minister. Given that the government has had policy recommendations in its possession since April of 2008 and the former Minister of Municipal Affairs first began revealing details of this forthcoming legislation as early as the fall of 2010, three different sittings ago, what exactly is the minister's excuse? What is the actual problem here that this ministry cannot move on this?

Mr. Griffiths: Well, Mr. Speaker, I get to answer the question again. As I've said before, we have very limited staff in Municipal Affairs, who were distracted a bit by a crisis situation in Slave Lake and region with the fire.

In the meantime, Mr. Speaker, we have done extensive consultations, past ministers have as well, with contractors, with builders, with homeowners, and with banks to make sure that we get the system right because it's not just about enforcing a new homeowner warranty, that could drive up the costs and drive out new home purchasers. We make sure on this side of the House that we do appropriate consultation with all stakeholders to get it right the first time.

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

2:20 Canadian Oil Sands Innovation Alliance

Mrs. Ady: Thank you, Mr. Speaker. I was really pleased this last week to see 12 companies announce a partnership to bring the Canadian Oil Sands Innovation Alliance to life. The goal is to break down barriers and to share environmental research and ultimately produce innovations in oil sands cleanup. Some critics may find this collective commitment to be more rhetoric from

industry. Can the Minister of Environment and Water tell us how this alliance adds to the work the government is already doing?

The Speaker: The hon. minister.

Mrs. McQueen: Well, thank you, Mr. Speaker, and thank you to the member for the question. This is actually excellent news. Whenever we can have many companies, in this case 12 CEOs, sign an agreement to work together and to pool their expertise and their resources to generate innovative solutions, particularly with the challenges around the oil sands, this is excellent news. It encourages integration of resources and building technologies so that we'll find solutions quicker as they work together and share those. We're very excited about this. We encourage more of these kinds of opportunities to happen in this province.

Mrs. Ady: Mr. Speaker, my first supplemental is to the same minister. It's great to see industry work together. Do you think that this is going to move into other sectors of the oil and gas industry? Are we going to see that kind of co-operation in others?

The Speaker: The hon. minister.

Mrs. McQueen: Thank you, Mr. Speaker. Certainly, we encourage it not just in the oil and gas industry but in all industries when it pertains to environmental protection. We encourage all of this kind of collaboration to happen. We think that this is the first step. Industry in the oil sands is taking a big step to come together, and we encourage that practice in other industries across the province.

Mrs. Ady: Lastly, to the same minister: how do you plan on working with this group? They're a private industry group. Are you as government going to be able to work with them with the stuff you're doing?

Mrs. McQueen: Well, what we're very happy about is that the initial focus they're looking at is on our own issues that are important to us in Alberta Environment and Water, and that is dealing with the four main areas of tailings, water, land, and greenhouse gases. So we plan to continue to work with them so that they will find solutions that will meet the challenges we are facing in Alberta to reduce environmental issues.

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

Grimshaw Holy Family School

Ms Notley: Thank you, Mr. Speaker. An independent report to government on Holy Family school in Grimshaw uncovers a laundry list of problems that no family would accept in their own homes let alone in a place they send their children to. To the Minister of Education. This report shows there is both merit and urgency to the community's request. So if the reason for ignoring the school's unsafe condition isn't related to their video and isn't related to their, quote, upsetting comments, what else could it possibly be?

Mr. Lukaszuk: Mr. Speaker, a lot of things can be learned from that situation. As I've said on a number of occasions, I'm looking forward to working with that particular board. I myself have seen that school, and I agree that you don't need an engineer to tell you that this building needs to be replaced. But other things need to be learned. The oldest part of the school is 50 years old; the newest is about 20 years old. The whole building has to be bulldozed down. I also need to find out why. I think that not only this government

but other school boards can learn to make sure that this doesn't happen again in any other jurisdiction.

Ms Notley: Well, Mr. Speaker, this school has been talking to this ministry for 10 years.

Now, given that the report lists no fire sprinklers, deficient gas shut-off, inadequate heating, accumulated water under the floor, blocked sewers, and unsafe electrical systems and given that this description apparently represents the status quo that requires no attention within the next three years, will the minister apologize to Albertans for his government's long-standing failure to provide safe buildings within which our children can learn?

Mr. Lukaszuk: Mr. Speaker, the member is correct. All the disrepair that she listed actually does exist. I've seen it for myself. All of that is happening while the school board has in excess of \$7 million in their savings account. I will be working with that school board. We will probably be using this school as a model to make sure that infrastructure that is paid for by the taxpayers of Alberta is properly maintained in the future so that all children in the province of Alberta have buildings that are adequate for learning. This one is not.

Ms Notley: Well, Mr. Speaker, given that the Member for Dunvegan-Central Peace wrote local officials advising caution and diplomacy to so-called upset individuals to avoid delay of a new school and given that Infrastructure staff recommended the replacement of the school to their political masters only to be inexplicably ignored, why won't the minister admit that this government's decision-making is discretionary, arbitrary, political, and fails Alberta's families every day?

Mr. Lukaszuk: Mr. Speaker, the only things political at this point are the comments by the hon. member. I pride myself on having a good relationship with school boards. They know how to contact me. They're always welcome in my office, and I will be visiting them as often as I possibly can. At the end of the day we have pressures for new schools throughout the entire province, and that school will be considered like all the other school boards are being considered. Plenty to be learned. Plenty to be done.

The Speaker: The hon. Member for Calgary-Buffalo, followed by the hon. Member for Edmonton-Beverly-Clareview.

Funding for Private Schools

Mr. Hehr: Thank you, Mr. Speaker. The Minister of Education has stated that he always encourages every school to try to put the other one out of business, so I just want to ask: does the minister honestly believe that pitting schools one against another by encouraging schools to drive each other out of business is the best way forward for schools in this province?

Mr. Lukaszuk: I would like to commend this member for reading Twitter because that's where he actually got it from. If he's forming his policy on 144 characters, then that's not a good thing to do.

Mr. Speaker, I have always said that having good, healthy, child-focused, curriculum-focused competition is what makes Alberta the NHL of education systems in the world. Parents have choice, and they choose where they want to send their children. That is healthy competition. Competition does not pitting make.

Mr. Hehr: Well, I got the quote from the *Calgary Herald*. Nevertheless, it was on Twitter. I should have been reading there.

Is the minister by his statement actually saying that he wants more kids going to private schools and more kids going to charter schools than to our own public school system?

Mr. Lukaszuk: Mr. Speaker, I want kids going to schools that the parents approve. I want kids going to schools where they are getting world-class education, as they are. I want parents to have choice. Parents right now have the choice of home-schooling, private schooling, public schooling, Catholic schooling, charter schooling. The list goes on and on. That is what makes Alberta education strong, where parents get to make the choice that is right for their family and for their values.

Mr. Hehr: Well, Mr. Speaker, how can the minister justify this apparent embracing of an American-style education system by funding private schools, trying to pit schools one against another? Has he not reviewed any of the information on how this actually destroys the public education system and doesn't assist it?

Mr. Lukaszuk: Mr. Speaker, here they go again with the comfortable slogans that they've been using for other portfolios. As a matter of fact, there is a good reason why Alberta education is considered one of the top four jurisdictions in the world. One is that we have excellent teachers doing some fabulous work in the classroom. We have supportive communities and Albertans who support education. We have a government that makes Alberta education its priority, and we have choice that parents get to exercise. If the Liberals don't like it, that's too bad.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview, followed by the hon. Member for Airdrie-Chestermere.

Mental Health and Addictions Services

Mr. Vandermeer: Thank you, Mr. Speaker. This morning the minister of health announced news of an investment into the Alberta Hospital Edmonton site, yet in the same announcement the health minister referred to the importance of Albertans with addictions and mental health issues getting the help they need in the community. Building a psychiatric hospital in a fairly remote part of Edmonton seems contrary to providing mental health services and programs in the community. Can the health minister explain why we continue to invest in this old, institutional way of treating mental illness?

Mr. Horne: Mr. Speaker, the answer is: because we need it. We need to consider both services in hospital and in the community. As members of this House will know, for a number of years now there have been questions about the future of Alberta Hospital Edmonton. This morning's announcement, which will result in the creation of 60 new in-patient beds in that hospital, will provide some much-needed services that will not only address specialized in-patient care but will support transition for patients when they leave hospital to go back to the community.

The Speaker: The hon. member.

Mr. Vandermeer: Thank you. My next question is to the same minister, who also announced this morning increases to psychology and counselling services through primary health care. I have had constituents tell me that it takes weeks or even months to get access to a psychologist through their doctor's office because there are not enough of them and those that are available privately cost at least \$150 an hour, which many of my constituents can't . . .

The Speaker: The hon. minister.

2:30

Mr. Horne: Thank you very much, Mr. Speaker. Well, it is true that psychology services are not currently covered under the Alberta health care insurance plan, but as the hon. member points out, the demand for psychology and counselling services is increasing, has been increasing for a number of years. We feel there's an opportunity to offer psychology services along with other counselling through our primary care networks, through other primary care delivery models, thereby getting to people sooner and avoiding some of the very unfortunate circumstances we hear about when problems are not addressed.

Mr. Vandermeer: To the same minister. The announcement also talks about focusing programs on children and youth, yet nothing was mentioned about the PCHAD Amendment Act, a key piece of legislation that can help the children who are most vulnerable. My question to the hon. minister is: why haven't you proclaimed the PCHAD Amendment Act?

Mr. Horne: Well, Mr. Speaker, I am in discussions now with the Minister of Human Services about that precise issue. This morning's announcement did provide an additional \$8 million to support the mental health capacity building initiative, which is a tremendous project that encompasses many schools across the province, providing much-needed wraparound addiction and mental health services to children and youth. The Minister of Human Services and I will continue to work toward proclamation of the PCHAD legislation as quickly as possible.

School Board Funding

Mr. Anderson: Mr. Speaker, in a letter written to a school board advocating publicly for a school in desperate need of repair, the Member for Dunvegan-Central Peace said, "In order for your community to have the opportunity to receive a new school, you and your school board will have to be very diplomatic from here on out." It goes on: "Your comments could be upsetting to some individuals. This could delay the decision on a new school." What shameful behaviour from an elected member of this government. To the Minister of Education: what are you and this Premier doing to hold this member accountable for such blatant thuggery?

Mr. Lukaszuk: Mr. Speaker, I think the Premier has spoken eloquently on this topic. I have made my comments as well. The member has done the honourable thing and has removed himself from a committee. This member has a record of serving Albertans with a great deal of dignity for many, many years. As a matter of fact, this unfortunate letter will not affect the relationship between this minister or this Premier or this government or the school board in any way.

Mr. Anderson: So no accountability whatsoever.

Minister, will you commit – commit right now – to immediately publish a list of all school board funding requests for new schools and school maintenance, from highest priority to lowest priority, right across the province as well as the set of objective criteria used to arrive at that priority so that communities and parents across Alberta can feel safe that you and your government will not politically extort or punish their children for their parents committing the cardinal sin of speaking out against the PC government? Will you do that, sir? Publish the list.

Mr. Lukaszuk: Mr. Speaker, as a matter of fact, I would advise this particular member to start adhering to the code of conduct that the member to whom he was referring has been adhering up to now.

Mr. Speaker, yes, as a matter of fact, we will be releasing a list of priorities for schools, and the members will see objectivity. But also, then, this member has to promise us that he will no longer be holding rallies at the front stairs of the Legislature, convincing the government that schools in his riding are the most important.

Mr. Anderson: Minister, we all know school boards all request funding for their top priorities. I'm talking about how you choose which boards to fund and for how much.

The final question: are you telling me that your government spends hundreds of millions every year on new schools and maintenance but has no objective priority list for deciding which school board gets how much? If you do have such a list, why won't you make that secret list public? Is it because you enjoy being able to hand out money to reward supporters and punish those who speak out? Publish the secret list, Minister, and stop the culture of corruption.

Mr. Lukaszuk: Mr. Speaker, yet another secret list. If it's so secret, how does he know about it?

I'll tell you one thing. There is no secret list. Schools are prioritized every year based on the capital plans of each school board. That's how decisions are made. Frankly, we will have to probably build approximately 40 schools per year for the next 10 years to catch up to the infrastructure pressure that we have. But if this member is questioning the objectivity, I would again ask this member, then, to stop holding rallies at the front stairs of the Legislature to pressure this government to build schools in his riding as opposed to in other ridings if he wants a decision . . .

The Speaker: The hon. Member for Calgary-Cross, followed by the hon. Member for Edmonton-Riverview.

Safe Communities Resource Centre

Mrs. Fritz: Thank you, Mr. Speaker. A significant step was taken recently in reducing and preventing crime when a new Safe Communities Resource Centre was announced in Calgary, and that was to provide services to individuals that are indentified by their probation officers as being at high risk to offend. My first question is to the Minister of Justice and Attorney General. How will this community resource centre's programs differ from those that you're already offering to high-risk offenders?

Mr. Olson: Mr. Speaker, thank you to the member for the question. One of the things that we've found is that we have many services available, but they're not always as easily accessible as perhaps they might be, particularly when we have repeat offenders who seem to be on a cycle in and out of the court system. We see this as an opportunity to innovate and to provide services in one place where we can be especially effective in breaking that cycle.

The Speaker: The hon. member.

Mrs. Fritz: Thank you, Mr. Speaker. To the same minister: will you consider expanding this program to all offenders who are a risk to public safety?

Mr. Olson: Well, Mr. Speaker, the people who are the focus of the initiative, that was just announced about a week ago in Calgary, are people who are on probation, so they're under court

supervision. That makes it possible for there to be some direction as to what programs they should become involved in, so this is an opportunity for them to have addiction counselling, mental health counselling, housing assistance, any number of other types of supports in one spot. We would like to expand that to many other areas of the province. This is a pilot project that will run for three years, and we hope to be able to expand it.

The Speaker: The hon. member.

Mrs. Fritz: Well, thank you, Mr. Speaker. My second supplemental is for the Minister of Health and Wellness. Given that your ministry's programs will be aligned with Justice services – and the minister has mentioned some of the health programs that will be available – would you please let us know what else you'll be offering by way of community services?

The Speaker: The hon. minister.

Mr. Horne: Thank you, Mr. Speaker. We are participating in this in a collaborative way, as the minister had discussed in his previous answer. We are primarily concerned with addictions and mental health services, and we see the ability to provide those on-site in conjunction with probation as a tremendous support to the overall intended impact of this program.

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

Administration of Elections

Dr. Taft: Thanks, Mr. Speaker. My questions are to the Justice minister. The federal robocall scandal gives an urgent warning to this government about the upcoming election here in Alberta. After all, Alberta's election determines control of the largest energy reserves in the western world. When the stakes are so high, some people are bound to fight dirty. They could be anyone from anywhere, and it seems they can disappear without a trace. To the minister: will this government undertake an urgent review of the Election Act before the next election and bring forward amendments that reduce the risks of robocall-style election abuses?

The Speaker: The hon. minister.

Mr. Olson: Thank you, Mr. Speaker, and thanks to the member for the question. I suppose it's not surprising that this might come up in question period just because of the headlines, but we don't make policy based on headlines. We are always interested in updating the Election Act. As a matter of fact, there are periodic reviews.

But in answer to the member's question, no, there is no plan to make any urgent amendments.

Mr. Chase: Lorne Gibson, 198 recommendations, all ignored.

The Speaker: Hon. Member for Calgary-Varsity, did you want to raise the question? I sure recognized Edmonton-Riverview.

Dr. Taft: I appreciate that. Thank you.

Given that the courts have made it clear through a series of rulings that governments have an active obligation to ensure that the administration of elections is effective and fair, will this government consult with Alberta's Chief Electoral Officer to make sure he has enough funding and staff to handle the risk of a whole new type of election fraud?

Mr. Olson: Well, Mr. Speaker, speculation and allegations on the federal scene about voter fraud do not translate to the same thing in Alberta. We are always aware that there may be risks, but that's why we have a Chief Electoral Officer, who is an independent officer of the Legislature, who oversees and manages this. I have every confidence that the Chief Electoral Officer can run a very good and fair election.

2:40

The Speaker: The hon. member.

Dr. Taft: Well, thanks, Mr. Speaker. Given the severity of this problem and the fact that it threatens the very base of democracy, the Official Opposition, at least, is prepared to fully co-operate with a review of the Election Act. Will this government do anything to prevent a replay of the federal robocall scandal here in Alberta? We should act now.

Mr. Olson: Mr. Speaker, after the last election there were a number of suggestions, recommendations made by the Chief Electoral Officer. This Assembly considered them very carefully. We actually adopted a number of the recommendations. They were made as amendments to the act. The Chief Electoral Officer will provide a report with recommendations after the next election, and we will certainly consider them. We had a very extensive debate before Christmas about amendments to the Election Act. Members opposite had every opportunity to raise this type of an issue, and I don't remember it being mentioned at all.

The Speaker: Hon. members, we have a request from the Minister of Finance to supplement a response to a question that arose on Thursday, February 23.

Land Conservation Trusts

Mr. Liepert: Thank you, Mr. Speaker. On Thursday, February 23, the Member for Edmonton-Centre as part of her question asked why conservation land trusts in this province are being denied casino licences, and I'd like to provide a brief response.

The Alberta Gaming and Liquor Commission has had three requests from land conservation trusts. One received a casino licence in 2012 and is slated for another later this year. Another application from a land trust from southern Alberta is currently pending, waiting for some follow-up information. The third application: the Edmonton and Area Land Trust applied two years ago and was denied a casino licence because of how the organization is structured. This group never appealed, and the file has been closed.*

The Speaker: Hon. Member for Edmonton-Centre, you have the right to a supplemental question.

Ms Blakeman: Thank you very much, Mr. Speaker. My understanding is that part of the problem might have been that they are structured as a part 9 company, and we are hearing rumours that the AGLC will no longer allow any kind of licensing to a not-for-profit organization that's registered as a part 9 company. Can you tell me if that's, in fact, true?

Mr. Liepert: Mr. Speaker, I don't have that information. I'll endeavour to get it.

The Speaker: Hon. members, 17 members were recognized today for 102 questions and responses plus the three supplementary ones as well.

We are going to continue with the Routine, and we're going to return to Introduction of Guests.

Introduction of Guests

(continued)

The Speaker: The hon. Member for Lacombe-Ponoka.

Mr. Prins: Thank you very much, Mr. Speaker. It's really an honour for me to introduce to you and through you to all members a great friend, and I have another introduction after that. My friend is Reverend Paul Kortenhoven from Grand Rapids, Michigan. He was a missionary in Sierra Leone from 1980 to 2002. I first met him in 1984 in Sierra Leone and have worked with him many times. He continues to work in Sierra Leone and consult in the peace and reconciliation process subsequent to a 10-year civil war.

Paul was also involved in the creation of the Kimberly protocol, which is the international agreement on marketing diamonds, especially those originating in Africa. Mr. Speaker, if you have ever watched the movie *Blood Diamond*, at the end of the movie there's a picture in Brussels, I think, or in Antwerp about the protocol for marketing diamonds. Paul was one of the members of the group that put together the international protocol. He's lecturing on west African history tonight and tomorrow night as well at The King's University College. I would like to ask him to stand and receive the warm welcome of this Assembly.

Some other guests that I have are Peter and Andree Verhoog and their children Ginelle, Micheline, Janice, and Suzanne. They're home-schoolers from Ponoka. They're interested in Bill 2, and they're with us as well today. If they're still in the galleries, I would ask them to rise and receive the warm welcome.

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

Mr. Zwozdesky: Thank you very much, Mr. Speaker. It's my pleasure to also introduce some special guests who were here for the education rally this afternoon and who also are home-schoolers and tremendous supporters there, too. Unfortunately, they had to leave a short while ago, but for the record I'd like to note that Kathrine Baer, Tylor Baer, Kristina Baer, Landon Baer, and Austin Baer were all here in support of home-schooling. Thank you very much for your attendance.

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

Mrs. Forsyth: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you the Wildrose candidate for Sherwood Park, Garnett Genius. Garnett is executive director of Responsible Electricity Transmission for Albertans and an associate fellow at the Canadian Centre for Policy Studies. Garnett has told me that he's knocked on every single open-access door in the riding, and we're very proud to have him on our team.

Secondly, I would like to introduce Alison Landreville. Alison is a registered nurse here in Edmonton, working in medication safety and quality. She received both her bachelor's and master's degrees in nursing here at the University of Alberta. She's a mother of two children.

We're very happy to have them both here today. I'll ask them to rise and receive the warm welcome from the Assembly.

The Speaker: The hon. Minister of Intergovernmental, International and Aboriginal Relations.

Mr. Dallas: Thank you, Mr. Speaker. Today it is my great pleasure to introduce to you and through you some members of a family

*See page 266, left column, paragraph 8

from my constituency. Paul van den Bosch and his four children have joined us today from Red Deer for question period and to visit the Legislature Building. Paul and his children with him today in the gallery – Joseph, John, Frances, and Bernadette – are part of our province's home-schooling community. As a government we support home education and would like to commend Mr. van den Bosch and his family for their dedication and excellent work in educating their children as bright and talented citizens of our province. I would like to thank the van den Bosches for joining us today in Alberta's capital city to learn more about our democratic customs and political traditions. The guests are seated in the members' gallery. I'd like to ask them now to please rise and receive the traditional warm welcome of the Assembly.

Ms Calahasen: Mr. Speaker, I have the great honour of introducing to you and through you some of my constituents, who were at the rally this afternoon. They are I believe seated in the public gallery. That's Patricia Bergen and her family as well as 28 other family members who are here today. I know they're very strong home-schoolers, and they produce the greatest and brightest children. I'd ask that they stand, if they are still here, to receive the warm welcome of this Assembly.

Members' Statements

The Speaker: The hon. Member for Little Bow.

A Life in Politics

Mr. McFarland: Thank you, Mr. Speaker. I appreciate the recognition you gave me today. Rarely do elected members of this Assembly have the opportunity on their anniversary to recognize and to thank people who help and support us in all the work we do. We are, indeed, fortunate to have dedicated people around us in our ridings and at home, and I want to thank all the Little Bow constituents who've supported me for 20 years.

I'm proud to have had some great friends throughout this building in all walks of life. I only wish there was time to mention all of them. Earlier I introduced one of our constituency managers, Lois McLeod, who along with Julie Annable has provided courteous, confidential, and capable assistance to our Little Bow constituents.

I've had a terrific amount of help in the past number of years, Mr. Speaker, from Dianne Wills, Tracy Kully, Brendalee Gardner, Phyllis Hennig, Peter Pilarski, Robyn Kowalski, and Ryan Osterberg.

Thirty-five years ago, in 1977, I was elected for the first time to the county of Vulcan council. I don't think my wife ever thought that 15 years later I'd be elected in a by-election to this Assembly. While I was here in Edmonton, Mary was making sure that our kids were getting a proper upbringing, commuting nearly a hundred miles each day to her psych nursing job as well as keeping our farm and our home operating.

Life for those in politics is no different when it comes to family sadness. During my time here my mother, Mary's mom and dad, and seven out of eight of my aunts and uncles have passed away, many times while I was right here.

I'm proud of my family. Not too many have a kid who could have won a gold medal in a Dominion hurdle championship at the age of 15 or have a son who can take a mangled piece of autobody work and turn it into a brand new, shiny-looking product. Our second son operates that business. Our daughter danced for 14 years in ballet, pointe, lyrical, and hip hop and worked while earning her degree in human resources. Our youngest son, one of the youngest black belts out of Lethbridge, is helping troubled youth and is going to work in July on his master's in clinical psychology.

Thank you, Mary. Thank you to all our family. Your grandparents would have been very proud. [Standing ovation]

2:50

Saving for the Future

Mr. Hehr: There once was a farmer named Jim. He had sections of land. Jim got married and started a family. He was extremely generous. They had the best of everything. Jim and his wife thought the good times would never end.

Although Jim had a great deal of land, he never brought in enough revenues to pay the bills. At the end of the year when Jim was getting his finances together, he was always short. So every year he would sell an acre or two, and that would seem to balance things off. Jim's children: they liked living on the farm so much that they never left. Because he loved his children, he did not ask them to contribute to the bills.

Jim had to keep selling off land to keep everyone happy. Then one year when he looked at the family finances, it finally became clear that he didn't have any more land to sell off. That farm was a memory. Nothing was left. By not asking the children to contribute and by living high on the hog, Jim was broke. This is not unlike the parable of Alberta.

One of the themes that we have seen emerge over and over again is that we need to manage our province's great wealth. This is about the long-term future of our province and whether after it's all said and done – when the oil has been pumped, when the gas is gone, and the bitumen has been dug up – we will have anything to show for it. For 25 years this province has spent all of its \$225 billion that it has brought in in resource revenues. We pay our daily bills by spending the revenue, which is akin to Jim selling off pieces of the family farm.

If we're ever going to have anything left when it's all said and done, we need to save. In order to do that, we're going to need to ask citizens to pay for the things they use. They know public education and good roads cost money. They also know that once you sell a barrel of oil, you never have that barrel to sell again.

It's time to look at our tax code and to develop a fair model, a model that recognizes that it should not be our God-given right to blow every last dime of petroleum resources to pay today's bills. It's not fair. It's not fair to future generations; neither is it in the best long-term interests of this province.

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

National Film Board of Canada World Premiere

Mrs. Sarich: Thank you, Mr. Speaker. On March 4, 2012, it was my honour and privilege to attend the Global Visions Film Festival in Edmonton. This film festival, in its 30th year, is Canada's longest running documentary film festival. It is dedicated to presenting socially relevant films from around the world, exploring issues of social, economic, and environmental development.

Mr. Speaker, this year's festival featured the National Film Board of Canada's world premiere of the film *The Basketball Game*. This film is produced by the National Film Board of Canada and features the directorial debut of our very own Alberta-born and -raised Hart Snider, an award-winning filmmaker.

This film is significant, Mr. Speaker, because it is based on the recollections of a nine-year-old boy coming to grips with hate and discrimination in Alberta. This issue is relevant within societies around the world. The film shows how children understand and can be impacted by hate and discrimination.

More importantly, Mr. Speaker, the film sends a profound message that when children are provided with an opportunity to resolve issues amongst themselves, in this case through a sports game, the real issues are better understood and potentially resolved by the children themselves. The film is also significant because it was done using animation, which is always timely, especially for attracting younger people to the story messages.

Mr. Speaker, congratulations to the National Film Board of Canada for their insightful decision to produce this short film. Also, congratulations and special thanks to Hart Snider, an Albertan filmmaker who profiled a deeply human reality message when he informed audiences on how hate and discrimination impact children and how children must be involved to help resolve these problems before they become their adult problems. The film is innovative, thought-provoking, and its filmmaker, Hart Snider, is definitely a living example of the Alberta spirit.

Thank you to all involved in the film *The Basketball Game* for adding immeasurably to our society as a whole.

The Speaker: The hon. Member for Strathcona.

Alberta Business Awards of Distinction

Mr. Quest: Thank you, Mr. Speaker. It's a pleasure to rise today to speak about an exciting event held on March 2 at the River Cree Resort and Casino. Hosted by the Alberta Chambers of Commerce, this year's Alberta business awards of distinction was the 21st annual awards gala celebrating the best in Alberta business. Awards were presented to a number of Alberta companies and organizations chosen for exemplifying excellence in their respective industries.

The hon. Minister of Intergovernmental, International and Aboriginal Relations presented the aboriginal woman entrepreneur award, which recognizes aboriginal businesswomen as positive role models. This year's winner was Isabell Ringenoldus of TAWS Security Ltd., a company based in Fort McMurray.

The hon. Minister of Human Services presented the employer of persons with disabilities award to Long View Systems, an information technology company with offices in Calgary and Edmonton. This award recognizes leading-edge practices in the hiring, training, and career development of employees with disabilities. The hon. Minister of Human Services also presented the employer of youth award and the very prestigious Premier's award of distinction to Alberta Blue Cross Benefits Corporation.

Mr. Speaker, this government is proud to support the Alberta Chambers of Commerce in recognizing excellence in the province's business community, and we look forward to continuing this valuable partnership for years to come. I would like to congratulate all of this year's winners and nominees for their tremendous accomplishments and important contributions to our province's diverse economy and, on behalf of this government, thank them for the outstanding work that they're doing.

Thank you, Mr. Speaker.

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

Donation to Olds College by Jack Anderson

Mr. Marz: Thank you, Mr. Speaker. I rise today to recognize a remarkable act of kindness and generosity, one that will benefit future generations of Albertans. Mr. J.C. (Jack) Anderson, a Calgary businessman and rancher, is donating the proceeds from the sale of a hundred vintage cars and trucks to Olds College in my riding to mark their centennial in 2013. The auction of Mr. Anderson's prized

collection, which ranges from a 1984 Rolls-Royce to a 1968 Corvair, is expected to raise more than \$2.5 million.

This is not the first time Mr. Anderson has made a generous gift to the college. In 2007 he gave the school \$1 million. This latest donation, the largest in Olds College's illustrious history, has more than monetary benefit. The auction of Mr. Anderson's collection will shine a bright spotlight on the college as it celebrates a hundred years of education excellence in the fields of agriculture, animal sciences, business, and technology.

Mr. Speaker, as a businessman and supporter of lifelong learning opportunities Mr. Anderson fully appreciates the programming offered by Old College and the quality of its graduates. In addition to employing Olds graduates in his business, at 84 he still attends seminars at the college, proving you're never too old to learn something new. Mr. Anderson shares our government's goal of inspiring Albertans to reach their full potential through advanced education. He is an inspiration to anyone at any age seeking to keep their mind and body engaged by actively pursuing knowledge and experience.

On behalf of this government and the citizens of Alberta, especially those attending Olds College, I would like to thank Mr. Anderson for his historic donation. Thank you.

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

Bonnyville Primary Care Network

Mrs. Leskiw: Thank you, Mr. Speaker. It is a pleasure to rise today to speak about the successes of the Bonnyville primary care network, or PCN. Created in 2005, it was the first rural PCN established in Alberta and currently serves a community of approximately 15,000 people. Led by a team of health professionals consisting of 15 family physicians, four registered nurses, and two licensed practical nurses, it provides patients with improved access to the right care from the right health professional at the right time.

The Bonnyville PCN plays such an important role in my constituency, Mr. Speaker, offering several programs, including the chronic disease management program, the well baby program, the well women and teen clinic, and the obstetrics program. The chronic disease management program is the largest program offered by a PCN and helps to treat patients with diabetes, obesity, kidney disease, blood disorders, mental illness, arthritis, and much more. In addition to this treatment, nurses also offer a public education program to help raise awareness about chronic disease, its management, and prevention.

Mr. Speaker, the PCNs play an important role in building a health care system that is sustainable, accessible, and provides quality care for all.

The Bonnyville PCN continues to strive for excellence in rural primary care and is interested in helping Alberta Health Services determine the direction of family care clinics in Alberta. I would like to thank them for the wonderful work that they are doing in my community and for the high bar they have set for PCNs across this great province.

Thank you, Mr. Speaker.

3:00

The Speaker: Hon. members, Standing Order 7(7) has been arrived at. The hon. Opposition House Leader.

Ms Blakeman: Thank you. Could I ask the co-operation of the House to unanimously waive 7(7) to allow us to complete the Routine of the day?

[Unanimous consent granted]

The Speaker: The hon. Member for Lethbridge-East. We're continuing on with members' statements.

National Social Work Week

Ms Pastoor: Thank you, Mr. Speaker. March 4 to 10 is National Social Work Week. This is a time to acknowledge social work professionals for the exceptional job that they do. This year's theme is Social Work: Celebrating the Person and the Professional.

People in this field work tirelessly for the vulnerable Albertans in our communities. This line of work isn't easy, and their caring, hard work is often behind the scenes and goes unnoticed. What is noticed are the results of their work: happy children, healthy families, and people who are able to make positive changes in their lives and to create stronger communities.

In Lethbridge just recently a young man in his early 20s came by a residential home for youth. He had been a resident there about five years earlier. He wanted to thank the staff for all the hard work they had done with him. He is doing well and has not forgotten the difference made in his life by the social workers and youth workers who came into his life when he needed them the most and when he was so alone.

Like him I would say thank you to the people in this field for their dedication, professionalism, compassion, and for all the hours they put in that are far and above their duties.

I would also recognize the partnership that the Alberta government has with the Alberta College of Social Workers. This partnership creates opportunities for continued professional development, which is important to maintain our skilled workforce and leadership within that social work field.

In addition, there are many social workers with contracted agencies who work to make a difference in the lives of Albertans. Social workers in these agencies work directly with families, providing valuable services such as early intervention services for children, parenting classes, and in-home support. As dedicated professionals they have a critical role in our province. Alberta is a better place because of the selfless work that they do.

Thank you to our social workers.

Introduction of Bills

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

Bill 5

Seniors' Property Tax Deferral Act

Mrs. Jablonski: Thank you, Mr. Speaker. I request leave to introduce a bill being Bill 5, Seniors' Property Tax Deferral Act.

Mr. Speaker, a seniors' property tax deferral program will help senior homemakers take advantage of their home equity to defer all or part of their property taxes. These freed-up funds can then be used by the homeowner for things like home repairs and modifications, which will help our seniors to remain in their homes longer.

Supporting seniors to remain independent and in their own homes for as long as possible is a priority for our Premier, our seniors' minister, and for me. A seniors' property tax program will help us to meet that priority.

Thank you.

[Motion carried; Bill 5 read a first time]

Mr. Weadick: I would ask that Bill 5, the Seniors' Property Tax Deferral Act, as presented by the Member for Red Deer-North be moved to Government Bills and Orders.

[Motion carried]

Tabling Returns and Reports

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

Ms Blakeman: Thank you very much, Mr. Speaker. I have two today. The first signs himself unhappy voter, but his name is actually Robert Fitzsimmons. In it he makes the point that he feels that the government has "reduced the Natural Resources Royalties that were being charged American companies for the exploitation of the Tar Sands to save them money, and increase their profits – not ours." He also notes: "It means that more than \$100 Billion per year is being exported to the United States due to the [loss] of personal, business, and royalty taxation for the benefit of American companies, and personnel."

The second tabling that I have today is from a constituent, Stephanie Reeves. She's a U of A psychology student. She is quite concerned about how inaccessible psychology services are, especially to low- and middle-income people and families, the irony being that these are the people that most often need it, and she notes that in the United Kingdom and Australia there has been considerable investment over the last couple of years to make these psychological therapies accessible to citizens.

Thank you very much, Mr. Speaker.

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

Dr. Taft: Thanks, Mr. Speaker. I am tabling the appropriate number of copies of a letter received from a constituent, and I'm tabling with permission the constituent's name, Mr. Hanno Hartmann. He has attached his power bill, which he describes as outrageous. He's deeply upset about the way that the electricity system is being managed in Alberta.

Thank you.

The Speaker: The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you, Mr. Speaker. I'll table the appropriate number of copies of a letter from Dr. Paul Parks, the first sentence of which says:

As a health care provider, and more importantly as a proud Albertan, I am extremely frustrated and angered that the current Premier insists on insulting all Albertans with her disingenuous . . . distracting terms of reference for the public inquiry.

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

Mr. Chase: Thank you, Mr. Speaker. I have two sets of tablings. The first consists of e-mails and 15 letters from individuals who are concerned about the proposed logging in the west Bragg Creek area, all of whom believe clear-cutting will damage essential watershed and recreation area that thousands of Albertans use to promote health and fitness and be detrimental to wildlife and natural species. They come from George Cote, Lloyd Bossert, Alvise Doglioni Majer, Wendy Hagel, Paola Romanelli, Tom Nagai, Michael Ward, Dr. Stella George, Maureen Bildfell, Michael F. Milne, Carl and Gail Peter, Tracy Davis, Jennifer Rogers, Darryl Barr, Ian Oxtan, Ulla Allan, Dr. Ina Dobrinski, Mark Verbeek, and Lara Dziurdy.

My second set of tablings, Mr. Speaker, is a letter and a brochure from Sustain Kananaskis, a group involved in raising awareness of the proposed logging in the west Bragg Creek area. They are asking citizens concerned with the effects of logging on tourism, recreation, watershed, environment, local economies, and fire protection to request a complete and facilitated public consultation before any logging starts this summer.

Thank you, Mr. Speaker.

The Speaker: Hon. Member for Edmonton-Strathcona, do you have tablings today? Proceed, please.

Ms Notley: Thank you, Mr. Speaker. I have several tablings. First, I'd like to table the appropriate number of copies of letters regarding the Holy Family school in Grimshaw which were written by the MLA for Dunvegan-Central Peace regarding the conduct of school officials in relation to their request for funding.

I'd like to table the appropriate number of copies of a consultant's report on Holy Family school in Grimshaw dated January 2011. This is the executive summary. Again, this report outlines the desperate need for the rebuilding of that school. I referred to this report in my questions earlier today.

As well, I'd like to table the appropriate number of copies of a letter received from Velma Wildman of Lloydminster in which she enclosed her power bill for December 2011 in the amount of \$523.78. She says, "We are now faced with the dilemma of either having a roof over our heads or food on the table but cannot afford both."

3:10

As well, I'd like to table the appropriate number of copies of a letter from Dennis Aquin of Edmonton, who enclosed his January 2012 electricity bill of \$194.47. His remark: "I am a single parent of 2 boys and keep finding it more difficult to afford the basics of living."

I'd like to also table a letter from Mercedes Allen and April Friesen of High River. They enclose a bill of \$367.51, and they note: "Despite having two incomes, a few more [bills] like these, and April and I may lose our trailer."

As well, the appropriate number of copies of a letter and bills from Stanley Nykiel of Calgary. The bills are from January 2011 and 2012, showing that the increase in electricity was \$71.84. He notes that people "in their ivory towers making these increase decisions have no conceptions or care how others must contend to pay such bills."

That's all for now. Thank you.

The Speaker: Nothing more? Hon. Member for Edmonton-Highlands-Norwood, do you have some?

Mr. Mason: No thanks, Mr. Speaker. Not today.

The Speaker: Okay.

Tablings to the Clerk

The Clerk: I wish to advise the House that the following documents were deposited with the office of the Clerk. On behalf of the hon. Mr. Hancock, Minister of Human Services, a report dated November 14, 2011, entitled Alberta Veterinary Medical Association Foreign Credential/Qualification Recognition; pursuant to the Veterinary Profession Act the Alberta Veterinary Medical Association 2011 annual report.

On behalf of the hon. Mr. Lukaszuk, Minister of Education, a letter dated March 5, 2012, from Duane Plantinga, executive director, Association of Independent Schools and Colleges in Alberta, to the hon. Mr. Lukaszuk, Minister of Education, expressing concerns regarding the scope of parental rights in the proposed Education Act; memorandum dated March 2, 2012, from the Association of Independent Schools and Colleges in Alberta to its membership providing an additional update on the Education Act; and an academic paper, undated, entitled Towers, Bridges and Basements: the Constitutional and Legal Architecture of Independent Schooling, prepared by Dale Gibson.

Orders of the Day

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

Bill 201

Alberta Bill of Rights (Property Rights Protection) Amendment Act, 2012

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

Mr. Hinman: Thank you, Mr. Speaker. It's an honour to rise today to present Bill 201, the Alberta Bill of Rights (Property Rights Protection) Amendment Act, 2012.

Property rights have been built into our laws for the past 800 years, since the Magna Carta. The purpose of the Bill of Rights is to guarantee every citizen the right to life, personal liberty, and enjoyment of property without intrusion from anyone or any group, including the government. John Locke said it best when he wrote that all mankind, being all equal and independent, ought not to harm another in his life, his health, liberty, or possessions. Although he wrote these words 300 years ago, around the time of the Glorious Revolution, when the right of property was secured for all Englishmen, his words still ring true today. Locke understood that for a free society to flourish, the security of property is as important as your right to not be put in jail at the whim of the Crown. There is nothing that is more important when we talk about good government than preserving and protecting these rights.

While the right to life and liberty are obviously important, the right to property is the cornerstone of a prosperous society in a fully functioning democracy. Alberta farmers, ranchers, and business owners became world leaders in their different industries based on the age-old understanding that these rights would be protected by the rule of law. As a result, collectively we have been able to build a province that is one of the best places in the world to live. When the Alberta Bill of Rights was passed in 1972, it acknowledged these historic rights to the enjoyment of property and the right to not be deprived of it or any other freedom except by due process of law.

Now, the need for an exception like this for property is as obvious as it is with personal freedom. The government needs to be able to take away the freedom of convicted criminals, for example, and sometimes needs to expropriate property for projects deemed essential for the common good like a public roadway or a water reservoir. However, over the past several years we have seen this government take incremental steps to infringe upon these rights by creating legislation that removes the due process law provision. Put simply, while the criminal is entitled to his day in court, the government can write the laws in such a way that landowners are not.

In the last few years bills like 19, 24, 36, and 50 have become notorious for the controversy that they have sparked with regard to property rights. Each of the opposition parties has echoed the assertions of various property rights experts that these bills represent an unprecedented undermining of the rights of landowners. Every single one of these pieces of legislation sought to take away the checks and balances in our system and give the decision-making authority on the individual's property to cabinet. Further, each took away the opportunity from landowners to challenge these acquisitions, to seek full compensation in a fair and timely manner, now without recourse to the courts.

What this means is that people owning land or running a business on their land cannot be sure that when the next land-use

framework or the next declaration for a power line comes out, their livelihoods won't be ruined without any hope for full compensation and that whether they are in the minister's favour or not might decide their fate. It isn't hard to argue that in respect to property rights Alberta has stepped back three centuries, and landowners are subject to the benevolence of cabinet. It is these types of laws that infringe on the liberty and the freedom of all Albertans and hurt the reputation of our province as being home to a free and democratic society.

[The Deputy Speaker in the chair]

Mr. Speaker, just listen to the pieces of legislation that were passed that directly infringe on the property rights of Albertans. The passing of Bill 19 let the Minister of Infrastructure freeze development on your land indefinitely with no compensation if he thought there might be a project there in the future. I am going to say that again for emphasis. Bill 19 allowed a member of this cabinet to decide that an Albertan can't even build a shed on his land indefinitely without having to go through full compensation for them.

There were many other serious problems that the government finally amended last fall, but it's outrageous that it took two years of mounting political pressure to undo problems that should never have been allowed in the first place. That's what the Bill of Rights is for, so that individuals don't have to always rely on the vigilance of the majority to ensure that no unjust laws are passed. Mr. Speaker, this was just the first piece of legislation that Alberta landowners needed to worry about.

Bill 24 hands ownership of the pore space under their land right over to the Energy minister so that he now has the power to let companies store CO₂ under their land without needing to compensate them or even ask. It is offensive enough that the government is spending almost \$2 billion of taxpayers' money on unproven technology, but it is even worse that they are asking Albertans to allow carbon to be stored under their land without being fairly compensated.

Bill 36 gives the Sustainable Resource Development minister the power to revoke water licences, mineral leases, development permits, et cetera, with no guarantees of adequate compensation. It also gives him the power to tell municipalities that they will have to pass all kinds of bylaws that coincide with his grand plan for their region. This type of centralized decision-making has made it extremely difficult for landowners to invest in their property with any sort of confidence and has played a heavy hand with our municipalities, forcing them to coincide with the provincial government's plan.

Last and perhaps not least, one of the most offensive pieces of legislation that is on the books is Bill 50, which gave cabinet the power to declare a series of enormous power lines critical infrastructure, thereby enabling them to skip the independent needs assessment and begin running these monstrosities over land without even having proven that we need them.

Even after the prairie firestorm told this government to immediately repeal these pieces of legislation, this government continued to stubbornly insist there wasn't a problem. Now, I believe that most of the people who voted for these bills and who stuck with the government line about the ministerial powers being necessary did so because they genuinely trust their government to do the right thing. Maybe they even trust the minister much more than they trust a judge. But you don't write laws that give the government this kind of power just because you like government. Even here in Alberta Premiers are forced out, and even if the same party is in power for 20 or 40 years, it changes from within and not usually for the better.

3:20

Bill 201 adds a clause to the Alberta Bill of Rights to ensure that the government cannot again create legislation that makes an Albertan's right to due process of law void. It ensures that all legislation includes full, fair, and timely compensation for those affected by government legislation and recourse to the courts to determine compensation when someone feels that the government is unfair. Why do we need any courts? If we listen to the Premier and cabinet, they declare that they will put the interest of Albertans first. This is nonsensical. It's ridiculous.

These are straightforward requirements that even the government members have been extolling, especially last year when amending Bill 19. They will also, I believe, help preserve the spirit of the Bill of Rights and its attempt to protect property. The argument that the government will make, in private if not in public, will be that this creates roadblocks to implementing policies and plans or that we cannot afford full compensation for the land and property that we're taking.

Well, here's what Premier Peter Lougheed said about the elements of the Bill of Rights, including property, when he was arguing for it back on May 15, 1972.

It's certainly [not going to be convenient] for government. Every minister and every department, I know, already is concerned with it. But these reasons are the very reasons why I feel so strongly we should propose it. Because in this modern day, and in our society today in Canada, almost every facet of our life seems to be involved with government law or government regulation, so the rights of the individual needs protection from the power of the state. And the basic philosophy that I have, as a Conservative and as a Legislator is to assure that those rights of the individual – those six rights of Bill No. 1 – are protected.

As we look around the world over the last 100 years, it's still true today. The places with the most centralized power are the poorest, have the biggest environmental problems, and have the fewest freedoms for their citizens. By passing this amendment, hopefully we will not need another prairie uprising to stop encroaching bills because they are not going to be passed in the first place.

Mr. Speaker, the purpose of Bill 201 is to entrench the pillars of a free and democratic society that enjoys peace and prosperity. Let's make sure we entrench property rights into the Bill of Rights. Never in Alberta's history has it been more needed than today.

Thank you.

The Deputy Speaker: Any other hon. member? The hon. Member for Edmonton-Riverview on the bill.

Dr. Taft: On the bill, yes. Thank you, Mr. Speaker. I believe I have 10 minutes. Is that correct?

The Deputy Speaker: Yes, 10 minutes.

Dr. Taft: Okay. Well, I was interested in the comments from the Member for Calgary-Glenmore, and actually I find this an interesting bill that upon initial reading I am inclined to support. It seems to make sense, but as I think about it, I do have some questions and some issues. I think it's worth starting by reflecting on the Bill of Rights itself, Mr. Speaker, to which this proposed Bill 201 would be an amendment. Bill 201, which we're debating right now, proposes to amend the Bill of Rights, so I think we need to of course look at the initial Bill of Rights.

I might stand to be corrected on this, but I believe the Bill of Rights in Alberta might have been the very, very, very first bill

introduced by this government in probably the fall of 1972. I think that was a visionary step, a bold step, and I must reflect on how visions have gotten smaller and smaller as we watch the nature of flagship bills in subsequent governments.

Anyway, this Bill 201 proposes to add another section to the existing Bill of Rights, and it would amend section 1. I think it's worth reading section 1 of the existing Bill of Rights into the record so that we know what we're amending. It reads as follows, Mr. Speaker:

1 It is hereby recognized and declared that in Alberta there exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely:

- (a) the right of the individual to liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;
- (c) freedom of religion;
- (d) freedom of speech;
- (e) freedom of assembly and association;
- (f) freedom of the press.

That is the full extent of section 1.

Now, this Bill 201 would add a significant further paragraph. I'm wondering as I stand here – and I would put this question to the Member for Calgary-Glenmore or one of his colleagues – given that the existing Bill of Rights already makes it clear under 1(a) that “the right of the individual to liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law,” then what does this Bill 201 add to that? Perhaps a bit of clarity, Mr. Speaker? Perhaps a little bit more detail?

I suppose that Bill 201, as we're debating it today, would take the phrase “due process of law” which is in the existing Bill of Rights and expand it, and it would describe what that due process might entail. So what I'm interpreting here, Mr. Speaker, to quote Bill 201, is that it would entail “full, fair and timely compensation” and “right of recourse to the courts to determine the compensation payable.”

I suppose that makes some sense, Mr. Speaker. It's taking a fairly general statement in the existing Bill of Rights, and it's making it more specific. As I look at the existing Bill of Rights, I don't believe that that level of detail would be covered anywhere else, so that does make some sense to me. I'm ambivalent about overreaching, as I would say, property rights into things like, say, bills of rights, which can be taken to court or can be used or abused.

I think the obvious example that the Member for Calgary-Glenmore anticipated is that if the public interest requires something to be built – a roadway, a reservoir, whatever it might be – we can't hold the public interest entirely to ransom because one landowner maybe doesn't want to sell their two acres of land. That doesn't make sense. I'm concerned that we don't set up a system where the right to property could be abused.

I also think it opens up other debates which would be very lively in here such as the right to bear arms, which I personally don't regard as a right but other people in this Assembly, I'm speculating, would. So is that a right, or is it a privilege? Is a gun a piece of property? Sure. Therefore, if we entrench property rights, are we entrenching the right to bear arms? That's the kind of Pandora's box that I worry about when we bring forward a piece of legislation like this.

On the other hand, I'm going to tell a brief account of an experience in my constituency and in the constituency of Edmonton-Strathcona with the extraordinary right that universities

had to expropriate land. In this case it's the University of Alberta, which is in my constituency. In the 1960s the University of Alberta effectively expropriated an entire neighbourhood, insisting that they needed the land and all of the buildings on it to expand because they were expanding so quickly, so many families ended up being effectively forced out of their family homes to make way for the university's expansion.

Not three weeks ago I was talking to a man, who is now a senior partner in a major law firm, and his family home was one of those that was expropriated in the 1960s by the University of Alberta. What he told me, with some bitterness in his voice, is that the university, having expropriated their family home because they urgently needed the land, never did anything, and his family home still stands there. His family was pushed out, without wanting to be, on a supposed urgent need that was never fulfilled. Forty years later his family home is still intact and used as some kind of secondary office space for the university.

3:30

There's no question that governments and public bodies can overstep reasonable bounds when it comes to expropriation. My understanding of the compensation offers from the university in the 1960s is that they were well below market value. Some of the people ended up selling their family homes below market value, not realizing that perhaps they could have taken a tougher stand.

This is a complicated issue. I think about municipal controls. What is a reasonable enjoyment by my neighbour of his property? If he wants to build a disco next door, I'm not so keen on him enjoying that. But if he has unfettered property rights, can the municipality stop him? Are we running the risk of zoning laws getting challenged? Is this the kind of thing that could end up in the Supreme Court and cause a huge series of repercussions? I would hope not.

I think we need to go and look at the roots of this bill, which, as the Member for Calgary-Glenmore put it, are essentially bills 36, 19, and 50, the ramming through of transmission lines, and the cause of that problem is pretty clearly the drastically mistaken decision taken some 12 or 14 years ago now to deregulate Alberta's electricity system. One of the effects of deregulation is that transmission capacity has to be vastly overbuilt. It used to be, Mr. Speaker, that the same companies that built the power plants built and owned the transmission and distribution lines, so they would only build sufficient transmission capacity to fit with that.

Mr. Speaker, it sounds like I'm out of time. Thank you.

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

Mr. Olson: Thank you, Mr. Speaker. It's a privilege to be able to say a few words today about Bill 201, the Alberta Bill of Rights (Property Rights Protection) Amendment Act, 2012. I want to thank the hon. member for bringing this important matter forward for debate, and I appreciate having the opportunity to discuss it here. I also want to acknowledge the comments of the Member for Edmonton-Riverview because he very eloquently said a number of the things that I wanted to say.

I don't think there's any doubt that every member of this House supports the idea that property rights are vital to Albertans. It's one of the most important things that we can think of. That's why we have an Alberta Bill of Rights, and that's why that Alberta Bill of Rights does acknowledge the need to protect property rights.

We live in a complicated, complex world. The Speaker earlier on today mentioned the fact that a number of us were first elected almost exactly four years ago. I was one of those people. When I

reflect back on why I decided to run, one of the things that I heard very often in speaking to people in my constituency and in my former life as a small-town lawyer was their concern about the pressure on Alberta in terms of our rapid growth. We are blessed; we are very lucky to live in a place in the world that has so many natural resources, so many natural assets, but it is a challenge to manage those assets. What I heard over and over again from many clients, many constituents was the need for a plan. We need to manage the growth of the province.

I support the idea of planning, of having a framework, an infrastructure. For that reason I support a lot of the legislative initiatives that have been taken in the time that I've been here. But as I say, it's a complex world, and we need to always be conscious of the need to balance the public interest against private interests. I think that this government has been very deliberate about that. We've done our best to pay attention to the need for planning while at the same time paying attention to the need to protect private interests.

Albertans have been very vocal on this issue, and they have had a lot to say. As you know, Mr. Speaker, our Premier created a Property Rights Task Force to go out and listen to the concerns of Albertans. I was on that task force. Our marching orders were to listen, and I'm quite proud of the work that was done by that task force because we listened and we heard a lot of good things.

It is true, as the hon. member has suggested, that there were a number of people out there who said: scrap these bills. Four bills are mentioned quite often, and one of the problems that I have with scrapping the bills is that it doesn't address the issues that we in Alberta have to deal with in terms of managing and planning our growth. There's a lot of very good material in that legislation.

Mr. Speaker, I'm a rural landowner. I live on land that my grandparents homesteaded a hundred years ago. I'm a mines and minerals owner. So I understand the concerns that are expressed, yet I believe that this government has done a very good job in balancing all of these interests. The Premier has responded to the concerns that have been expressed; it's in a report that has been made public. There is a response to that report. In fact, there is legislation in the form of Bill 6, which addresses many of those concerns.

Even though I appreciate the intent of this legislation, the hon. member's bill, I believe that Bill 6 – and I know we're not debating Bill 6 here today; we're debating Bill 201 – does what the hon. member wants to see done and even goes further. It underscores the importance of the Expropriation Act, and the Expropriation Act remains in play. It underscores the right that a person has to have an independent tribunal, a court, adjudicate on their concerns.

In fact, it even goes further and creates a property rights advocate. That advocate will actually be a part of what my department is responsible for moving forward. I very much look forward to the development of this office, and I think this is going to be a great asset. Much in the way that the Farmers' Advocate for many years has been a great asset for farmers, this property rights advocate will be somebody who can listen to concerns of Albertans, report to the Legislature, and make recommendations and suggestions and explain. One of the things that we heard on the tour of the Property Rights Task Force was that people found laws confusing and that they needed somebody to help cut through some of the complexity. That's going to be, I think, one of the great benefits of the property rights advocate.

Once again, I applaud the hon. member for his intention to emphasize the importance of property rights to Albertans, but with great respect I believe we have a Bill of Rights in place that

already does that, and we have a Bill 6 that is going to go even beyond what the hon. member is proposing.

Thank you, Mr. Speaker.

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

Mrs. Forsyth: Yes. Thank you, Mr. Speaker. I'm pleased to support my caucus colleague's bill, the property rights protection amendment to the Alberta Bill of Rights. The Member for Calgary-Glenmore has worked long and hard for the rights of Albertans. As a farmer and a rancher he knows full well about the importance of property rights. I'm proud, quite frankly, to be a landowner in Alberta, and I'm concerned about the government's record in the last few years in regard to property rights.

3:40

I support this bill, Mr. Speaker, because it is doing what should have been done a long time ago, and that is very simple. It's protecting people's rights to the courts when their land is at risk. The basics of this bill are very simple. If the government passes a law that enables it to take your land or other property, you must get full, fair, and timely compensation for it. If you're not happy with the decision, you have the right to go to the court system. To the average Albertan – and this is the average Albertan – this makes perfect sense. Of course, if someone wants to take your land, they should pay you full price. If you feel like you weren't treated fairly, you can go to the courts.

Well, quite frankly, things are a little different here in Alberta. We have to pass this private bill because the government isn't doing its job. Worse, they're the same group that is causing the problem. Now, you want to ask: how are they causing the problem? They're passing bills that put cabinet before everyone else. I believe that we as members are elected to represent, quite frankly, our constituents' views. But I believe in checks, and I believe in balances; that's what the courts are for. The bills that they have passed in the last few years – and I mean the government – including Bill 24, Bill 36, and Bill 50, put cabinet ahead of everyone else.

Now, I know my constituents in Calgary-Fish Creek don't like that, and quite frankly neither do I. It's sad that the issue of property rights seems distant and remote because for me it's very real. As I said earlier, Mr. Speaker, I own land in Alberta, and I'm very proud of the land that we own in Alberta. This isn't just about land owned by ranchers and land owned by farmers; it's that every homeowner has a stake in this issue. The new power lines that are going through Sherwood Park are going right over an elementary school.

There is an even bigger picture here, and it's not about land, it's about civil rights. It's about your rights as a human being in Alberta. What if one day cabinet decides that you don't get recourse to the courts on free speech? The reasons given by this government, quite frankly, aren't good enough. They just want projects to move faster. It's about convenience. It's like driving through McDonald's drive-through. Well, Mr. Speaker, the Bill of Rights is there as a check on a government tempted to pass laws that make things easier for them at the expense of individuals' rights.

Here's what Premier Lougheed, someone I still admire to this day, said about it here in the House when he was introducing it back on May 15, 1972. "The Alberta Bill of Rights restricts the power of the Legislature, in terms of imposing upon individual rights and freedoms . . . It establishes a procedure that restrains government from attempting to deprive persons of fundamental

rights.” Government should do something because it’s the right thing to do, quite frankly, not because it makes their job easier.

Mr. Speaker, we’ve got an election coming up soon. It’s kind of like the fixed election date. I love that bill. The only one who knows when the election is is the government, yet they want to call it the fixed election date. It would be a lot easier to be in government with all of those pesky elections that keep coming up. The Premier, as I said, promised fixed election dates. Yeah. We got a fixed election period instead. Quite frankly, as my constituents have told me at the doors as I’ve been door-knocking, it’s a pathetic decision. It insults the intelligence of Albertans.

Every time the government gets caught doing a poor job of governing, they say the same thing: trust us. Well, Mr. Speaker, trust is earned. It’s based on the past, and it’s based on relationships. You can’t have a relationship with someone that never listens, tells you you’re wrong, and pretends they were right all along when they’ve changed their mind. It’s a recipe for disaster, and that’s exactly what we’ve had over the last few years. Look at the changes in the royalty rates in the oil and gas sector. The government was warned about what would happen if they made drastic decisions. Did they listen? No. They thought they had all the answers. Any criticism was wrong, and it was sour grapes. But you know what? They went ahead and did it anyhow, and we all know what happened. The oil and gas sector fired thousands of people. The government made change after change until it was back the way it was before. Did the government at any point take responsibility? Now, that’s a good word, Mr. Speaker, responsibility. Did they ever say that they made a mistake and why it happened? Another good point. No, never. No lesson was ever learned.

The government then decided to make changes to the way land was managed and power lines were constructed in Alberta. Did they listen? No. Just the same as always. Again concerned citizens brought legitimate criticisms to the government. Again the government said: “You’re wrong, Albertans. The critics are wrong. It’s just sour grapes. You’re being afraid.” Like a stubborn mule this government dug in its heels for years, but eventually the truth won out. The government started backtracking, making changes and amendments piece by piece. It was quite a sight to see, Mr. Speaker. For years people like Keith Wilson had been called a liar and a fearmongerer for explaining about the government’s own lands. Boy, did the government ever change its tune.

Why didn’t the government get it right and make sure the laws were sound? Because, quite frankly, that’s not how they operate. Listening is not what they do; that’s what Albertans are supposed to do. It wasn’t the government that didn’t understand; it was the average Albertan. The government wasn’t wrong; you, the people, were. Well, I have a little more faith in the average Albertan than I do, quite frankly, in the government. That’s why we need this bill, to keep the government accountable. I say that I’m accountable because I listen to my constituents, and as the health critic I listen to the doctors and people in the health care profession. You know what? Because I’ve learned why I have two ears and one mouth, I have finally figured out what the priorities are for Albertans.

Mr. Speaker, governments that don’t listen don’t last. I hope that this government listens to the merits of this bill from my hon. colleague and sees the right arguments at the right time, and I hope they pass Bill 201.

Thank you.

The Deputy Speaker: The hon. Member for Innisfail-Sylvan Lake on the bill.

Mr. Ouellette: Well, thank you, Mr. Speaker. It’s a privilege for me to rise today in this Assembly to speak to Bill 201, brought forward by the hon. Member for Calgary-Glenmore. I think I want to start out by saying that I think Alberta is the very best province to live in, to raise your family in, to work in, and to play in. Unlike the hon. member that just spoke, I absolutely believe that this is the best province and that everything positive has been happening in this province. That’s why we’re the envy of the rest of the provinces and possibly the world. That’s why we have a low unemployment rate, and we’re going to at one point in time here very shortly be short of a lot of people to fill the jobs that are available in Alberta.

Mr. Speaker, I own land in the province of Alberta and probably will buy more because I honestly believe that I’m fully protected to own land in this province without changing anything. She was mentioning about years of all things happening, when a small two years ago she sat on this side of the House. I have to say that it’s very, very easy for someone to say that there’s a lawyer that’s running around the province and really telling people that they’re not protected. When people pay somebody, they manage to go out and do a job, but it doesn’t mean that their opinion is right. Probably with every single bill in this Legislature, if you have two lawyers, you’ll have two opinions. There’s nobody to say whose opinion is right in this case, when you’re standing in a town hall and there’s only one lawyer and no judge.

3:50

Do we think Keith Wilson is right? I don’t, but some people do. Mr. Speaker, I have to say that we don’t have to be redundant and keep putting in more and more and changing a Bill of Rights that has been in place since, I think the hon. member over there said, 1972 and that seems to serve this province very, very well.

Mr. Speaker, I ran in politics to make sure that everyone could have the same opportunities that I had. When my children were born, I wanted them to have the same opportunities I had when I was born. I’m going to be a grandpa soon. My son and daughter-in-law are going to be having a baby in July, and I hope that that grandchild has the same rights all through its life that I feel I’ve had and the opportunities that I’ve had because I’m an Albertan. I’ve got to say that most of my adult life and all of my business life have been under the Progressive Conservative Party of Alberta, and I’m very, very happy with how this province has been governed.

I believe that now, with the amendments to some of the bills that the hon. member is trying to correct in a different way, we’ve corrected and we have some of the most compensable rights there are anywhere in the country, Mr. Speaker. I think Bill 10 did that.

For those reasons I thank the hon. member for bringing the bill forward. I think he has very, very good intentions by bringing the bill forward, but I believe it’s unneeded. Therefore, I won’t be supporting the bill.

Thank you, Mr. Speaker.

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

Mr. Hehr: Well, thank you very much, Mr. Speaker. It’s a privilege, as always, to rise and speak to any bill in this House. It’s the same with Bill 201, brought forward by my hon. colleague from Calgary-Glenmore.

I guess that to start discussing this bill, we have to sort of know why it’s arrived here on the legislative floor. If we look, we can go back to starting this in about 2006, when the first discussions were happening in front of the Alberta Utilities Commission, where

people were expressing their dissatisfaction with the transmission line process and were having what they assumed was a full and fair hearing in that regard into the siting of our transmission lines, the effects it would have on their land, and whether there were any other ways to go about doing that.

We all know what happened out of that situation. There were allegations made that the government, in fact, had hired a private investigator to go in and look at the process, to try and derail that full and fair hearing that those citizens wanted to have in front of the Alberta Utilities Commission.

We fast-forward a little bit. The government realized: "Oh, my goodness. It is going to be a real difficult thing for us to get through all these transmission lines. Can you imagine us having to have an open and accountable process, where every landowner, every school district, every person who may or may not be affected by these power lines will have a forum to come in and explain how this transmission line is going to affect them?" The government realized this was going to be not only a difficult process but a public relations nightmare for them.

It was with that backdrop that they went on to a series of bills – 19, 24, 36, and 50 – that essentially allowed for the government to make the decisions without this need to go before the Alberta Utilities Commission, the need for a public hearing into the placement of transmission lines and to actually go through a needs-based hearing. It was in this series of bills that a great deal of power was concentrated in cabinet. In the original drafting of those four bills it centralized the decision-making power within I think it's 24 cabinet ministers that now would have the decision-making power over this.

Well, that didn't sit well with Albertans, and even more of a public relations nightmare emerged. People were concerned about this concentration of power. They were concerned over the fact that this was no longer happening in an open fashion. They were concerned about the fact that this government could now make decisions not only about a power line but, in regard to the power line, possibly make a decision about the expropriation of land without due process as well as possible compensation in that process.

I full well admit that there were some politics at play that may or may not have always represented the issue as fair-mindedly as it may be. Nevertheless, that's the backdrop. The government realized that sometimes doing things in an open, accountable way is difficult. But democracy is difficult. It's messy. Sometimes you have to make hard decisions that affect people's lives, and it's not always easy.

I appreciate the hon. Minister of Justice recognizing that there is often a battle between individual rights and the collective good. There is no doubt that governments have to make decisions sometimes in the collective good that affect individuals deeply and irrevocably and can change their interests in a family farm or change their interests in a business that they do. That shouldn't stop governments from doing it, but they should be able to do this in an open, accountable, and transparent fashion. The original drafting of bills 19, 24, 36, and 50 was to allow this to possibly not happen in this fashion.

That's sort of the backdrop. That's why we see before us Bill 201. Property rights, whether they've been protected in this province before through the Bill of Rights, as we heard the hon. Member for Edmonton-Riverview say, or through Bill 10, that the government had, and now with trying to put even more lipstick on a pig with the property rights advocate – all that series of bills is trying to restore what transpired after 2006, when the government tried to do things behind closed doors. But, hey, if we look at this bill, it stems out of that background.

I tend to agree also with the Minister of Justice that the Bill of Rights as it is drafted protects property rights inasmuch as our enjoyment of property. It doesn't say much after that. But with our Expropriation Act, if used correctly and as it's applied to all the instances when governments expropriate land and if the government doesn't go behind closed doors and do things like it was doing in bills 19, 24, 36, and 50, this should be able to be handled through the Expropriation Act.

4:00

I do also recognize the hon. member's intent in this bill and almost even more his nervousness about this government's future course. It shows where he's trying to get this into the Alberta rights act. To be fair, I applaud his efforts to highlight an issue that was very concerning to people, and it still is. It was brought up very vociferously by his party, and I believe they did a good service to the Alberta people by highlighting some of the secrecy that was going on in our transmission process. As for this, I'm not so sure if it is necessary; however, it is a good discussion piece to remind us of how we got here and how we find ourselves debating property rights because of a series of bills that tried to do things behind closed doors.

Thank you very much, Mr. Speaker. I'll allow someone else to take the floor.

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

Mr. Rogers: Thank you, Mr. Speaker. I'm very pleased today to rise and join the debate on Bill 201, the Alberta Bill of Rights (Property Rights Protection) Amendment Act, 2012, brought forward by the hon. Member for Calgary-Glenmore. I'd first like to say that I believe that this is certainly a very good discussion to have. Across this province there is great interest amongst Albertans to ensure that property rights are adequately protected. One thing that I do know for sure is that under this government Albertans' property rights are indeed protected and that our government would never – and I emphasize never – compromise on this fundamental principle.

Private property is at the foundation of our free market economy. It provides the legal certainty that is necessary for individuals to invest their resources, and it provides and enhances confidence in markets. For example, Mr. Speaker, I can't imagine that anyone would invest in something tangible such as land if at any time that tangible asset could be seized by other individuals or, heaven forbid, by the government. That is why one of the most important roles of government is indeed that protection of private property, and this government has a very strong record of promoting and protecting these rights.

Now, looking at the bill being debated today, the right to compensation and access to the courts, according to the author of this bill, would be inserted into the Alberta Bill of Rights. Well, Mr. Speaker, the Alberta Bill of Rights stands alone in Canada as the only piece of legislation that defines certain property rights and that these rights can only be deprived under, and I emphasize again, due process of law. This illustrates the strong value that Albertans place upon property rights and the protection thereof.

Immediately after being sworn into office in September 1971, then Premier Peter Lougheed initiated the drafting of the Alberta Bill of Rights. Mr. Speaker, this was the first Bill 1 under the new PC government at that time in the spring session of the Legislature in 1972. In speaking to second reading of the bill, Premier Lougheed stated:

The Alberta Bill of Rights, proposed before this Legislature, is the first and only provincial bill of its kind in Canada.

He further stated:

What is very significant about this bill, and I think not well understood, is that under The British North America Act, clearly and distinctly, the responsibility for property and civil rights is [indeed] the responsibility of provincial government. And so, in undertaking the course that is implicit in Bill No. 1, this was again Premier Lougheed continuing, we in the government are well aware that we are striking in very new ground with a very important bill.

Mr. Speaker, Premier Lougheed clearly understood that the protection of property was the responsibility of the provincial government, and he took this responsibility very seriously in a way that no other jurisdiction had, and I submit that our government has continued that tradition to this very day.

When the Alberta Bill of Rights was passed, it clearly emphasized property rights. Section 1 of the Bill of Rights states:

1 It is hereby recognized and declared that in Alberta there exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely:

- (a) the right of the individual to liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law.

Now, Premier Lougheed fully understood that it was the responsibility of provincial governments to protect property rights. However, when we look at other jurisdictions, we see that no other Canadian province has gone nearly as far as Alberta in recognizing this provincial responsibility and protecting this fundamental right. So I think we can be very proud, Mr. Speaker, of what we have in this province today.

In looking at the legislation in other provinces, British Columbia, Manitoba, Ontario, P.E.I., and Newfoundland fall short of protecting any basic private property rights. Saskatchewan affirms the legal right to sell real estate. Section 10 of the Saskatchewan Bill of Rights states:

Every person and every class of persons shall enjoy the right to acquire by purchase, to own in fee simple or otherwise, to lease, rent and to occupy any lands, messuages, tenements or hereditaments, corporeal or incorporeal, of every nature and description,

I'm reading the legislation, Mr. Speaker. This isn't my language.

and every estate or interest therein, whether legal or equitable, and probably a good reason why we need lawyers to interpret some of these laws, Mr. Speaker.

without discrimination because of the race, creed, religion, colour or ethnic or national origin of such person or class of persons.

However, Saskatchewan's Bill of Rights lacks any statement referring to the right not to be deprived of property or any provisions to due process.

Legislation in the Maritimes, Mr. Speaker, also provides minimal private property rights.

Quebec's Charter of Human Rights and Freedoms contains a number of statements in regard to private property, but like other provinces they, too, do not go as far as Alberta in recognizing the right not to be deprived of property or contain any provision for due process.

Although the protection of property is clearly the responsibility of provinces across Canada, we see very little property rights protection in provincial legislation.

Bill 201 as proposed would extend what was accomplished in the Bill of Rights to include the rights to "full, fair and timely compensation and . . . recourse to the courts" for when the Crown acquires private property. Currently, Mr. Speaker, the Alberta Bill of Rights does not specify a requirement for just compensation or

for court recourse to determine the compensation payable, nor does any other legislation across Canada specify these rights. However, I would suggest that the fundamental principles of fair compensation and access to the courts are enshrined in numerous other pieces of Alberta legislation that relate to land expropriation for public use. For example, in the land assembly act we see clear provision for fair compensation and access to the courts specified under section 6.

In the Alberta Land Stewardship Act we also see fair compensation and recourse to the courts. In fact, in section 1 of the Alberta Land Stewardship Act the very first statement of the act states:

In carrying out the purposes of this Act as specified in subsection (2), the Government must and I emphasize "must," Mr. Speaker,

respect the property and other rights of individuals and must not infringe on those rights except with due process of law and to the extent necessary for the overall greater public interest.

Further to this, Mr. Speaker, we see the concept of compensable taking being inserted into this act, with compensable taking defined as "the diminution or abrogation of a property right, title or interest giving rise to compensation in law or equity."

4:10

Mr. Speaker, section 19.1 of the Alberta Land Stewardship Act specifies a right to compensation for compensable taking and the process for court recourse. Although the right to compensation and access to the courts is not currently defined in the Alberta Bill of Rights, I believe it is clear that this government has gone above and beyond any other jurisdiction in ensuring that these rights are protected in statute and, in fact, in practice.

I thank the hon. Member for Calgary-Glenmore for introducing this bill, and I look forward to further debate and discussion on this topic, that is so important to many Albertans. While I can appreciate the intent of this bill, I believe that the proposed wording of the Alberta Bill of Rights (Property Rights Protection) Amendment Act would not be of measurable benefit to Albertans and given the work of this government in support of compensation and access to the courts for landowners, I must say, Mr. Speaker, that I will not be supporting this bill.

Thank you.

The Deputy Speaker: Hon. Member for Airdrie-Chestermere, do you wish to join in before I recognize other hon. members?

Mr. Anderson: Thank you, Mr. Speaker. Alberta's Bill of Rights clearly seeks to protect the rights of Albertans to the enjoyment of their property as has been stated earlier. As with all bills of rights, the freedoms enumerated are protected from government actions as much as those from any other person or group.

In the last few years certain bills like 19, 24, 36, and 50 have become notorious for the controversy they have sparked with regard to property rights. Each of the opposition parties agree with various property rights experts who say that these bills represent an unprecedented undermining of the rights of landowners. The government has claimed, first, that there was nothing to these claims. It was a bunch of fearmongering, they said. Then when they realized that these bills were so offensive to the basic rights of Albertans that the opposition was only going to increase until the election, they admitted that there needed to be some changes. So they proceeded to propose bills in each session last year that revised the compensation provisions and scope of two of the main bills, significantly in Bill 19 but not far enough in Bill 36, and we're just hearing that they are essentially going to eliminate Bill

50 but only after ramming through the power lines the bill was created to make sure happen.

Let's be clear. The government would never have touched these bills if it weren't for the advocacy of people like Keith Wilson as well as the political pressure and threat posed by the Wildrose. If there weren't a fledgling party threatening the rural Alberta seats, you can bet this issue would have been ignored. The citizens of Alberta shouldn't have to rely on that kind of coincidence for their rights to be protected. That's the kind of thing a bill of rights is for. It's there to ensure that when government wields its enormous power, individual Albertans aren't unfairly damaged by it, and if they are, they can go to a court to ensure fair compensation.

The question that arises is: if property rights are protected by the Bill of Rights, how are these laws passed in the first place, and why did it require massive political pressure to get them even partially amended? The answer is that the Bill of Rights protects property in the following list of freedoms, one that ends with an important caveat: "the right of the individual to liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law."

Now, it goes without saying that the government needs the power to deprive citizens of their freedoms in certain circumstances, such as in the case of someone who poses a danger to fellow citizens. The hallmark of a free society is that this power to restrict citizens, to take away their rights, is strictly controlled and circumscribed very specifically by laws that respect freedoms. But the shortcoming in this clause has been illuminated by the passing of the controversial bills. All the government needs to do is to write a clause in the legislation stating that it need not fully compensate landowners or that compensation is at the direction of the minister with no right of appeal, and it has satisfied what the Bill of Rights termed due process of law, that requirement that allows the government to deprive Albertans of their property.

Bills 19, 24, 36, and 50 all have versions of this included in their original manifestations. Some have been altered since then. Only in Bill 19, for example, has the sweeping discretion of the minister or cabinet been substantially amended and placed under legislation, in that case under the Expropriation Act. We believe that it was not the original intent of those who drafted the Bill of Rights for Albertans that compensation rights could so easily be compromised by a simple act of the Legislature.

In fact, Premier Lougheed was explicit about this when he brought in the Bill of Rights 40 years ago. He said that the bill was intended to restrain government. It's to empower the courts to stand up for individuals against the government. It's a check on cabinet and the legislation passed by the majority. It was always meant to protect landowners, property owners, from the majority, from the Legislature. That's why we have a Bill of Rights, to protect those groups that can't protect themselves sometimes.

Here's a quote from Premier Lougheed on what the bill is supposed to achieve.

The purpose of the Bill of Rights, therefore, is to say to the courts, "here are the fundamental freedoms we intend to protect; if we haven't done so, then you, the courts, in your interpretation – which is certainly one of the major purposes of our courts – you interpret our laws in that regard."

But as the government has made clear in the last few years, they are perfectly willing to boldly write in clauses that take away the compensation rights of landowners, and without this clause it's too easy to hide behind the due process clause, as we examined earlier.

This bill seeks to make it more difficult for any legislation to undermine the rights of Albertans intentionally or unintentionally by making clear that the due process of law must include

- (a) full, fair and timely compensation; and
- (b) right of recourse to the courts to determine the compensation payable.

The government may have the very best of intentions in granting powers to ministers to adjudicate compensation claims, but we believe that this is not a responsible way to legislate. The simplest reason, that should resonate with all MLAs, is that even if the government of today were indeed utterly fair-minded, those powers will still be in place when a less trustworthy government is in power in the future, which is why we have to protect these rights. This is why the Bill of Rights was created, so that no matter how imperfect the government of the day, whatever their ideology may be, there are protections for individuals for certain basic and fundamental freedoms that will not change with the political winds.

We believe that the right to enjoy property is one of them, and I hope that all the members of this Assembly will support this bill so that there will be much less of a concern in the future about whether legislation fails to ensure that Albertans will have a process available to them to fairly adjudicate their compensation when government decisions cause them a loss of property.

Mr. Speaker, I think that this bill is timely, that it is needed. There is no reason why despite the political differences of the party that this hon. member belongs to and the governing party at this time – they talk about property rights. They talk about how important those property rights are to them. Let's work on this together, make sure that we put this bill forward and agree to it, and pass it so that Albertans can feel safe and secure, as you keep saying that they should feel. If that's the case, then prove it by passing this act and strengthening Alberta's Bill of Rights.

Thank you, Mr. Speaker.

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

Mr. Doerksen: Thank you, Mr. Speaker. I'm pleased to rise today and speak to Bill 201, the Alberta Bill of Rights (Property Rights Protection) Amendment Act, 2012, brought forward by the hon. Member for Calgary-Glenmore. This bill would amend the Alberta Bill of Rights to state that in cases where a law authorizes the Crown to acquire private property, the landowner is entitled to full, fair, and timely compensation and the right of access to the courts to determine the compensation payable.

Although it is a relatively short bill, it raises an issue that is absolutely fundamental in our province, that being property rights. As a landowner, farmer, and rancher the matter of property rights is extremely important to me and to my constituents in Strathmore-Brooks, and I've had many conversations with many of my constituents over the last several years with regard to the matters that were being considered in a whole range of areas and how it would impact property rights and the fact that over the last number of years there has been accelerated discussion with regard to the importance of this whole matter and how it related to a range of legislation and also the ongoing development of our province.

4:20

I would like to thank the hon. member for raising this important topic in the Assembly, providing an opportunity to discuss ways of supporting and protecting this important right. As we all know, the right to enjoyment of property and to not be deprived thereof except by due process of law is enshrined in the Alberta Bill of Rights. This right was established under the leadership of Premier Peter Lougheed in 1972, as a number of our hon. colleagues have mentioned.

In fact, we are one of the very few provinces that actually have this right protected under legislation. Even the Canadian Charter

of Rights and Freedoms doesn't protect this right. As an Albertan I feel fortunate to live in a place where these rights are protected, and I know the importance of having a government in place that takes property rights very seriously.

Our government has recognized that our energy industry will continue to get stronger, and consideration of the estimates with regard to the growth of the province raises the importance of good planning for the future. We have come to accept the fact that Alberta's population will also continue to grow. We've seen rapid growth in this province over the last number of years, and the estimate is that that will continue for years to come. This is a very dynamic and exciting opportunity for our province, and in many ways we're a privileged people to live in a province that is growing so rapidly. Our province has become more diverse and more innovative as newcomers bring fresh perspectives and ideas to our province. As our government has recognized these changes, we have adapted in a responsible way to ensure that we prepare and plan for growth in the province.

Mr. Speaker, I and, I think, our government will be the first to admit that it hasn't been easy developing a legislative framework that finds the balance between supporting property rights, conservation efforts, and infrastructure planning for the future of our province. That has been, really, at the centre of a debate among Albertans for the last number of years.

I recall the dynamic discussion with people in my area, prior to being the Member for Strathmore-Brooks, with regard to decisions and procedures that were in place for planning various kinds of livestock operations and other planning as well and the challenge it was to get approvals. That over a period of time led to, I think, the significance and the importance of planning for the future while balancing the interests of landowners and also conserving important parts of the province that have significance for environmental or conservation reasons.

I think this has been an important and necessary initiative. The growth pressures that Alberta is facing and will face in coming years are complex, and a complex issue such as this requires a thoughtful and broad response that takes into account all of the factors that will play out in our future.

Mr. Speaker, I believe that Bill 201 is not that response. I do not believe that adding several lines to the Alberta Bill of Rights is an answer to the challenges that our province will come up against. I don't see any problem with the bill per se. It sends an important message, that we will protect Albertans' right to compensation and access to the courts, but in actuality these two lines cannot be effective without strong legislation backing them up.

That legislation has already been put in place by government in the form of a number of acts that have strengthened Albertans' property rights while also ensuring that we are able to plan for the future. These acts include the Expropriation Act, the Alberta Land Stewardship Act, and the Land Assembly Project Area Act.

Mr. Speaker, when Albertans raised concerns about some of this new legislation such as the Alberta Land Stewardship Act and the Land Assembly Project Area Act, we responded in a manner that I believe has been effective and really goes further than what is covered in Bill 201. First, we amended both the Alberta Land Stewardship Act and the Alberta Land Assembly Project Area Act to clarify the intention of these pieces of legislation and the rights that they provide to Albertans, including stronger rights to compensation and improved access to the courts.

We also established the Property Rights Task Force, led by the hon. Minister of Environment and Water, to consult with Albertans with regard to what their concerns are and have been with regard to property rights. I was pleased to be a member of that task force and found a very dynamic discussion with

Albertans over the course of the months of January and last December. In fact, some Albertans were concerned that individual property rights were not being protected as diligently as other interests.

With the results of the consultation now available to us, our government is taking further steps to effectively deal with these matters. First, our government has committed to taking steps to improve engagement with Albertans in property rights consultations going forward. We will do so by reviewing our engagement policies and procedures to ensure that they are meaningful and responsive to people's needs.

In addition, we will continue to strengthen landowners' access to compensation by reviewing both the Expropriation Act and the Surface Rights Act and the compensation guidelines that underlie them.

Third, our government will be creating a property rights advocate office, which will help people to determine the appropriate resolution mechanisms to deal with any property issues. This advocate will act as an independent and impartial resource for Albertans to access information and guidance related to property rights. I must say, Mr. Speaker, that at every one of the meetings that I attended, these concerns relating to the type of advocate that is being proposed here were raised by landowners and Albertans. This will include information related to the three very important areas that we're discussing today: compensation, consultation, and access to the courts.

Mr. Speaker, these are just a few of the commitments our government has made to ensure that Albertans' rights are and continue to be secure. For me, these actions and laws are the real meat and potatoes of property rights in our province. Our consultation activities, our legislation and regulations and boards that support them are what really protect Albertans' property rights, and these are important. I'm proud to be part of a government that has shown time and again that we are willing to get out and listen to what Albertans want and need and to take action on their concerns, and we will continue to do that.

Again, for me, these two lines in the Alberta Bill of Rights are an important gesture, but to truly address the issue of property rights and managing our resources for the future, we really do need to look deeper. In light of all the work that government has done to ensure that Albertans' rights to compensation and access to the courts are protected, I will not be supporting this bill. I want to thank the member for bringing it forward.

Certainly, I want to speak, Mr. Speaker, to the importance of clarification with regard to what is intended. I think the discussions that I've had with constituents over the last number of years and particularly the last eight or 10 months have raised the importance with regard to Albertans' understanding of the legalities of the law. [Mr. Doerksen's speaking time expired]

Thank you, Mr. Speaker.

The Deputy Speaker: The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you very much, Mr. Speaker. An honour to rise and speak to this interesting bill, Bill 201, property rights protection, one that raises, I think, some very important issues for all of us as well as Albertans who have paid attention to the issues of the last couple of years. It certainly highlighted for me the difficulty we have in trusting this government. Bill 201 is really trying to address the need for protection of landowner rights and for fair compensation and access to the courts, which is inherent in the Alberta Bill of Rights.

But for a number of reasons – and I'll go into a few of them –

this government has been so negligent in addressing these issues and so parochial and self-serving in its decision-making that many Albertans have come not to believe that there will be an honouring of the spirit of the Alberta Bill of Rights.

4:30

The government has been, I would say, this last couple of years paying the price for three areas of malfeasance: one, the failure to follow due process in some of the policy-making decisions it has made. I would point to Bill 50 as a glaring example of problems in their process, a spying scandal that resulted in an overturning of that whole process, and then a leap to a bill that is very draconian and not seriously accepted by thoughtful Albertans.

The second area of malfeasance is the recurrence of policy based not on evidence and not on public interest but on political advantage. Examples are easy to cite here as well. We've been hearing about them these last few months in this province, with intimidation and bullying of people who disagree with this government, whether it's in the health system, the education system, or elsewhere; illegal donations to this party from municipal and school board sources, other government-funded bodies that are clearly out of line but feeling the effects of a government that cannot be trusted; and the high corporate donations that this party enjoys because they continue to listen not to Albertans and not to respecting the long-term well-being of the province but to thinking more short term and acquiescing, I would say, to the large corporate interests in this province.

There are some serious issues that are inherent in any discussion of human rights and property rights. This government has simply ignored the impact of years of – instead of evidence-based policy-making, we might call it policy-based evidence-making. They like to bring in decisions that support what they want to do, an ideology of, well, if I could say so, continued power. After 41 years they've stopped thinking about the long-term interests of Alberta and Albertans. They've stopped considering individual and community well-being, and they've simply taken onto themselves the right to make decisions without, as I say, expert evidence, meaningful consultation with Albertans, and a view to the long-term interests.

I will say that I don't share the concerns of my colleague for Calgary-Glenmore, who brought the bill forward, about Bill 36. I thought the land-use framework is an important step forward. I supported it. I still think it's an important initiative. We have to get on with planning and conservation and addressing the longer term needs of this province fairly and appropriately for the long-term interests of Alberta, ensuring that we have protected waterways, that we have protected areas for industry but that we also have residential and conservation areas and wildlife habitat that will ensure the long-term well-being of this province.

I don't share the same concerns about Bill 36 that my colleagues do, but Bill 50 is a glaring example of what happens when a government decides it no longer matters about due process or about evidence, evidence of many scientists and many energy producers who have indicated repeatedly that we don't need this much infrastructure, that we don't need the north-south focus, that has been so dominant over the years because of massive coal production. We can produce more power locally with shorter transmission lines, with a backup from other resources, renewables. Natural gas should be a logical transition fuel for us. It's cheaper, it's more environmentally friendly, and it allows more local and regional production and transmission, which would not only be more cost-effective, Mr. Speaker, but more environmentally consistent with what Albertans want.

I'm intrigued by this. I think it's an important recognition that the most fundamental issue that we're dealing with here is trust. This government has lost the trust of Albertans. This is one symptom. We have had to come forward repeatedly and push this government to do the right thing and, if not, now bring forward bills and motions to try to protect the public from a very abusive and manipulative and, I would say, corrupt government, that is using not only public dollars but also corporate dollars to continue at whatever cost to sustain their power in this province.

They're going to have their reckoning, Mr. Speaker. They're going to have their reckoning in the next six weeks. We're going to see some real change in this province. I think Albertans will have a chance to see and hear more about what this government is about, and it's not the long-term public interest but many other interests involved quite apart from the long-term public interest in this administration.

Mr. Speaker, I'm very pleased at this time to support this bill and look forward to further debate on this important principle of public trust and due process for property rights as well as civil rights.

Thank you, Mr. Speaker.

The Deputy Speaker: The hon. Member for Red Deer-North.

Mrs. Jablonski: Thank you, Mr. Speaker. It's a privilege for me to speak today in this Assembly on the subject of Bill 201, the Alberta Bill of Rights (Property Rights Protection) Amendment Act, 2012, being brought forward by the hon. Member for Calgary-Glenmore.

Mr. Speaker, the purpose of this bill would be to amend the Alberta Bill of Rights to supposedly further clarify the rights of property owners. In a democratic and entrepreneurial society the Bill of Rights is a fundamental document in the legal protection of our rights. The Alberta Bill of Rights clearly states that property is one of the human rights and fundamental freedoms which all Albertans are privy to. In section 1 of the act it is written that the individual has the right to enjoyment of property. The act states that a person may not be deprived of their property without the due process of law. This right is fully recognized by the Bill of Rights, and Alberta is rather unique when it comes to such forward-thinking legislation concerning property rights.

The member's bill would add a subsection for the purposes of further clarity, stating the right to timely compensation and access to the courts. The hon. Member for Calgary-Glenmore mentions two of the Cs, yet this government remains committed to all three of the Cs – compensation, access to the courts, and consultation – and we have acted on each of those counts.

Mr. Speaker, we know what the values of Albertans are, and we know of our deep connection to the land. Landowners expect this government to treat them with respect and within the confines of the laws that were designed to protect them. They expect to be consulted on important decisions, and this government has continued to provide them with this. Alberta legislation already requires the government to pay the fair market value price for any such compensation, as we just heard from one of the hon. members of the Assembly.

Albertans continue to have access to the courts, and this right is reflected in several pieces of existing legislation. Albertans are still living in a democratic, free society and are able to pursue their rightful interests in a court of law should it become necessary. In speaking to property rights in Bill 201, I think the hon. member can agree with me that the enjoyment of property is one of the most treasured values of Albertans, and the protection of that right already exists in Alberta legislation.

The objective of the hon. member's bill is to amend the Alberta Bill of Rights to refer to compensation and access to the courts. However, I'm sure that the hon. member would admit that Albertans and landowners, in particular, want also to be consulted on their opinions. This government knows that consultation is a crucial element in policy and legislation development. People want to be assured that government is actively lending an open and responsive ear to their concerns.

Mr. Speaker, a recent sign of this government's commitment to continued consultation with landowners has been the Property Rights Task Force. This government stands by the notion that having this ongoing conversation is important and valuable. This task force recently spent two months gathering ideas, comments, and insights from regular Albertans. It toured across all the regions of this province, visiting many communities. It was met with an outpouring of participation and involvement from those communities. Albertans had the chance to write, e-mail, call, or complete an online survey. The open-house sessions had a very strong turnout of over a thousand people.

The task force delivered its report to government on January 31, and we have taken the time to assess all the comments and suggestions that we've received from the public throughout the last two months. Since Bill 201 claims to be concerned about property rights, I'm certain that the hon. member has reviewed the findings of this important report.

4:40

The task force has heard numerous comments from Albertans, and the results of this consultation with Albertans indicate a focus on four main areas. First and foremost, they indicated that they must be actively consulted about decisions that affect them. A listening exercise such as this task force was a perfect example of how Albertans expect consultations to take place. This government will continue to consult with Albertans in the future.

Albertans want to be reassured that their access to the courts continues to exist whenever they must negotiate actions that affect them. Granted, as we have heard, access to the courts is already protected by several laws, including the Expropriation Act. Mr. Speaker, in cases where use of land is required, Albertans want to be reassured that they will receive appropriate compensation. Again, there are several laws that already exist to provide appropriate compensation for Albertans.

Since Bill 201 professes to further clarify rights, the hon. Member for Calgary-Glenmore ought to be pleased with the clarification on property rights that this debate has produced. I'm pleased to say that this government has acted on all these points.

Finally, Mr. Speaker, Albertans have expressed the need for an advocate to help them navigate through the process of seeking compensation and access to the courts and to advise them on their rights. On February 22 the government introduced legislation that will create a property rights advocate for the province. Bill 6, the Property Rights Advocate Act, supports the government's position that Albertans must have recourse to compensation, access to the courts, and consultation.

This will be a one-stop source for people requiring information and advice and will provide them with the support that they may need to make decisions in their best interests. The advocate will share independent and unbiased information about property rights. It will assist people in exploring the various options available to them in terms of compensation and appeal, and it will help them to identify the appropriate resolution mechanism that best suits their needs. This office will report to the Minister of Justice and Attorney General, and there will also be a requirement to table an annual report in the Legislature every year.

Frankly, Mr. Speaker, the amendment to the Bill of Rights that the hon. member is proposing seems redundant to me given what this government has already accomplished in terms of property rights.

This government is in tune with the values espoused by most people in this province, a deep connection to our land and the prosperity that it brings. This government has set forth a very clear and honest process that protects the property of landowners. There is no ambiguity with these laws, and Albertans' right to the enjoyment of property is already protected in the Alberta Bill of Rights.

Mr. Speaker, for these reasons I will not be supporting this bill. Thank you.

The Deputy Speaker: Hon. Member for Grande Prairie-Smoky, do you wish to join the debate on the bill?

Mr. Knight: Thank you very much, Mr. Speaker. A good conversation and, I think, a good debate relative to an issue, a very serious issue, in fact, facing Albertans. I think that inside of this Assembly sometimes we tend to forget the very solid basic reasons to enact the types of legislation that are being discussed here today and the regulations that follow them. Unfortunately, we tend to try and take political advantage of very, very serious issues that face our province and its citizens.

We need to go back, Mr. Speaker, a moment or at least a year or 10 to kind of get an idea of why this thing started in the first place, how we started, and how we arrived at a situation where a number of Albertans, so many of our colleagues and our constituents, got quite concerned with what it was that this government was doing with respect to what we're now calling property rights but what is really the land and water, what we would consider in many cases to be public.

Mr. Speaker, we had a need, a pressing need, for planning. The province of Alberta was growing more rapidly than any other jurisdiction in the country. We've gained about a million people in a period of time of about a dozen years. In all the time that this growth has been taking place, we've been attempting to deal with this issue: a growing province, expansion of industry, tremendous expansion of industry. In some cases the expansion of industry was taking place so rapidly that our infrastructure, our population, our opportunities for the deployment of capital were really being exceeded by the pace of that growth.

We required access by industry to public land and in certain circumstances, Mr. Speaker, to private land. This brought about a circumstance where we as a government were charged with the responsibility to make sure that as this land base was being more and more pressured, as this activity ramped up, there were opportunities for us to set aside certain areas, to be certain that there was species-at-risk protection for species like caribou and grizzly bear and others. It was a real, pressing, and overriding concern of this government that Albertans were not left in a situation where the federal government, in certain circumstances having overriding opportunities here, would come and make these pieces of legislation for us. We needed to do it, we wanted to do it on behalf of Albertans.

I think that when we come to this kind of new legislation and bring amendments to legislation that we've done, we are going back and we're trying to correct things that we have done, but, Mr. Speaker, I think it comes to a point in time where Albertans really do understand that what we've done here is the best that we can do given the circumstance we're in and given the tools that we have to work with. In my riding today most of the individuals that I speak to with respect to this issue are satisfied that this

government has listened, that this Premier has listened, and that we're going to move forward and totally respect the rights of the individual in this province. The right to court access, the right to compensation: those things were never in question and are not now, and with some of the work that is currently being done, they will not be in the future.

Mr. Speaker, there was an issue brought up about pore space, about the injection of carbon. I would suggest to you that Alberta was one of the very last places, most certainly one of the very last places that has the kind of energy technology and energy industry that we have in the province of Alberta, that doesn't have some sort of legislation that governs pore space ownership. Pore space ownership in almost every jurisdiction that I have had the privilege to visit and talk with relative to this issue: that's been managed many, many years ago. The pore space a mile under your feet, unfortunately, does not in most cases and will not in the province of Alberta belong to any individual. It belongs to the residents, the people of the province of Alberta. I think that is pretty common in other areas.

4:50

Also, there's a discussion, and again I go back to this thing: let's politicize everything. A member has indicated that we were being very – I don't know – aggressive, rude, bullying, overpowering with the idea that we needed to build some transmission infrastructure in this province. Mr. Speaker, I do have to say that in all the period of time that we have worked on that program – and it's been in my case eight years – there has never been, that I'm aware of, on the part of this government, most certainly on the part of the members of this government, any malice with respect to that issue at all. We did what we did with the best interests of this province and the citizens of this province in mind every step of the way.

Mr. Speaker, I will close by saying about the pieces of legislation that we put in place: do they require amendment? Could they be better? Absolutely. Will they be better under this Premier and under this government? Absolutely. They will be. I have to say, as we conclude the discussions that we're going to have here around this new private member's bill on these particular issues around the rights of individual Albertans, that we're already doing it. I'm afraid that as a member of this Legislature I will not be supporting this legislation.

Thank you.

The Deputy Speaker: Hon. Member for Edmonton-Calder, do you wish to speak?

Mr. Elniski: Thank you, Mr. Speaker. It's an honour for me to rise today to speak to Bill 201, the Alberta Bill of Rights (Property Rights Protection) Amendment Act, 2012, brought forward by the hon. Member for Calgary-Glenmore. Bill 201 claims to further clarify the rights of compensation and access to the courts in the case of expropriation as amended by the Alberta Bill of Rights with the following clauses: "full, fair and timely compensation" and the "right of recourse to the courts to determine the compensation payable."

Mr. Speaker, this bill is purported to strengthen property rights, and I believe that it is imperative that we discuss what has already been done in this matter. In November 2011 the Property Rights Task Force was created to consult with and listen to Albertans and to get a better understanding of people's concerns on property rights. As a member of that task force I attended a great number of those meetings, and I determined that in a relatively short time the

task force heard from well over 1,400 Albertans, both online and in person. Participants had the full opportunity to share their opinions in writing through an online survey or to come to one of the open houses. We attended those open houses as an opportunity for us to listen. In addition, two meetings with stakeholders were held in December, and face-to-face sessions were held in January in 10 communities across Alberta to give a good geographic sampling of where people were on this particular issue.

Mr. Speaker, on January 31 the Property Rights Task Force delivered its findings to the government. It was quite clear from that report that Albertans expect careful consideration of their concerns, suggestions, and solutions, which we have done. Furthermore, the viewpoints provided by the people of this province were consistent, and we heard concerns in four key areas. Albertans told us they must be actively consulted about the decisions that affect them. They need to be reassured that they have access to courts and the ability to negotiate or to appeal actions that would affect them and their land. Thirdly, when use of the land is absolutely required, they expect fair and appropriate compensation. Finally, they've asked for an advocate to help them navigate through the process.

These points are something our government has taken very seriously, Mr. Speaker, which is why this past February we introduced Bill 6, the Property Rights Advocate Act. Now, it is my absolute belief and the belief of my other colleagues in this government that the Property Rights Advocate Act is the correct way to go. However, Bill 201, while it is an interesting and useful document, is incomplete, and as a result I will not be supporting this particular bill.

Thank you, sir.

The Deputy Speaker: Any other hon. members wish to speak?

If not, the chair shall now recognize the hon. Member for Calgary-Glenmore to close the debate.

Mr. Hinman: Well, thank you, Mr. Speaker. It has been an enlightening discussion this afternoon. I must say that the government protests far too much for property rights and then says that it's all redundant. When you look at their past actions of the last two or three years, I guess actually going back to our last Premier – he was the one who started the discussions, saying that we needed a new royalty framework and at that time breached the mineral leases in the province, with no respect to those leases that were out there.

In closing, I want to address a few of the points this government has predictably raised as an excuse to defeat this bill to strengthen property rights. The government says that they fixed Bill 19, the Land Assembly Project Area Act. To a large extent that's true. But the purpose of this bill isn't about fixing Bill 19; it's about preventing another Bill 19.

They say that they fixed Bill 36, the Alberta Land Stewardship Act. Well, they did improve it with Bill 10, but they didn't fix it by any means, Mr. Speaker. There was nothing in Bill 10 from last spring that gives the rights or the protections to Alberta farmers and resource holders where the cabinet uses its new draconian powers under section 11 of ALSA to rescind water licences, feedlot and dairy barn approvals, forestry permits, gravel permits, development rights, mineral leases, grazing leases, et cetera.

Yes, property rights were protected, but leases and permits and other things were not. These are forms of property that the government can take with no compensation except what the minister thinks is appropriate. They showed that with LARC, that at any time one of these plans written up by the people – they can

lose their livelihood; they can lose their land – will be made useless, and they have no recourse to the courts for fair compensation.

There is no link between the cabinet's new section 11 powers under ALSA and the Expropriation Act. None. So don't tell us that there's the Expropriation Act that gives recourse to the courts because you just didn't write it into the bill. It circumvents it.

Section 15 of ALSA says that no one can make a claim for compensation to a decision-maker, which the act defines as including the Land Compensation Board. In section 17(4) ALSA trumps all other laws, including the Expropriation Act. Therefore, they have not fixed anything substantial with Bill 10, and we need more to protect Albertans, something solid. The government could still pass laws circumventing the Expropriation Act if they needed to, but they couldn't escape the need to achieve the minimum standard of compensating Albertans for property they take from them.

The other argument I've heard is that the Bill of Rights is good enough as it is. I'll repeat myself. In the last few years the due process of law clause has been openly abused by this government. They simply write in clauses saying that the minister's decisions are government policy, therefore circumventing it, and that's the key. The hon. member talked about the pressing needs for planning, required access, the fear of federal government intrusion, and they talked about the consultation on policy. This is the key issue, Mr. Speaker, and why we need to entrench Bill 201 into the property rights, because when the government passes new policy, it circumvents all of these other rights. It's just wrong.

The Justice minister had the audacity to mention Bill 6, the setting up of a property rights advocate, as if that's an answer to this amendment. Bill 6 basically sets up an ombudsman that will tell Albertans when and why they have no property rights. When the South Saskatchewan plan comes through, this person will have the unenviable job of explaining why, despite the Bill of Rights, they have no recourse to the courts, which has been revoked by ALSA. People don't want an ombudsman. They want property rights. They want a Bill of Rights to help them stand up to the government when they are being trampled on. If the government really cares about this issue, if they really mean it, if they don't want to threaten property rights in Alberta, then they should prove it and support this bill. If they don't, they are showing their true colours. They do not respect property rights. They have no intent to respect property rights.

Most important, Mr. Speaker, Bill 6 has a very slim chance of being passed before the next election is called. Therefore, again, it's just a facade. They're saying: oh, don't worry; Bill 6 is going to do it. But Albertans want and need property rights. It's the future of this province. It's the leg on which prosperity and peace stand, where a draconian government can't come in, take those mineral leases, take water leases, take a feedlot permit, and fail to compensate those individuals fully and properly. We need this amendment. I expect every person who truly believes in property rights to strengthen them by supporting this bill. Anything less than that is, again, pure corruption.

The Deputy Speaker: The chair shall now call the vote.

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

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

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Anderson	Hinman	Swann
Forsyth		

Against the motion:

Amery	Fritz	McQueen
Berger	Goudreau	Mitzel
Bhardwaj	Griffiths	Oberle
Blackett	Groeneveld	Olson
Calahasen	Hancock	Quest
Campbell	Hayden	Rodney
Dallas	Horner	Rogers
Danyluk	Jablonski	VanderBurg
Doerksen	Klimchuk	Vandermeer
Drysdale	Knight	Weadick
Elniski	Lindsay	Woo-Paw

Totals:	For – 4	Against – 33
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[Motion for second reading of Bill 201 lost]

Motions Other than Government Motions

The Deputy Speaker: The hon. Member for Strathcona.

Condominium Reserve Fund Studies

502. Mr. Quest moved:

Be it resolved that the Legislative Assembly urge the government to improve the accuracy of condominium reserve fund assessment studies by setting and implementing standards for persons who conduct such studies at a level appropriate for the complexity of the studies.

Mr. Quest: Thank you, Mr. Speaker. I'm pleased to rise today and open debate on Motion 502. I'm proposing this motion because I believe that protecting owners of condos is of the utmost importance. Motion 502 simply urges the government to set standards for those conducting reserve fund studies on behalf of condominium corporations. I believe that by doing this, the government would decrease the likelihood of condominium owners being faced with unexpected special assessments for emergency repairs.

Ensuring the proper level of expertise for conducting condominium reserve fund studies would help reduce the chance of unexpected special assessments. Potential problems which may be missed by underqualified service providers could be caught earlier, reducing the cost of future repairs. The government, by setting standards for conducting condominium reserve fund studies, would help provide greater certainty to condo owners about the likelihood of unexpected special assessments.

Mr. Speaker, this government has implemented many initiatives, legislation, and programs necessary to protect Alberta's home and condominium owners. For instance, this government put in place the legislative framework in the Condominium Property Act and regulations for the creation and operation of any form of condominium, including residential and commercial. In the year 2000 this government put in place requirements to ensure that all condominium corporations had reserve funds able to cover depreciation of parts of common property which need to be replaced within a 25-year time frame.

This might sound a bit complicated, but in reality the principle behind it is simple. Condominiums age just like cars. You might be advised by an automotive manufacturer that certain parts need to be replaced after a certain number of kilometres or a certain period of time. For condominiums repairing or replacing

something such as an elevator, the carpet in the common areas, or the boiler can also be predicted to a reasonable degree with inspection and with expert knowledge. These predictions help the condominiums plan for these future repairs and replacements both financially and in the ability to plan projects in advance instead of waiting for emergencies to occur. The changes brought in by the government in the year 2000 have brought greater certainty to owners of condominiums about the costs in our province, and that certainly provides young families or individuals buying their own property for the first time a higher level of confidence and ensures that seniors, should they choose to downsize, will not be hit by unexpected costs when on a fixed income.

The certainty that condo owners already enjoy would be improved if the government ensured expert qualifications for conducting condominium reserve fund studies, by potentially catching deteriorating property years earlier than in the current inspection regime, and by properly costing property repairs and estimating replacement timetables. Many other provinces are much more specific about the qualifications of those conducting condominium reserve fund studies than Alberta. Some restrict the service solely to professional engineers. Some include a wide range of potential service providers amongst regulated professions. Still others take a hybrid approach between Alberta's broad allowance for qualified persons to conduct reserve fund studies while also providing specific examples of qualified, regulated professionals. I believe that by setting and implementing standards for those that conduct condominium reserve fund studies at a level appropriate to the task at hand, it would help protect condo owners while allowing those appropriately qualified to work, whether on concrete high-rises or on a community of bungalows in a subdivision.

Mr. Speaker, in the decade since the Condominium Property Act regulations were put in place by the government, the proportion of homes being built as part of a condominium corporation has grown steadily. We attribute this not only to changing consumer preferences driven by cost issues but to the quality of protections Albertans enjoy under the existing act. We certainly must be looking for ways to improve our act and regulations, especially as the proportion of condominiums as part of our housing stock grows. With more condos being built every year, that means the likelihood of inexperienced, unqualified individuals performing condominium reserve fund studies could perhaps be growing as new people are drawn to the industry to service the growing number of condo corporations. Setting concrete standards for those conducting studies would prevent condominium corporations from relying on inexperienced, unqualified individuals through no fault of their own.

Motion 502 builds on the initiatives that this government had already implemented in the year 2000 with the Condominium Property Act and regulations. In my opinion, Motion 502 would enhance current efforts to expand the protection of condominium owners in our province. Whatever the outcome here today, the debate and awareness surrounding this motion will be valuable. I hope the debate will inform current efforts to improve the protection of condo owners.

Mr. Speaker, I believe this government is already doing much to protect condominium owners, but why stop at what we currently do? Condominium special assessments for emergency repairs are still all too common today. To resolve this issue will require leadership, learning from other provinces' best practices that exist, and follow-through from our government. It's impossible to avoid all special assessments for emergency repairs or to account for every eventuality, but that doesn't mean that this issue does not require our ongoing commitment. I urge all hon. members to

follow this debate with interest and consider fully the advantages of making the changes proposed within.

Thank you, Mr. Speaker.

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

Mr. Hinman: Yes. I'd like to thank the hon. member for bringing forward this motion. Once again, we see where this government fails to act to protect people and their property, their condominium being a major asset that for many individuals is their home. They've invested a great deal of their money, hoping that this condominium protection act is going to protect them.

I must say, Mr. Speaker, that as I've been door-knocking this last week, when we were at home, I've been amazed at the number of people that actually talked about the holes and the problems with the Condominium Property Act and that there was very little protection in too many areas, too many holes that are of great concern to those individuals.

I think that this is a very good motion. It's disappointing that a government member even needs to bring a motion like this forward and that there isn't an actual bill coming forward to amend the Condominium Property Act. There are a few areas here that I guess I'd like to address and maybe ask the hon. member about. I've learned quite a bit in the last year about the condominium problems in Calgary and some of the challenges faced by those owners and how they struggle to make these payments on these extraordinary emergencies that need to be upgraded.

5:20

It's interesting. I guess it goes back to the root of one of the problems. Many of these condominium builders – and I shouldn't say many but, I guess, those that aren't doing the industry any favours. There are always a few bad apples in a box, but what do we do to ensure that they get pulled out?

One of the problems that we have is that there's no real assurance when a condominium is built that it really has been built to standards. I mean, an inspector has supposedly been through there, but we don't have the actual architect or the engineer sign off and have his credibility on the line. They don't have to have homeowner's insurance, that often people can get to protect themselves.

There's a lack, Mr. Speaker, in the ability of condominium owners to feel that safeguard, knowing that due diligence has been done, that these buildings are built to spec, and also that they're not deteriorating at a faster rate. This motion, we think, is very pertinent and should be certainly considered by this government by accepting it as we go forward.

Another understanding that I have. I had a realtor approach me last week, and he said that there's a real problem, that they don't have full disclosure before the close on what the problems are in a condominium and on how big the reserve fund is. There are just lots of areas there where it's very difficult to actually get to the actual knowledge or to have them reported during the AGM and to be able to get those notes and know what has been going on in the condo meeting and to know what could be addressed. People kind of have to almost go in and make an offer and do all of that blind until the very end, before that disclosure is there.

This is an area, Mr. Speaker, that is of great concern to many people. Again, not having this information has caused a lot of hardship to a lot of condo owners in the province and just shouldn't need to be. I think this is, like I say, a very straight-forward resolution.

Be it resolved that the Legislative Assembly urge the government to improve the accuracy of condominium reserve

fund assessment studies by setting and implementing standards for persons who conduct such studies at a level appropriate for the complexity of the studies.”

It’s just one of those things where we should have good reports. We should know with accuracy what the problems are and not be where all of a sudden, like I say, someone makes a lifetime investment only to find out that it’s collapsing underneath them.

Again, one of the individuals I spoke to last week bought a condominium for \$390,000. His job has transferred him. He needs to go out to British Columbia. Because of the emergency assessment on his building, the value has depreciated by \$100,000, and he’s not sure he can even get \$290,000. Plus, he’s got a \$30,000 assessment on top of that as the owner. This is just unacceptable. Yet the builder, again, seems to be able to walk away. He’s not bonded. There isn’t any detriment to the builder, and they just slough it off.

I think it’s important that we look at this and other legislation to ensure that those people that are buying condominiums know what they’re getting before they make an offer, that there is full disclosure of the minutes, of what’s going on in the associations’ meetings: what’s in the reserve, what things are deteriorating, and what’s the repair level that is going to need to be addressed?

I would like to support this motion, and I hope that other government members will as well. Perhaps we can at least pass one bit of legislation today that might secure people’s property here in the province of Alberta.

The Deputy Speaker: The hon. minister of advanced education.

Mr. Weadick: Thank you, Mr. Speaker. It’s a pleasure to rise today and speak to Motion 502 as brought forward by the Member for Strathcona, and I would like to thank him for bringing this motion forward.

The purpose of Motion 502 is to encourage the government to set standards for individuals who perform condominium reserve fund studies. It would help ensure that their level of expertise corresponds with the complexity of the study being done. Additionally, this motion will make sure that condominium reserve funds hold enough capital to adequately cover major repairs and replacement of any real and personal property owned by the corporation as well as any common property that is not normally repaired or replaced annually.

Mr. Speaker, reserve fund studies and the funds themselves have been mandatory since the Condominium Property Act and regulations were introduced in 2000 and for very, very good reasons. Before this time many condominiums had rainy-day funds to cover repair costs. However, it was not mandatory. As a result, some condominium boards and owners were left short of capital when it came time to make expensive repairs and replacements. I believe that these reserve funds are vital when it comes to condominium upkeep and consumer protection. In fact, that is why legislation was passed to make this mandatory.

With respect to the reserve fund studies section 38 of the Condominium Property Act 2000 states that

a corporation shall, subject to the regulations, establish and maintain a capital replacement . . . fund to be used to provide sufficient funds that can reasonably be expected to provide for major repairs and replacement[s].

The legislation also set out definitions for qualified persons in relation to reserve fund providers. A qualified person means an individual who, based on reasonable and objective criteria, is knowledgeable with respect to the depreciating property, the operation and maintenance of the depreciating property, the cost of replacement or repairs to the depreciating property.

Mr. Speaker, it should be noted that those are not the only criteria set forth regarding standards for home inspectors in our province. The Fair Trading Act as of September 1, 2011, set forth stricter requirements, and home inspectors must now be licensed by the provincial government. To qualify for a licence, inspectors must have successfully completed training from an educational institution approved by the provincial government and passed a test inspection, or they have to hold a certified master inspector or registered home inspector designation.

Determining the qualifications of home inspectors is not an issue in Alberta alone. For example, Nova Scotia’s condominium property regulations, under section 46 of their Condominium Act, have strict limits as to who is considered qualified to perform a reserve fund study. In fact, in that province the only persons qualified to prepare reserve fund studies were professional engineers licensed to practise in Nova Scotia. As well, they must have experience in costing, cost-flow forecasting, building construction, restoration, and familiarity with condominium legislation. These are relatively strict guidelines, but I think they warrant our attention when determining the direction that we will take as a province with respect to this matter.

Mr. Speaker, Motion 502 suggests that a qualified person should be held to a specific set of standards that are consistent throughout the province. In addition, it proposes the accuracy of the studies by ensuring that the provider is experienced at a level appropriate to the complexity of the study.

I believe these are all very valid points. In fact, prior to being elected, I worked in this field. It can be extremely complicated as you have a variety of types of condominiums. For example, some condominiums will have lands around them. Some of the condominium studies I’ve been associated with include paved parking lots, roadways, street lamps. They include fences and exteriors of buildings, mechanical systems. They may include common properties like entire buildings that are held for common purposes.

Mr. Speaker, the requirements for knowledge, if you’re going to try to determine what the value of the present building is, what the state of all the various systems are, and what it would take to maintain and manage them long term into the future, can be quite complicated. In fact, we used to arrive on-site with a whole group of engineers and experts that could look at various specific things like street lighting or mechanical systems.

I believe that it is very, very important that people, when they invest in a condominium, in their home, maybe the largest investment in their life, have a reason to believe that they understand the condition of that facility and the amount of funding that it will take to manage that facility long term and what the major pieces of work that could happen might be. If you were to move into a facility and then find out that it requires a brand new roof – each unit could be tens of thousands of dollars, Mr. Speaker – if there’s no reserve fund study, you could be left with that cost.

So I’m very pleased today to rise in support of Motion 502. I’d like to thank the Member for Strathcona for bringing it forward. I am pleased to support it. I would ask the other members of the House to support it. I’m interested in sitting down and hearing the remarks of my other hon. colleagues.

Thank you.

5:30

The Deputy Speaker: Is there any other hon. member wishing to speak? The hon. Member for Calgary-Buffalo.

Mr. Hehr: Yes, certainly. Thank you very much, Mr. Speaker. It is a privilege to rise and speak to this very forward-thinking

motion. As the Member of the Legislative Assembly for Calgary-Buffalo I can attest to the fact that many of my constituents live in condos and, in fact, face some of the challenges that this motion seeks to address. I know that many condominiums in my area have had significant things happen or go awry and that it has taken some astute financial planning and some creative financing to get things done.

With a motion like this set up first-hand, having a qualified person to analyze the true needs of what a condo reserve fund should look like and what it should actually be funding and some of the pitfalls and pratfalls that lie ahead for people in these dwellings is very, very important. I can attest to the fact that the condominium movement is just getting started. It is a more efficient, more economically viable, and also an energy efficient use by human beings living in their community. It can provide a lot of those options that people are looking for.

But some of the stories here in Alberta recently of possibly some situations where condominium reserve funds have not been sufficiently funded have caused people great concern. It gives them a great deal of unease when moving into a condominium. What are their liabilities? What are their future outputs? What are they like?

I would be remiss, too, if I didn't take this opportunity to dovetail some of this condominium legislation with some of the proposed stuff that is allegedly coming in next spring's budget under the Minister of Municipal Affairs and his department. I will note that B.C. has had condominium protection legislation since 1997. They have done sufficiently good work there to stem off some of the problems that they've had with rogue developers and things; in particular, with the building envelope and the like. I can attest that people in my community have had cash calls of \$30,000, \$40,000, and upwards of \$100,000 to remain in a condominium. These are people who have oftentimes spent their life savings to move into these places. To have significant condominium deficiencies arise a short time afterwards, within even a 10-year period, appears to me to be something that this government should be moving forward to in a rapid direction, if it shouldn't have been here years before.

It's something I'm looking forward to. I hope it has some teeth in it. I hope it allows for some supports for people who have been dragged under by rogue developers and shoddy construction work. I'm hopeful that the legislation will also address future challenges in this area.

I agree with the motion and will be supporting it. It speaks volumes to the future direction, the way our communities are going to be built and developed.

Thank you very much, Mr. Speaker.

The Deputy Speaker: Hon. members, I have here on my list the hon. members for Calgary-Buffalo, Leduc-Beaumont-Devon, and Calgary-Lougheed. The hon. Member for Calgary-Lougheed, then.

Mr. Rodney: Thank you very much, Mr. Speaker. It's a great pleasure to rise today to speak to Motion 502 as brought forward by the hon. Member for Strathcona. I'd like to personally thank him on behalf of so many people I know who live in condos. This is indeed an honourable member. He's made some great strides in this regard. I'd like to acknowledge him for that.

Now, the motion urges the government to set standards for individuals who perform condominium reserve fund studies. By ensuring that individuals conducting the studies are amply qualified and have the level of expertise and experience appropriate given the complexity of such a study, this motion

suggests that the accuracy of these studies would see significant improvement.

I've actually seen both sides of this equation. Being a condo owner myself, I've been asked to support another \$25,000 for a parkade just because we didn't see it coming. I've also been on the other side, where I've been on a condo board as well. This motion addresses examples exactly like that. It proposes that a qualified person should be held to a set of specific, consistent, and province-wide standards. I know this isn't something that's just local to me or to the condo I've been associated with or to the people in my constituency; it's right across Alberta. That's why this is such an important motion.

In the long run, Mr. Speaker, the goal of the motion is to ensure that the condominium reserve funds hold enough capital to adequately cover major repairs or any replacement of property owned by the corporation and common property that's not replaced or repaired annually. We see a lot of groups getting into trouble because that is not the common practice for a lot of folks.

I would like to address particular circumstances regarding condominiums as well as the current relevant legislation as it pertains to the motion. The Condominium Property Act provides the legislative framework for the creation and operation of both residential and commercial condominiums. The act applies to anyone who develops or owns or manages condominium property, and it outlines basic rules and responsibilities for the condominium corporations. Under the purview of these corporations is the responsibility for reserve fund studies and relevant planning.

This goes back a dozen years. The Condominium Property Act and regulations were implemented back in the year 2000, and reserve fund studies were made mandatory way back then to protect the interests of condo owners. These reserve fund studies are very complex documents. I've seen them. The studies have to include a number of criteria, including an inventory of all the depreciating property that, based on regular usage, might need repairing or replacing within a quarter century; the present condition or state of repair of the depreciating property; an estimate as to when the repairs or replacements may be needed as well as the corresponding estimated costs of these anticipated repairs or replacements based on costs not less than those existing at the time of the report; and finally, the life expectancy of each component of the depreciating property once it's been repaired or replaced.

Now, I can freely admit that, like so many Albertans, I do not feel personally qualified to make these kinds of assessments, and I can understand why the hon. member is proposing that certain parameters are established to protect condo owners from people taking on this important task when they have little or no expertise. But that said, there are certain aspects of the legislation that may have a pitfall or two. It's possible that taking this kind of legislative action might introduce technicalities that work against the system rather than for it by barring potentially qualified and competent individuals from performing reserve fund assessments simply because they lack the official qualifications should the qualifications be defined too restrictively. So that's one thing we have to look out for.

I'd like to explore for the House the ways in which this type of legislation is played out in other jurisdictions which have taken slightly differing approaches to guarding against unqualified persons assuming this responsibility. For example, the Condominium Act of our friends a few provinces to the east, in Ontario, states that it's mandatory that the person conducting a reserve fund study must meet one of the following criteria, and there are a total of five:

1. Members of the Appraisal Institute of Canada [with] the designation of Accredited Appraiser Canadian Institute.
2. Persons who hold a certificate of practice within the meaning of the Architects Act.
3. Members of the Ontario Association of Certified Engineering Technicians and Technologists who are registered as certified engineering technologists under the Ontario Association of Certified Engineering Technicians and Technologists Act, 1998.
4. Members of the Real Estate Institute of Canada holding the designation of certified reserve planner.
5. Persons who hold a certificate of authorization within the meaning of the Professional Engineers Act.

5:40

Mr. Speaker, I think you get the impression. There are actually more qualifying criteria, but in the interests of time I will stop there. As you can see, the point is that while the province of Ontario thought it was appropriate to impose some restrictions on who might qualify to conduct such an assessment, it has included an array of options, making the legislation rather inclusive.

For another example we can look to our neighbouring province immediately to the east. That's, of course, Saskatchewan. Its condo property laws and regulations are found in the Condominium Property Act, that goes back to 1993, and in the condominium property regulations, which are actually a little more recent, 2001. In Saskatchewan a reserve fund study must be conducted annually and include a record of all of the fund's transactions. Moreover, the regulations from 2001 define a qualified person a bit more broadly as an individual who, based on reasonable and objective criteria, is knowledgeable with respect to one of the following:

- (i) components or a particular type of component;
- (ii) the operation and maintenance of components or a particular type of component; and
- (iii) the costs of replacement of or repairs to components or a particular type of component . . .
- (iv) a licensed applied science technologist within the meaning of The Saskatchewan Applied Science Technologists and Technicians Act;
- (v) a member of the Appraisal Institute of Canada holding the designation of Accredited Appraiser Canadian Institute;
- (vi) a person who holds a certificate of practice within the meaning of The Architects Act, 1996;
- (vii) a member of the Real Estate Institute of Canada holding the designation of Certified Reserve Planner; and
- (viii) a licensed professional engineer within the meaning of The Engineering and Geoscience Professions Act.

What's interesting about this, Mr. Speaker, is that while the Saskatchewan government has designated certain professionals as qualified to conduct this study, it has not limited those eligible strictly to professionals. This seems to have circumvented the matter that I raised earlier pertaining to the potential for this legislation to be unnecessarily and, if I may say, harmfully exclusive.

Nova Scotia, the last example, by contrast has gone the other way. Under section 77(4) of their condominium regulations the only persons qualified to prepare reserve-fund studies are professional engineers licensed to practice in Nova Scotia, with experience in costing, cost flow forecasting and building construction and restoration, and familiarity with condominium legislation.

Mr. Speaker, this government believes in supporting the rights of property owners, and it's apparent that condo owner protection could be strengthened in this area. As such, it's possible that this legislation is both useful and necessary. There are a number of variables at work here. I would suggest to colleagues that all factors be considered before deciding whether or not to support Motion 502, but with the intent and the way that we can flesh this out, I encourage all members to support this bill. I thank the hon. member once again for bringing it forward.

Thank you, Mr. Speaker.

The Deputy Speaker: Any other hon. member wish to join the debate on the motion?

Seeing none, the chair shall now recognize the hon. Member for Strathcona to close the debate.

Mr. Quest: Thank you, Mr. Speaker. The goal of Motion 502 is to reduce the number of condominium owners facing emergency special assessments. Unfortunately, this does happen. It's not rampant, but there are many cases where condo corporations have commissioned people that they obviously believe to be fully qualified to do these reserve fund studies but, unfortunately, have found out a few years later that perhaps the people weren't necessarily qualified.

I can think of one example. I believe the special assessment for the condo owners in the project I'm thinking of was \$10,000 a year for three years per unit to do major work on plumbing and on the roof that should have been caught in that reserve fund study.

I think it is important that we narrow the definition of qualified persons that are able to do these studies. Having said that, I appreciate the comments from all of our colleagues here in the House this afternoon, and I urge all hon. members here today to vote in support of this motion.

Thank you, Mr. Speaker.

[Motion Other than Government Motion 502 carried]

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

Mr. Weadick: Thank you. Seeing the hour and the great work we've done today, I would ask that we now adjourn to tomorrow at 1:30.

[Motion carried; the Assembly adjourned at 5:46 p.m. to Tuesday at 1:30 p.m.]

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