



Province of Alberta

The 28th Legislature  
First Session

# Alberta Hansard

Wednesday afternoon, November 7, 2012

Issue 16a

The Honourable Gene Zwozdesky, Speaker

## Legislative Assembly of Alberta The 28th Legislature

First Session

Zwozdesky, Hon. Gene, Edmonton-Mill Creek (PC), Speaker  
Rogers, George, Leduc-Beaumont (PC), Deputy Speaker and Chair of Committees  
Jablonski, Mary Anne, Red Deer-North (PC), Deputy Chair of Committees

Allen, Mike, Fort McMurray-Wood Buffalo (PC)  
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Anderson, Rob, Airdrie (W),  
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Anglin, Joe, Rimbey-Rocky Mountain House-Sundre (W)  
Barnes, Drew, Cypress-Medicine Hat (W)  
Bhardwaj, Naresh, Edmonton-Ellerslie (PC)  
Bhullar, Hon. Manmeet Singh, Calgary-Greenway (PC)  
Bikman, Gary, Cardston-Taber-Warner (W)  
Bilous, Deron, Edmonton-Beverly-Clareview (ND)  
Blakeman, Laurie, Edmonton-Centre (AL),  
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Calahasen, Pearl, Lesser Slave Lake (PC)  
Campbell, Hon. Robin, West Yellowhead (PC),  
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Cao, Wayne C.N., Calgary-Fort (PC)  
Casey, Ron, Banff-Cochrane (PC)  
Cusanelli, Hon. Christine, Calgary-Currie (PC)  
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DeLong, Alana, Calgary-Bow (PC)  
Denis, Hon. Jonathan, QC, Calgary-Acadia (PC),  
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Donovan, Ian, Little Bow (W)  
Dorward, David C., Edmonton-Gold Bar (PC)  
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Eggen, David, Edmonton-Calder (ND),  
New Democrat Opposition Whip  
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Fenske, Jacquie, Fort Saskatchewan-Vegreville (PC)  
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Fox, Rodney M., Lacombe-Ponoka (W)  
Fraser, Rick, Calgary-South East (PC)  
Fritz, Yvonne, Calgary-Cross (PC)  
Goudreau, Hector G., Dunvegan-Central Peace-Notley (PC)  
Griffiths, Hon. Doug, Battle River-Wainwright (PC)  
Hale, Jason W., Strathmore-Brooks (W)  
Hancock, Hon. Dave, QC, Edmonton-Whitemud (PC),  
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Horne, Hon. Fred, Edmonton-Rutherford (PC)  
Horner, Hon. Doug, Spruce Grove-St. Albert (PC)  
Hughes, Hon. Ken, Calgary-West (PC)  
Jansen, Sandra, Calgary-North West (PC)  
Jeneroux, Matt, Edmonton-South West (PC)  
Johnson, Hon. Jeff, Athabasca-Sturgeon-Redwater (PC)  
Johnson, Linda, Calgary-Glenmore (PC)  
Kang, Darshan S., Calgary-McCall (AL),  
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Khan, Hon. Stephen, St. Albert (PC)  
Klimchuk, Hon. Heather, Edmonton-Glenora (PC)  
Kubinec, Maureen, Barrhead-Morinville-Westlock (PC)  
Lemke, Ken, Stony Plain (PC)  
Leskiw, Genia, Bonnyville-Cold Lake (PC)  
Luan, Jason, Calgary-Hawkwood (PC)  
Lukaszuk, Hon. Thomas A., Edmonton-Castle Downs (PC)  
Mason, Brian, Edmonton-Highlands-Norwood (ND),  
Leader of the New Democrat Opposition  
McAllister, Bruce, Chestermere-Rocky View (W),  
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McIver, Hon. Ric, Calgary-Hays (PC),  
Deputy Government House Leader  
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Olesen, Cathy, Sherwood Park (PC)  
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Pastoor, Bridget Brennan, Lethbridge-East (PC)  
Pedersen, Blake, Medicine Hat (W)  
Quadri, Sohail, Edmonton-Mill Woods (PC)  
Quest, Dave, Strathcona-Sherwood Park (PC)  
Redford, Hon. Alison M., QC, Calgary-Elbow (PC),  
Premier  
Rodney, Hon. Dave, Calgary-Lougheed (PC)  
Rowe, Bruce, Olds-Didsbury-Three Hills (W)  
Sandhu, Peter, Edmonton-Manning (PC)  
Sarich, Janice, Edmonton-Decore (PC)  
Saskiw, Shayne, Lac La Biche-St. Paul-Two Hills (W),  
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Smith, Danielle, Highwood (W),  
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Starke, Dr. Richard, Vermilion-Lloydminster (PC)  
Stier, Pat, Livingstone-Macleod (W)  
Strankman, Rick, Drumheller-Stettler (W)  
Swann, Dr. David, Calgary-Mountain View (AL)  
Towle, Kerry, Innisfail-Sylvan Lake (W),  
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Weadick, Hon. Greg, Lethbridge-West (PC)  
Webber, Len, Calgary-Foothills (PC)  
Wilson, Jeff, Calgary-Shaw (W)  
Woo-Paw, Hon. Teresa, Calgary-Northern Hills (PC)  
Xiao, David H., Edmonton-McClung (PC)  
Young, Steve, Edmonton-Riverview (PC),  
Government Whip

### Party standings:

Progressive Conservative: 61

Wildrose: 17

Alberta Liberal: 5

New Democrat: 4

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Liz Sim, Managing Editor of *Alberta Hansard*

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| Manmeet Singh Bhullar | Minister of Service Alberta   |
| Robin Campbell        | Minister of Aboriginal Relations                                      |
| Christine Cusanelli   | Minister of Tourism, Parks and Recreation                             |
| Cal Dallas            | Minister of International and Intergovernmental Relations             |
| Jonathan Denis        | Minister of Justice and Solicitor General                             |
| Wayne Drysdale        | Minister of Infrastructure  |
| Kyle Fawcett          | Associate Minister of Finance   |
| Doug Griffiths        | Minister of Municipal Affairs   |
| Dave Hancock          | Minister of Human Services  |
| Fred Horne            | Minister of Health  |
| Doug Horner           | President of Treasury Board and Minister of Finance                   |
| Ken Hughes            | Minister of Energy  |
| Jeff Johnson          | Minister of Education   |
| Stephen Khan          | Minister of Enterprise and Advanced Education                         |
| Heather Klimchuk      | Minister of Culture   |
| Ric McIver            | Minister of Transportation  |
| Diana McQueen         | Minister of Environment and Sustainable Resource Development          |
| Frank Oberle          | Associate Minister of Services for Persons with Disabilities          |
| Verlyn Olson          | Minister of Agriculture and Rural Development                         |
| Dave Rodney           | Associate Minister of Wellness  |
| Donald Scott          | Associate Minister of Accountability, Transparency and Transformation |
| George VanderBurg     | Associate Minister of Seniors   |
| Greg Weadick          | Associate Minister of Municipal Affairs                               |
| Teresa Woo-Paw        | Associate Minister of International and Intergovernmental Relations   |

**STANDING AND SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY OF ALBERTA**

**Standing Committee on Alberta's Economic Future**

Chair: Mr. Amery  
Deputy Chair: Mr. Bikman

|          |           |
|----------|-----------|
| Bhardwaj | Quadri    |
| Blakeman | Quest     |
| Donovan  | Rogers    |
| Dorward  | Sandhu    |
| Eggen    | Sherman   |
| Fenske   | Smith     |
| Goudreau | Starke    |
| Hehr     | Strankman |
| Jansen   | Towle     |
| Luan     | Young     |
| McDonald | Vacant    |
| Olesen   |           |

**Standing Committee on the Alberta Heritage Savings Trust Fund**

Chair: Mr. Quest  
Deputy Chair: Mrs. Jablonski

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| Anderson |
| Casey    |
| Dorward  |
| Eggen    |
| Kubinec  |
| Sandhu   |
| Sherman  |

**Select Special Conflicts of Interest Act Review Committee**

Chair: Mr. Allen  
Deputy Chair: Mr. Luan

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| Blakeman    |
| Dorward     |
| Fenske      |
| Johnson, L. |
| McDonald    |
| Notley      |
| Saskiw      |
| Wilson      |
| Young       |

**Standing Committee on Families and Communities**

Chair: Ms Pastoor  
Deputy Chair: Mrs. Forsyth

|             |            |
|-------------|------------|
| Allen       | Leskiw     |
| DeLong      | Luan       |
| Fox         | McAllister |
| Fraser      | Notley     |
| Fritz       | Pedersen   |
| Jablonski   | Sarich     |
| Jansen      | Saskiw     |
| Jeneroux    | Swann      |
| Johnson, L. | Wilson     |
| Kang        | Young      |
| Kubinec     | Vacant     |
| Lemke       |            |

**Standing Committee on Legislative Offices**

Chair: Mr. Xiao  
Deputy Chair: Mr. McDonald

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| Bikman   |
| Blakeman |
| Brown    |
| DeLong   |
| Eggen    |
| Leskiw   |
| Quadri   |
| Rogers   |
| Wilson   |

**Special Standing Committee on Members' Services**

Chair: Mr. Zwozdesky  
Deputy Chair: Mr. Young

|           |
|-----------|
| Calahasen |
| Dorward   |
| Forsyth   |
| Goudreau  |
| Jablonski |
| Mason     |
| Quest     |
| Sherman   |
| Smith     |

**Standing Committee on Private Bills**

Chair: Mr. Cao  
Deputy Chair: Ms L. Johnson

|               |           |
|---------------|-----------|
| Barnes        | Notley    |
| Bhardwaj      | Olesen    |
| Brown         | Pastoor   |
| DeLong        | Rowe      |
| Fox           | Sarich    |
| Fritz         | Starke    |
| Goudreau      | Strankman |
| Jeneroux      | Swann     |
| Kennedy-Glans | Webber    |
| Luan          |           |

**Standing Committee on Privileges and Elections, Standing Orders and Printing**

Chair: Dr. Starke  
Deputy Chair: Mr. Lemke

|               |            |
|---------------|------------|
| Allen         | McAllister |
| Amery         | McDonald   |
| Bhardwaj      | Notley     |
| Casey         | Pedersen   |
| Hehr          | Sandhu     |
| Jansen        | Saskiw     |
| Jeneroux      | Towle      |
| Johnson, L.   | Xiao       |
| Kennedy-Glans | Young      |
| Kubinec       |            |

**Standing Committee on Public Accounts**

Chair: Mr. Anderson  
Deputy Chair: Mr. Dorward

|           |         |
|-----------|---------|
| Allen     | Hale    |
| Amery     | Hehr    |
| Anglin    | Kang    |
| Bilous    | Pastoor |
| Calahasen | Quadri  |
| DeLong    | Sarich  |
| Donovan   | Starke  |
| Fenske    | Stier   |
| Fraser    | Webber  |
| Fritz     |         |

**Standing Committee on Resource Stewardship**

Chair: Ms Kennedy-Glans  
Deputy Chair: Mr. Rowe

|           |             |
|-----------|-------------|
| Anderson  | Hehr        |
| Anglin    | Johnson, L. |
| Barnes    | Kubinec     |
| Bilous    | Lemke       |
| Blakeman  | Leskiw      |
| Brown     | Sandhu      |
| Calahasen | Stier       |
| Cao       | Webber      |
| Casey     | Xiao        |
| Fenske    | Young       |
| Fraser    | Vacant      |
| Hale      |             |

## Legislative Assembly of Alberta

1:30 p.m.

Wednesday, November 7, 2012

[The Speaker in the chair]

### Prayers

**The Speaker:** Let us pray. Dear God, as elected members of this Assembly help us to remember that we are but servants gathered here to represent a diversity of people. May the common thoughts that unite us shine brighter than those that divide us. Amen.

Please be seated.

Hon. members, just a brief reminder, if I could have your attention for a moment. Kindly be reminded that because of extremely poor weather conditions today a number of roads are closed and a number of public transit systems have been severely interrupted. As a result, we are three pages short in the number of servants that help us today. Please bear that in mind as you communicate with each other with notes and so on.

Thank you.

### Introduction of Guests

**The Speaker:** The hon. Deputy Premier.

**Mr. Lukaszuk:** Thank you, Mr. Speaker. I, indeed, have the honour of making a very special introduction in our Legislature today. In schools across Alberta this week students are paying tribute to soldiers who have sacrificed so that we can enjoy the freedoms that we enjoy today. The soldiers we recognize are not just grandparents or great-grandparents. For many, like Tim and Sally Goddard, who are seated today in your Speaker's gallery, we are remembering and recognizing sons and daughters.

Mr. and Mrs. Goddard are in Alberta this week to join the students at Captain Nichola Goddard school in Calgary as they recognize their first Remembrance Day service in their new school. The school is named after their daughter, who was killed on May 17, 2006, while serving in Afghanistan. It was my pleasure to meet Mrs. and Mr. Goddard earlier today, hear more amazing stories about their daughter, and learn about the remarkable humanitarian work that these two parents are now doing not only in Afghanistan but throughout the world.

Joining them, Mr. Speaker, in the gallery is Lieutenant-Colonel Bill Fletcher. Lieutenant-Colonel Fletcher currently serves at the western Canadian Army headquarters here in Edmonton, but back in May 2006 he was Captain Nichola Goddard's company commander. For his leadership and bravery during that development he was recognized by the Governor General of Canada with a Star of Military Valour, Canada's second-highest military honour. May I add that only 10 Canadians have been awarded this particular order. This is an award that recognizes valour, courage, selflessness, and devotion to duty in very difficult situations. It is for that valour, that courage, and that devotion from the hundreds of thousands of soldiers who have fought or are fighting for our country that we recognize during Remembrance Day.

I would ask that all members of this Assembly welcome Mrs. and Mr. Goddard and Lieutenant-Colonel Fletcher in our Legislature. I would ask them to rise and receive our welcome. [Standing ovation]

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

**Mr. Quadri:** Thank you very much, Mr. Speaker. It is indeed my honour and pleasure to rise today and introduce to you from Edith

Rogers school 106 very enthusiastic students who are learning about democracy and the Alberta government. They are accompanied by teachers Dave Hunt, Bev Newsham, Marek Ziomko, and Nikki Kaye. I'm sorry if I pronounced your names wrong. They are here to understand and learn about our Legislature, and they will spend all this afternoon here. I would ask them to rise, please, and receive our traditional warm welcome.

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

**Mr. J. Johnson:** Thank you, Mr. Speaker. It gives me great pleasure to introduce an extraordinary Canadian to all members of this House. Lisa Schamehorn Eades is a personal friend, but she's also a personal reminder to me of the burden that our military families carry. Lisa is the widow of Sergeant Shawn Eades, who was killed in action in August 2008 while serving on his third tour of duty in Afghanistan.

Lisa and her husband are reminders of more than just sacrifice. They're reminders of the incredible work our soldiers do for others while they serve so far away. Our soldiers that fought in Afghanistan did more than just fight, Mr. Speaker, they built. They built schools for millions of Afghan children, including millions of girls who had never been allowed to go to school before. Before Canadians got to Afghanistan, there were about a million children in school in Afghanistan and none of them were women, none of them were little girls. Today there are 8 million children in schools, and about a third of those are girls. These soldiers and their families do not just change lives today; they are changing generations.

Mr. Speaker, Remembrance Day is a day to remember the fallen and those who have served our country. But we also need to remember the families like Lisa and her two young daughters, Breanna and Niya, who will wear the Memorial Cross in recognition of their sacrifice during this year's Remembrance Day ceremonies. We need to continue to remember the burden that our military families carry. I'd ask all members of this House to join me in welcoming Lisa with the traditional warm welcome of this Assembly. [Standing ovation]

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

**Mr. Horner:** Thank you, Mr. Speaker. It is an honour for me to introduce to you and through you to the members of the Assembly Ms Heather Smith and Mr. David Harrigan, whom I met with today as part of the ongoing budget consultations. Heather is the president of the United Nurses of Alberta, and David is the director of labour relations. We had a very engaged conversation this morning, and I received some tremendous advice and counsel from these two folks as well as some others. They are seated in the members' gallery this afternoon, and I would ask that you all give them the warm reception of this Assembly.

**The Speaker:** The hon. Member for Lac La Biche-St. Paul-Two Hills.

**Mr. Saskiw:** Thank you, Mr. Speaker. It's my pleasure to rise and introduce to you and through you to all members of the Assembly a constituent of mine, Brenda Bourque-Stratichuk. Brenda is involved in the Métis Nation of Alberta provincially and regionally. She is a vice-president of the region 1 aboriginal business association, chair of the Kids Are Worth It nutritional program, sits on the St. Paul Legal Aid appeals association, and much more. I'd like her to rise at this point in time to receive the traditional warm welcome of this Assembly.

Thank you.

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

**Mr. Luan:** Thank you, Mr. Speaker. It's a great pleasure to rise to introduce to you and through you to the hon. members of this Assembly a very special guest of mine, Mr. Jonathan Dai. He is a prominent scholar, a successful businessman, and a passionate community leader in the Alberta Chinese community. Along with his long list of titles because of his extensive involvement in the community, Mr. Dai is the current president of the Canada-China Council for Cooperation and Development, where he champions the promotion of trade and business relationships between Canada and China. One of the many awards he has received is a citizenship and immigration award in business research and development. Mr. Dai is sitting in the members' gallery, and I would like to ask him to rise and receive the traditional warm welcome from this House.

**1:40**

**The Speaker:** The hon. Member for Barrhead-Morinville-Westlock, followed by Strathmore-Brooks.

**Ms Kubinec:** Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you today to all members of this Assembly two of our province's long-time farmers and constituents of mine. Danny and Elaine Lyons are from Westlock, and they braved those roads. This shows you part of their fortitude. They celebrated the family's Alberta Century farm and ranch award this summer. This means that the Lyons family has continuously farmed in Alberta and have been dedicated contributors to our province's agricultural industry for over 100 years. Danny and Elaine are deeply involved in their community at Hazel Bluff and continue to live and farm on the family's original homestead to this day. Our province is blessed with so many hard-working farm and ranch families. I am proud to be able to welcome Danny and Elaine to the Legislature today. I would ask them to rise and receive the traditional warm welcome and greetings from our Assembly.

**The Speaker:** The hon. Member for Strathmore-Brooks, followed by the Minister of Environment and SRD.

**Mr. Hale:** Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all the members of the House seven board members of the Newell Foundation, who have joined us today all the way from my constituency of Strathmore-Brooks. As I call their names, I would like to ask them to rise: Yoko Fujimoto; Debbie Ackerley; Molly Douglass, who, I may add, was my junior high language arts teacher; Sheila Evans; Ike Schroeder; Barry Morishita; Cathy Stephenson. I would now like to ask the members of this Assembly to give our esteemed guests the traditional warm welcome.

**The Speaker:** The hon. Minister of Environment and Sustainable Resource Development.

**Mrs. McQueen:** Thank you, Mr. Speaker. It's a pleasure for me to rise today to introduce to you and through you to all members of this Assembly two really great guests that we have in the members' gallery. Today I'm proud to say that we have our director of communications in ESRD, Mr. Andy Weiler, here with us and a very special guest that he has with him, his daughter Megan, who is with Andy today on a take your kid to work program. They've had a great day getting back and forth and joining us here at the Legislature and had some extra bonding time as they were travelling from home to here. Please, I would ask them to rise and receive the traditional warm welcome of this Assembly.

## Members' Statements

**The Speaker:** The hon. Member for Chestermere-Rocky View.

### MLA Remuneration

**Mr. McAllister:** Thank you, Mr. Speaker. It is an honour to rise today. I'd like to go back a few years to April of 2008. Premier Stelmach and the Alberta PCs have just won an election. They are riding high. They are on top of the world, feeling so good about themselves, in fact, that their first official act is to go behind closed doors and give themselves a 34 per cent pay increase. I remember that, and I know a lot of Albertans remember that. I would suggest it's a major reason there are 17 Wildrose MLAs over here today.

You think that would have taught them a lesson, but here we are four and a half years later and it's like a rerun. We're watching a bad movie all over again. Until a day or so ago, Mr. Speaker, MLA compensation was roughly \$145,000 a year. Well, now it's \$156,000 a year. PC members say that that's a pay cut. I guess we can figure out why they can't balance the budget.

I ask rhetorically how many of them would be here today if they told their constituents: a vote for me is a vote for another MLA pay raise? It doesn't require an answer. What it shows, though, is that you can change the leader of the party, but you can't change the culture. The Premier came to office promising to deliver change, a different way of governing: more open and transparent, more accountable to Albertans. I'd like to believe that she was sincere, I really would, and she's merely discovering what many Albertans already know, that you can't change the culture.

That's why I'm proudly on this side. I stand with a Wildrose leader and Wildrose MLAs that believe in giving back to Albertans, not taking from them.

Thank you.

### Political Party Fundraising

**Mr. Bilous:** Mr. Speaker, as days go by, Albertans are learning more and more about the PC financing and cheating strategies, especially when it comes to fundraising. First there was the Daryl Katz fiasco and his \$430,000 donation to the PC Party. Then we learned about Joe Lougheed and how he billed the Alberta College of Art and Design \$150,000 for setting up meetings with senior Tory staff and a minister on top of shelling out thousands of dollars' worth of tickets to Tory fundraisers. Now we're learning about a top executive at the Southern Alberta Institute of Technology soliciting political donations for the Tories.

With so much questionable money flowing into the PC's piggy banks, we're demanding answers. This government cannot be trusted to be straight with Albertans when it comes to money and donations. This Premier, when she was the Justice minister, buried efforts to include donations to her party's leadership race in disclosure legislation, so how can Albertans trust her and her government to clean up the financing of politics in this province?

Mr. Speaker, New Democrats have long been the only voice in Alberta demanding a thorough housecleaning. That's why we've called on the Chief Electoral Officer to investigate the Katz donations, and we have just submitted another request, for another investigation into Joe Lougheed's illegal fundraising tactics.

This government needs to take immediate action to prevent another Katz fiasco and to stop Tory influence peddling by making changes to the election financing legislation. New Democrats, like most Albertans, want to see a ban on corporate and union donations. Mr. Speaker, we need strong and principled

election finances legislation. It's the only way to protect our democracy and to finally have a government that cares about the needs of Alberta's middle-class families. How can the Progressive Conservatives call themselves progressive when they continue to fail to be transparent and accountable to all Albertans?

**The Speaker:** The hon. Member for Calgary-North West.

### Captain Nichola Goddard School

**Ms Jansen:** Thank you, Mr. Speaker. Across this great province we have hundreds of schools where excellence in teaching and learning take place. Each of those schools is named by its respective jurisdiction and can reflect a prominent or influential community member or historical figure. We can add Captain Nichola Goddard to that list.

This past August the new Captain Nichola Goddard school in Calgary opened to students. The school was named to honour the life, service, and sacrifice of Captain Nichola Kathleen Sarah Goddard, a devoted Canadian, a leader, a wife, a daughter, a friend, and someone who had an infectious smile that could cheer up anyone anywhere at any time. On May 17, 2006, in Kandahar province, while moving her vehicle to provide better protection for a group of soldiers, Captain Goddard was killed when her vehicle was attacked by the Taliban.

Captain Goddard believed that her service would create opportunities for other people to build a better life, specifically through education, Mr. Speaker, and it has. Our military recognized her leadership and posthumously awarded her the meritorious service medal. Her love of life, learning, and service lives on through several significant honours, including scholarships at the University of Calgary and the University of Prince Edward Island. In recognition of Goddard's heroic service to our country the government of Canada announced that the Canadian Coast Guard would name a new patrol vessel in her memory.

Mr. Speaker, with Remembrance Day approaching, we are honoured, humbled, and proud to have Captain Nichola Goddard's name attached to one of Alberta's schools and equally touched to have her parents, Tim and Sally, in the gallery today. Her name and her legacy are now enshrined in our great province, and she will never be forgotten. [applause]

Thank you.

### Oral Question Period

**The Speaker:** The Leader of Her Majesty's Loyal Opposition.

#### MLA Remuneration

**Ms Smith:** Thank you, Mr. Speaker. Yesterday PC MLAs voted themselves an 8 per cent pay raise for all MLAs. Now, the Deputy Premier issued a press release saying that it was a cut, but it's not; it's a raise. The full package makes us the second-highest paid provincial MLAs in the country. It doesn't really matter how you try to mask it. It's another 8 per cent increase when Alberta is running a \$3 billion deficit. The PC caucus may believe it is a cut. No one else does. It's a raise. Period. I may have missed something, though. Did the Premier campaign on this?

1:50

**The Speaker:** The hon. Deputy Premier.

**Mr. Lukaszuk:** Thank you, Mr. Speaker. Indeed, the Leader of the Opposition has missed, and she has missed a lot. She missed the fact

that this Premier has now eliminated any and all committee pay. She missed the fact that this Premier has eliminated any and all transitional pay. She has also missed the fact that Alberta now is the only province in Canada with no transition pay. She also missed the fact that this Premier eliminated the tax-free allowance. She also misses the fact that this Premier made sure that we don't get a pension plan, and she misses the fact that before the election MLAs were receiving from taxpayers \$170,000. Now they're receiving \$156,000.

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

**Ms Smith:** Thank you, Mr. Speaker. I'd like to teach the Deputy Premier some basic math because they're ignoring that in their lame defence. The transition allowance, committee pay, and tax-free allowances were not part of the package that newly elected MLAs receive. For the last six months, up until Tuesday morning, an MLA made about \$145,000, but by Tuesday afternoon an MLA made more than \$156,000. That's a raise. Why do they defend it?

**Mr. Lukaszuk:** You see, Mr. Speaker, how convoluted they have to get to make this seem confusing. The fact is that it is this Premier that eliminated all those additional benefits as of this election. The fact is that they were receiving from taxpayers \$170,000. The fact is that they are now only receiving \$156,000. Let me tell you one more thing. Also, the fact is that now they have the opportunity to completely opt out from any RRSP if they choose to do so, and I hope that they do.

**Ms Smith:** Well, Mr. Speaker, the PC majority wanted this extra money, and now they have it. They used all kinds of manoeuvres to get it, including renaming the transition allowance a departure allowance. Of course, that didn't work. So now they're renaming a raise by calling it a cut. That won't work either. Is this the sort of thing the Premier was referring to when she talked about raising the bar on accountability?

**Mr. Lukaszuk:** Mr. Speaker, the Leader of the Opposition may want to get as cute with the numbers as she wishes to. The facts are simple: \$170,000 down to \$156,000, no additional pay, no hidden pay, no transition allowance, no pension, transparent, and now an added ability for opposition members, if they choose to do so, to opt out from any and all RRSP contributions.

**Mr. McAllister:** Mr. Speaker, when I got elected in April, I was more than happy to find out our compensation would be roughly \$145,000. Suddenly, in the last day or two, though, it's become \$156,000. Now, I'm no veteran of the intricacies of this Legislature and all the complexities of being an MLA, but I'm pretty sure that 156 is greater than 145, and I'm pretty sure the public gets that, too. Do you understand how the public feels about that, Premier? [interjections]

**Mr. Lukaszuk:** Mr. Speaker, what I know is that the public in the last election voted for a Premier who has undertaken to eliminate committee and no-meet committee pay. [interjections] She has undertaken to eliminate transition pay. They have voted for a Premier who will make sure that Alberta is the only jurisdiction in Canada that doesn't have any transitional allowance. They have voted for a Premier who wanted a very transparent payment method to MLAs, and they voted for a Premier who brought down the pay of all MLAs of this Alberta Legislature from \$170,000 before the election to \$156,000 as of yesterday.

**The Speaker:** Hon. members, the noise level is starting to creep up a little bit. It's reminiscent of the kind of weather we're having out there, not good. Please be reminded that whoever has the floor has the right to speak and be heard.

The hon. member.

**Mr. McAllister:** Thank you, Mr. Speaker. The ripple effect of voting yourself a big raise will be felt across the province. Regular, hard-working Albertans can't do it, unions can't do it, and even though the government is insisting that more money is less money, anyone with a pencil can figure out it isn't. Well, maybe not quite anyone. How will the government spin this 8 per cent raise that it gave itself to the very unions it's trying to negotiate with?

**Mr. Lukaszuk:** Well, it's great that this member is advocating for union raises. We chose not to take a raise. We chose to take a pay cut, and the numbers are very simple.

Let me also add that we have sought the advice of a retired Supreme Court of Canada justice, Justice Major, who reviewed all of the pay of MLAs throughout the country and made his recommendations. His recommendations were significantly richer, which we have not adopted either. As a result, Mr. Speaker, it's as simple as this: from a \$170,000 cost to taxpayers before the election to \$156,000 as of yesterday.

**Mr. McAllister:** Mr. Speaker, the only thing this government needs to cut in addition to the 8 per cent raise is the baloney it dishes out on a daily basis.

Given that doctors have stopped negotiations on a new contract and they're struggling to negotiate a contract with teachers, why doesn't the government understand that an 8 per cent raise for MLAs is a terrible precedent and will make these sensitive contract negotiations more difficult?

**Mr. Lukaszuk:** Mr. Speaker, unlike all the professionals that this member referred to, we are not taking a pension plan either. No, we will not be using this as a guideline for negotiations with other unions because we do not expect other unions to take an 8 per cent cut or from 170 to 156.

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

### Justice System Review

**Ms Smith:** Thank you, Mr. Speaker. We continue to ask for an immediate, third-party investigation into the case of the Airdrie girl and several other cases where delayed prosecutions resulted in dropped charges. Even Theoren Fleury, the former Calgary Flame, himself an abuse victim and now an outspoken advocate for victims, says that the Premier is passing the buck, and he's also called for a full investigation. He says that by the time pedophiles get caught, they typically have over 100 victims, yet the government accuses us of playing politics. Why don't they shut us up by ordering a full independent investigation right now?

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

**Mr. Denis:** Thank you very much, Mr. Speaker. This has been asked and answered several times through the House, and I'll answer it one more time. We will and we have undertaken a full and complete independent investigation. If that investigation at its conclusion indicates that we need an external review, we'll go and look at that. Let's let this process work itself out. Let's not politicize what is a very serious and important issue for all Albertans.

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

**Ms Smith:** Thank you, Mr. Speaker. The government claimed the girl from Airdrie was an isolated case, but we are aware of multiple cases where delays in prosecution have forced judges to dismiss charges, denying victims their day in court. Now, judges call these delays egregious and unacceptable, prejudicial, unexplained, and unjustified. The minister wants to spend months having the department investigate itself. That's another delay. Why not do it properly, completely, and independently right now?

**Mr. Denis:** Mr. Speaker, again, that is exactly what we are doing. It saddens me deeply that the Leader of the Opposition has no respect whatsoever for our judicial process in this province. [interjections]

**Ms Smith:** Mr. Speaker, there's the little girl from Airdrie we learned about last week: no justice for her. The victim of a Calgary gang rape: no justice for her. A Calgary woman who was sexually assaulted in 2003 never had the case go to trial because of delays: no justice for her. [interjections] How many more cases does this government need to see before it finally acts to restore public confidence in our justice system?

**The Speaker:** Hon. members, please. May I ask you, particularly those in the front row here, a couple of you: don't heckle when your own leader is asking a question. Let her get out the question. Okay? Please. It's recorded, and I have several examples. I'll be happy to play them for you.

**Mr. Denis:** Mr. Speaker, for the final time today, Thursday we found out about this issue, and Thursday I ordered the investigation. We are acting. This is a very serious issue, and I thank the member for her concern over this particular issue but also for all sexual assault victims throughout the province.

**The Speaker:** The hon. leader of the Alberta Liberal opposition.

### Child Poverty

**Dr. Sherman:** Thank you, Mr. Speaker. Society is measured by how it treats its weakest members, and I can think of no one weaker than the 70,000 vulnerable Albertan children living in poverty. Speaking of heckling, just yesterday the Finance minister wished the Human Services minister "good luck" in response to a question on funding child poverty. To the Premier. Your government doesn't have a problem using taxpayer money to fund fancy dinners and pensions. Why can't you just spread the luck around to help lift our children out of poverty?

2:00

**Mr. Hancock:** Mr. Speaker, it's not good luck that Alberta children are looking forward to ending poverty; it's good government, good management, and good leadership. Our Premier has made a commitment to the people of Alberta that we will have a poverty reduction strategy. We will help those children get the type of life that they need in this province and the opportunity to participate and the opportunity that we celebrate in this great province.

Now, the Provincial Treasurer said "good luck" in jest yesterday in answer to a question. He actually has wished me good luck many times, and I need good luck because this is not an easy task. This is a very, very important task, and it's one that takes good effort.

**Dr. Sherman:** Mr. Speaker, to these guys it might be a joke, and they can wish each other luck and pat themselves on the back, but Alberta's working families are struggling to put food on the table



and pay the bills and the fees that this government has downloaded onto them.

Given that promises such as the social policy framework and the elimination of child poverty cost real money, not lucky money, to the Minister of Finance: how much luck do our children need to have you fund child poverty reduction?

**Mr. Horner:** Mr. Speaker, it isn't about luck. I will wish all of my colleagues the best of luck in this Assembly to accomplish the tasks that they've set out to do. I have full confidence that this minister is going to be able to do that. I am also going to be very proud to be the Finance minister that helps him do that and to achieve the vision that this Premier has set forward with my colleagues on this side.

**Dr. Sherman:** Mr. Speaker, the better that this government funds child poverty, the luckier our children are going to get. Given that this Premier's promise to end child poverty in five years is so far down on its luck since the Finance minister here wants to play the Grinch by refusing to fund it, to the Premier. Please get up and answer this question. In light of your Finance minister's refusal to fund the ending of child poverty, is this just another broken promise or another flip-flop?

**Ms Redford:** I truly congratulate the hon. member for trying to come up with creative words to ask entertaining questions. At no point, Mr. Speaker, has anyone on this side of the House ever suggested in any way that this government was not prepared to fulfill its commitment to fund our child poverty reduction strategy. If we look across the province with stakeholders on what is happening with respect to consultation to end child poverty, we are doing solid work. This minister is doing solid work. Our Minister of Finance and President of Treasury Board is doing solid work, and we are going to keep our commitment.

### Election Finances Legislation

**Mr. Mason:** Well, there's a first time for everything, Mr. Speaker.

When it comes to election financing, the PCs are serial cheaters. We've seen Tory bagmen entice municipal councils, school boards, Métis settlements, and postsecondary institutions to break the law. When they're caught red-handed, the Chief Electoral Officer refuses to reveal details of the law-breaking. To the Premier: when will this government crack down on the biggest election finance lawbreaker in this province, the Alberta Progressive Conservative Party?

**Mr. Denis:** Mr. Speaker, I thank the hon. Member for Edmonton-Highlands-Norwood for his inquiry about the Election Act. It's interesting because back in May I said that we would be bringing in amendments. Guess what? We are bringing in amendments to deal with the issues that he had raised.

**Mr. Mason:** Oh, well, I'm just so relieved, Mr. Speaker.

Given that yesterday I wrote to the Chief Electoral Officer asking him to investigate an invoice sent to the Alberta College of Art and Design by Tory bagman Joe Loughheed for tickets to a Tory fundraising dinner and given that the same Tory bagman pulled the same stunt with the University of Calgary, when will this PC government take decisive action to stop illegal fundraising activity by the PC Party?

### Speaker's Ruling

#### Questions about Political Party Activity

**The Speaker:** Hon. members, I know it's Wednesday, and I realize that many of you have sat until almost midnight or after

midnight for a few days in a row. I understand that tomorrow is Thursday, and there's going to be a break for a week, but that doesn't mean that we should relax the rules to the point where they can be broken.

Hon. Member for Edmonton-Highlands-Norwood, you know what the rules are concerning questions about party matters. So I would ask you, if you wish to rephrase that question, to please do so.

### Election Finances Legislation

*(continued)*

**Mr. Mason:** Mr. Speaker, I will rephrase this question. The question is: when will the government – the government – who is responsible for enforcing the laws of this province, take decisive action to stop illegal fundraising by a certain unnamed political party?

**Mr. Denis:** Once again, Mr. Speaker, there are very clear rules that this government has established related to conflict of interest, related to lobbying, related to donations. We have a Chief Electoral Officer that's independent.

At the same time, beating that dead horse I've had the last couple of days, I want to quote for this member, so he understands, Dr. Daniel Doz today: I want to be very clear; at no time did Alberta College of Art and Design use public dollars to make donations to a political party or to purchase tickets to political events.

Thank you.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. Given that yet another Tory bagman, a senior executive at the time at the Southern Alberta Institute of Technology, used her work e-mail to illegally solicit political donations from the Alberta College of Art and Design for a Tory fundraiser, will the Premier admit that a pattern of corruption and illegal activity on the part of the PC Party exists and that this government is utterly incapable of fixing the problem?

**The Speaker:** Hon. members, let's move on.

### Justice System Review

*(continued)*

**Mr. Anderson:** Mr. Speaker, we all now know about an Airdrie girl losing her rights to justice because court delays resulted in the case against her accused rapist being dropped. One of the reasons being given to her by the Crown was a shortage of courtroom availability and staffing. This Premier and her minister have repeatedly claimed in this House that this was just one case, an isolated incident. If this is an isolated case, Minister, why yesterday did your internal investigator into this issue tell the *Calgary Herald* that so far this year eight cases in Edmonton and Calgary have been stayed as a result of lengthy court delays? Is that an isolated issue, sir?

**Mr. Denis:** Mr. Speaker, whether it's an isolated issue or not, one occurrence is one too many, and this is something this government takes very, very seriously. As we move on, I would ask this member to join me in supporting the process that we've outlined and waiting for the process to go through so we know exactly what happened so that this may never happen again.

**Mr. Anderson:** This process needs to be greatly expanded. I think we can all see that now. It is clear that our justice system, the one this minister and this Premier are responsible for, is overburdened and unable to keep up, and as a result of that, victims of serious crimes are being revictimized. Isn't it clear to this minister that he is failing to protect Albertans by not ensuring there are enough prosecutors, judges, and courtroom time to deal with dangerous sexual predators, who now think they can get away with anything in this province? Are you going to spend the resources needed to unclog our system and protect Albertans?

**Mr. Denis:** Well, Mr. Speaker, this was an important issue for this government long before this member brought this very important issue to this House. Just this year I've appointed two more Provincial Court judges. Next year I'm appointing additional Provincial Court judges. Last week at the national Justice ministers' meeting in Regina I lobbied Justice Minister Rob Nicholson for more Queen's Bench justices to deal with the growing population and caseload in this province. I hope this member will join me in continuing to push for more judges on the federal level as well.

**Mr. Anderson:** Lobby harder, Minister.

How about this idea, though? Given that the PCs just gave every MLA in this House a raise of \$11,000 per person, why don't we forgo that raise as a group here and instead use that to hire another judge and three Crown prosecutors to deal with violent crimes like the one in Airdrie and actually start spending money on the priorities that will help protect Albertans rather than spending taxpayer money lining the pockets of PC politicians and cronies? How about that for an idea?

**Mr. Lukaszuk:** Mr. Speaker, I have to tell you that I find it almost abhorrent how an issue that is not only important because it pertains to justice but actually pertains to victims that they have chosen to name in this House – how they would politicize that and link that to MLA pay and other political innuendos. Having said that, the Premier and the Minister of Justice have been very clear. One, let's find out what truly happened in those cases, and we shall find that out shortly. If indeed it is believed that there was something wrong, we will bring in outside investigators as required. But let's not forget that this minister and this Premier have been lobbying the federal government for more Court of Queen's Bench judges.

**The Speaker:** The hon. Member for Calgary-Varsity, followed by Rimbey-Rocky Mountain House-Sundre.

2:10

#### Alberta-U.S. Relations

**Ms Kennedy-Glans:** Thank you, Mr. Speaker. It's no secret that what happens in the United States has a significant effect on Alberta's economic interests. I'm concerned, quite frankly, that Alberta's message as a responsible energy producer risks not being heard in many quarters of the United States. My question is to the Minister of International and Intergovernmental Relations. How will he ensure over the next four years that American lawmakers appreciate that there is no better place in the world than Canada to help the United States meet its energy security needs?

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

**Mr. Dallas:** Thank you, Mr. Speaker. Alberta-U.S. relations are absolutely fundamental to the success of our province. Our

Premier has made it a priority to travel to the United States to meet face to face with key decision-makers. One would need to look no further than her historic meeting with the Speaker of the House of Representatives, the chair of the Democratic National Committee, and also key administrative representatives. She's made it very clear to me that the next four years present a tremendous opportunity for Albertans and that our level of engagement in the U.S. and on both sides of the border must increase significantly, and it will.

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

**Ms Kennedy-Glans:** Thank you, Mr. Speaker. My second question is to the same minister. What specific Alberta-U.S. engagement strategies and actions will you promise will be taken to ensure that Alberta's access to U.S. markets remains a priority of this government?

**Mr. Dallas:** Well, Mr. Speaker, it's of critical importance that we continue to work on strategies that eliminate impediments to the more efficient flow of goods and services across borders. We'll work to develop new markets. There remain significant opportunities to expand our share of the U.S. market for a wide variety of commodities, products, and services. While the U.S. is our largest trading partner, we'll be closely watching how the U.S. leadership handles the health of their economy. No doubt this underlines the commitment that we have to diversifying our markets. It's critical to our future.

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

**Ms Kennedy-Glans:** Thank you, Mr. Speaker. My third question is to the Minister of Energy. With the same President and the same Congress in place in the United States, what does he think of the odds of the Keystone XL pipeline being approved and in a timely manner?

**Mr. Hughes:** Well, Mr. Speaker, I remain optimistic about this project. Obviously, the southern leg down to the Gulf coast has already been approved and is under construction. We know that the issues with respect to Nebraska are being addressed by the local processes there. This government, though, will continue to engage with U.S. lawmakers to ensure that they are fully aware of the importance of this pipeline and of the energy security that Alberta and Canada can provide. Canada and Alberta in particular remain the safest, friendliest, most secure source of energy for America.

**The Speaker:** Thank you.

#### Speaker's Ruling Seeking Opinions

**The Speaker:** Let me just point out some things as we go. *Beauchesne* 409, hon. member, would tell you that a question during question period "ought to seek information . . . [but] cannot seek an opinion." Just a reminder.

Let us move ahead. The hon. Member for Rimbey-Rocky Mountain House-Sundre.

#### Rolling Power Outages

**Mr. Anglin:** Thank you, Mr. Speaker. This week we learned from the Market Surveillance Administrator's report that the July 9 brownouts that gouged Albertans were caused by improperly set controls. The report didn't mention or investigate the forced

reduction of electricity imports at precisely the same time, when the system desperately needed only 200 megawatts of electricity to avoid brownouts. Can the minister explain this omission and discrepancy?

**Mr. Hughes:** Well, Mr. Speaker, what the MSA, the Market Surveillance Administrator, found in their purview and in the work they did was that there was no collusion evident on the 9th of July. However, I am still awaiting another report from AESO, the system operator, and I'll look forward to seeing that full report. Like the hon. member opposite, I want to ensure that Albertans continue to have confidence in the electrical system in this province, that when they turn on the lights, the lights go on, and that we continue to have cost-effective electricity throughout this province.

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

**Mr. Anglin:** Thank you, Mr. Speaker. Given that the data indicate that the system operator, in effect, turned off as much as 400 megawatts at precisely a critical time when the system only needed 200 megawatts to avoid brownouts, quoting the minister, was this "an opportunity for a good conspiracy" to curtail electricity imports to manipulate prices, or was this incompetence just part of the systems operator carrying out this government's failed policies?

**Mr. Hughes:** Well, Mr. Speaker, there is plenty of opportunity for conspiracy theories in the world, and this is just another example of one of them. I would say that this hon. member, clearly, I believe, could run the system better, could plan it better, and could build it better than any other Canadian. You know what? That's a big ambition.

I would prefer to listen to the experts who actually are on the front lines every day doing their best to serve the people of Alberta to ensure that they have a robust electrical system in this province.

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

**Mr. Anglin:** Thank you, Mr. Speaker. I can guarantee you that I can run it better than any sitting cabinet minister. Thank you very much.

Will the minister undertake to table and explain to this Assembly why the Market Surveillance Administrator failed to investigate the reduction of imports when the system desperately needed that electricity to avoid brownouts and provide this Assembly with a detailed record of the flow of electricity imports for that day, July 9, 2012?

**Mr. Hughes:** Mr. Speaker, I made the commitment on the 9th of July and on the 10th of July that I wanted to understand what happened that day, as all members of this Legislature would as well. I made a commitment that there would be full disclosure of the results of that review, and I will do that.

**The Speaker:** The hon. Member for Calgary-Hawkwood, followed by Calgary-Buffalo.

### Market Access to China

**Mr. Luan:** Thank you, Mr. Speaker. China has recently emerged as an economic powerhouse in our global economy. As such, many jurisdictions around the world have developed strategies to increase trade with China. To the Associate Minister of International and Intergovernmental Affairs. You mentioned the work that you have started on the Asia Advisory Council earlier this week in the House. What else is Alberta doing to enhance specific trade opportunities with China?

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

**Ms Woo-Paw:** Thank you very much, Mr. Speaker. Indeed, I cannot stress enough to this Assembly the importance of China as a key market for this province. China places a very high priority on fostering close personal relationships with jurisdictions that they enter into business and cultural opportunities with. We have been doing this through direct relationships through successful missions by our Premier and other ministers along with the work of our Alberta offices in Hong Kong, Beijing, Shanghai, and Taipei. In addition, the work of the business community, cultural organizations, and postsecondary institutions has successfully been building dynamic relationships with China in energy, agriculture, science and technology, and culture.

Thank you.

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

**Mr. Luan:** Thank you, Mr. Speaker. To the same associate minister. As you are aware, there are Albertans that currently live here that already have cultural and economic ties with China such as the Chinese Professionals and Entrepreneurs Association and the Canada-China Council for Cooperation and Development, like Mr. Dai I introduced earlier. To those Albertans, some of them living in my riding, what specifically is the government of Alberta going to partake in to take the strengths that they have to advance our interests?

**Ms Woo-Paw:** Well, Mr. Speaker, the member is correct. Local communities and cultural organizations are important ambassadors for our province, building very positive impressions of Alberta and Canada abroad. Our government works to ensure that the voice of Alberta's Chinese community is reflected in our policies, and we work to develop opportunities such as educational and cultural exchanges. We work with the organizations the member mentions in areas such as supporting ongoing missions and incoming visits by Chinese officials and other delegations.

2:20

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

**Mr. Luan:** Thank you, Mr. Speaker. The last supplemental question is to the same associate minister. In your recent trip to China what specific outcomes did you achieve to enhance the economic and cultural opportunities that you talked about earlier?

**Ms Woo-Paw:** Well, Mr. Speaker, we saw some very important immediate outcomes during this mission, including agreements with leading business development organizations, who agreed to offer exciting international work experience for Alberta graduates. A very exciting follow-up visit has just been confirmed with a Chinese organization seeking to collaborate with us and bring positive results to our province. We continue to work on different initiatives with groups that have a strong interest in what Alberta has to offer in terms of technology and knowledge and know-how. We have a strong relationship with China, and we'll make it bigger and stronger.

Thank you.

### Political Party Fundraising

**Mr. Hehr:** Well, Mr. Speaker, another day, another scandal. Today we learned of another situation of Progressive Conservative Party insiders working at publicly funded institutions breaking clear election laws by fundraising for the PC Party. What makes the details so perverse is that the individual was actually engaged in

fundraising while at work at her computer at SAIT and that she is soliciting funds from another public institution, the Alberta College of Art and Design. To the Deputy Premier: is it government policy to find PC loyalists jobs at publicly funded institutions?

**Mr. Lukaszuk:** Mr. Speaker, two points on this matter. This member has been reminded on a number of occasions in this House that if he has any concerns with any member of the Alberta public doing something that doesn't adhere to our laws, he knows exactly where to turn. He should go to the elections officer or the Ethics Commissioner to report that. To date, they haven't.

Also, let me remind this member that even though, Mr. Speaker, you don't like to talk about political parties over here, the PC Party is the only party that listed any and all donations that they may have received in error and posted them on their website. Now I challenge the parties opposite to do just the same and post their donations that they received that they shouldn't have.

**Mr. Hehr:** That's just wonderful, but is the Deputy Premier telling me that it's a case of good luck that Tory insiders continue to get jobs in key positions and government relations departments in our universities and colleges, or is it government policy to ensure that members of the family are positioned strategically in these institutions to do the government's bidding?

**Mr. Denis:** I will not entertain any of the Member for Calgary-Buffalo's baseless conspiracy theories on this matter. We've been very clear. This government has been very clear. Donation activity from a postsecondary institution is unacceptable. If this member has some information or, again, wants to report this to the Chief Electoral Officer or the Ethics Commissioner, as the Deputy Premier mentioned, I would in fact insist that he do so.

**Mr. Hehr:** All that I'm asking the minister is to use common sense. You look at the names of Tories who have been named as fundraisers for these various institutions. It's clear. I'm just wondering if it's government policy whether you find these people jobs or not.

**Mr. Denis:** Mr. Speaker, it is not up to me or anybody else in this entire Chamber to tell an educational institution as to who it goes and hires. I will just leave, again, these baseless conspiracy theories over across the aisle and take my seat. Hopefully, this is the last time we have to answer this question today.

#### Edmonton Down Syndrome Clinic

**Mr. Bilous:** Mr. Speaker, today is the last day of National Down Syndrome Awareness Week. Ironically, due to Tory cuts Alberta Health Services is eliminating funding for the nurse co-ordinator position at the Edmonton Down Syndrome Clinic in the Stollery children's hospital. Despite recognizing this position as an essential health service in 2011, this government is now trying to download the costs onto a local charity. To the Minister of Health: how can this minister justify cuts to this essential service?

**Mr. Horne:** Well, Mr. Speaker, our first and only concern as a government is to ensure that the needs of these young children and their families are met. I have spoken with Alberta Health Services today. I am assured by Alberta Health Services that this program is not ending, that it will continue. I expect Alberta Health Services to work with the families and with the community organization that represents these families to find an acceptable solution to this issue.

**Mr. Bilous:** Mr. Speaker, given that instead of funding this essential service, this government chooses to pay for things like unused London hotel rooms, will the minister admit that forcing parents to hold a bake sale for essential services is a slap in the face to families affected by Down syndrome?

**Mr. Horne:** Well, Mr. Speaker, this is a very irresponsible distortion of the facts of this situation. As I said in my earlier answer, my office was in contact with Alberta Health Services earlier today. We are assured that this clinic is not shutting down, and I have indicated very clearly to AHS that they need to work with the families and the community organization that represents those families to ensure that these services continue to be provided.

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

**Mr. Bilous:** Thank you, Mr. Speaker. Given that during the PC leadership race the Premier's website said, "I want to identify services that can be transferred to community leadership or privatized" and given that this service has now been passed off to community leadership, can the Premier tell us regarding services for kids with Down syndrome: is this what she had in mind?

**Mr. Horne:** Mr. Speaker, apparently the hon. member is not interested in the answer that I gave him to his first question. I will say to him and to this House once again: there is no jurisdiction in this country and there is no Premier in this country and no government that is more committed to the needs of families and children with Down syndrome than that in Alberta.

#### Driving Competence Test

**Mrs. Towle:** Mr. Speaker, once again this government is confused and inconsistent. The Minister of Transportation indicated that the DriveABLE program is under review, but Alberta Transportation says that there's no agreement with DriveABLE. It seems reasonable to believe that at some point in time there had to be a discussion on the requirements and criteria that would be used when making the decision to revoke the licence of a senior. Assumedly, those discussions would have been held with DriveABLE. Given that we are hearing from many unsuspecting seniors from across this province that they are concerned about the impact of this DriveABLE program, will the minister share with Albertans how the government decided the results of this program would be part of the criteria used in revoking the licences of seniors?

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

**Mr. McIver:** Thank you, Mr. Speaker. I'm not sure that the hon. member knows just how badly she embarrassed and insulted herself with the irresponsible and inaccurate member's statement on this topic that she made in the House yesterday, but we will be correcting that in due course.

Mr. Speaker, the only person that has the authority to take away a driver's licence is the registrar. They use a wide range of evidence, including medical evidence. The evidence may include DriveABLE exams amongst others. When that happens, a person can always go to the Alberta Transportation Safety Board.

**Mrs. Towle:** One only has to wonder if the minister has some cognitive issues he may need to deal with here as well.

Given that there is no agreement with DriveABLE, can the Minister of Transportation explain how this private company would be allowed in any way, shape, or form to share any of the

personal medical information that it obtains from unsuspecting seniors with Alberta Transportation?

**Mr. McIver:** Mr. Speaker, doctors can refer patients to this DriveABLE organization, who can share the information with the doctor as part of their reference. That's how they get involved in this.

**Mrs. Towle:** Unbelievable. They share the information with Alberta Transportation as per an e-mail directly from Alberta Transportation, and I'm more than willing to table that, Mr. Speaker.

Given that many seniors across the province are wondering if they'll be the next ones who will be asked to put their licence at risk, can the Minister of Health table the agreement that must be in place that allows for the use of DriveABLE technology being used at many of our health care facilities across Alberta?

**Mr. Horne:** I don't know what specific information the hon. member is referring to. If she'd care to provide me with some specifics of her request, I'd be very pleased to table whatever information I have.

**The Speaker:** The hon. Member for Leduc-Beaumont, followed by Cardston-Taber-Warner.

#### Transportation Infrastructure

**Mr. Rogers:** Thank you, Mr. Speaker. With the growth in Alberta's international region transportation infrastructure is a major concern not only for the efficient movement of goods and services but also for the safety of those who work in the economic heartland of the Leduc Industrial Park, the Nisku Industrial Park, and the Edmonton International Airport. One of the major outstanding projects in my constituency is the 65th Avenue overpass, linking the city of Leduc to Port Alberta. My question to the Minister of Transportation: what is the status of this project within your department?

2:30

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

**Mr. McIver:** Thank you, Mr. Speaker. I thank the member for the question. We continue through Alberta Transportation to work with the city of Leduc, the Edmonton International Airport, and area developers to determine the best course of action for this particular intersection and how best to share the costs. At this point road construction is not on the three-year plan, but as I've stated before in this House, we will continue to consider it in priority based on needs, based on development, based on safety and a number of other important criteria.

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

**Mr. Rogers:** Thank you, Mr. Speaker. Given that Port Alberta is an ambitious project that benefits all of northern Alberta by providing a commercial hub for goods transported by air, ground, and rail, can the minister update Albertans on what the province is doing to support this economic resource?

**Mr. McIver:** Mr. Speaker, I recognize the importance of Port Alberta, and Alberta Transportation is working on the Alberta transportation strategy, which is a long-term, multimodal strategy to improve transportation safety and security in Alberta and to guide investments and programs in the future. Input from Port Alberta will be considered in the development of this strategy, and

it includes our government's priorities of supporting the economy, families, and communities. We'll be listening to Port Alberta.

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

**Mr. Rogers:** Thank you, Mr. Speaker. Again to the same minister: given that the safe movement of people and goods between highway 2 and Devon is a major concern, particularly on a day like today, can the minister update this House on the progress of the twinning of highway 19? [interjections]

**Mr. McIver:** Well, there seems to be enthusiasm for this question, Mr. Speaker. You know what? We are currently in the design stages of twinning. We're hosting open houses and meeting with local stakeholders. There are municipalities that we're talking to, a few community groups, including some churches, the local MLAs, citizens that have shown interest. As we go through this, the plan will solidify. One of the big things is the airport, deciding the final alignment of the runway, and as that all becomes clear, we will have an answer.

**The Speaker:** The hon. Member for Cardston-Taber-Warner, followed by Calgary-Fort.

#### Cardston-Taber-Warner Health Facility Concerns

**Mr. Bikman:** Thank you, Mr. Speaker. I'd like to ask three questions that are of concern to my constituents of Cardston-Taber-Warner. The first is from a concerned nurse whose husband has Alzheimer's disease. He's not receiving the care he needs such as regular baths and exercise. The facility he's in doesn't have sufficient staff to provide it. They apparently lack the funds. Errors have been made with his care, and they were reported to management, but there's no evidence of corrective measures being put in place. Will the government please tell us when money will be spent more effectively to rectify these kinds of problems?

**Mr. Horne:** Mr. Speaker, obviously, I can't speak to the specifics of the situation of the hon. member's constituent. What I can tell the hon. member is that we are of course seeing increasing incidences of Alzheimer's disease and other forms of dementia. In the new continuing care facilities that we are planning and in the 1,000 spaces we are opening each year, we are taking that into account very seriously in the design of the facilities to ensure that the unique needs of these residents can be met. It does require in many cases a special model of care.

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

**Mr. Bikman:** Thank you, Mr. Speaker. The people of Milk River have been asking for a restoration of the five acute-care beds taken out of service by Alberta Health Services a few years ago. This has resulted in hardships and delays in receiving necessary care for them and the surrounding district. It's made it virtually impossible for them to recruit doctors because these MDs want to be able to care for patients and practise medicine, not just provide emergency attention and prescribe medication. When will this government do the right thing and restore the acute-care beds and facilitate the hiring of new doctors in the town of Milk River?

**Mr. Horne:** Mr. Speaker, certainly, adequate numbers of continuing care beds in every community is an important ingredient in our ability to care for seniors and to provide a high quality of care. I would be happy upon request to look into the situation in Milk River for the hon. member specifically. He's certainly correct that the availability of those resources is a factor

in attracting physicians, but what I can also tell him is that the role of home care and the support that we can provide at home for seniors is equally important in providing the quality of care that we wish to provide.

**Mr. Bikman:** Thank you. I'll get back to you with those details and will appreciate your help.

Mr. Speaker, the people of Cardston and surrounding area, including the largest First Nations reservation in Canada, are well served by the doctors and medical professionals in their community. They receive great care in spite of having what must surely be one of the older hospitals in the province. They've been promised a new one but would like to emphasize their need. When will this promise be kept?

**Mr. Horne:** Well, Mr. Speaker, the recommendations with respect to where new facilities are constructed in Alberta originate with Alberta Health Services, and those recommendations are developed on the basis of a population health needs assessment for a specific area. It is not simply a question of where a new hospital is required. It is also a question of what other facilities and resources and staffing are available to meet the actual health needs of the residents. I don't know the specifics offhand of this particular case, but again I'd be happy to look into this and get back to the hon. member directly.

**The Speaker:** The hon. Member for Calgary-Fort, followed by Fish-Creek.

#### Royal Alberta Museum

**Mr. Cao:** Well, thank you, Mr. Speaker. The new Royal Alberta Museum is going to cost taxpayers hundreds of millions of dollars. I know that it'll be a world-class building. It's something we should build when times are good but not when times are not as good, when we are still under cost control and balancing our budget. My question is to the Minister of Culture. Is this project necessary now, or can it be delayed until the province is in a better financial situation?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. Indeed, this project is very necessary. It invests in community, it invests in families, and it's about our future. We know that for every dollar spent on culture, it's double the return. This project will be going ahead, most definitely.

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

**Mr. Cao:** Thank you, Mr. Speaker. To the same hon. minister: why is it that the government is paying cash for this project when we are going to finance the construction on highway 63, an essential piece of infrastructure?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. As many know, this project has been on the books since 2005, since Her Majesty deemed it the Royal Alberta Museum. We know that with the partnership of the federal government and the contribution of \$122 million, this project is going ahead, and it'll be important to the future of all Albertans.

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

**Mr. Cao:** Thank you, Mr. Speaker. To the same hon. minister: how can we pour millions of dollars into the new museum while at the same time allowing the Glenbow Museum in Calgary to struggle financially?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. Indeed, the Glenbow Museum is a tremendous facility in Calgary. Last year alone their budget was \$3.1 million. They received a 7 per cent increase last year. It is an independent board that makes independent decisions, but the government supports them with respect to the cost of utilities as well as the city of Calgary. It's a partnership, and we are very happy to work with the Glenbow Museum.

**The Speaker:** The hon. Member for Calgary-Fish Creek, followed by Fort McMurray-Wood Buffalo.

#### Health Quality Assurance

**Mrs. Forsyth:** Thank you, Mr. Speaker. Albertans expect their health care system to provide them with a sense of comfort and healing. Unfortunately, Alberta Health Services is failing them in that regard. The latest numbers show that out of every hundred people accessing health care, a dozen will report unexpected harm. This is unacceptable. Given that the quality assurance committee was created to ensure a process is in place to investigate these incidents, I want to ask the Minister of Health: how many incidents have been investigated?

**Mr. Horne:** Well, Mr. Speaker, it is certainly true that Albertans enjoy a health care system that is focused on their needs and supporting their healing when they are sick. I have no idea what the hon. member is referring to with her statistic. I can tell you that the Health Quality Council of Alberta provides leadership in measuring and monitoring a variety of indicators of quality in our system. I rely on their advice in order to make policy decisions. Alberta Health Services relies on their advice in order to deliver safe and effective services.

**Mrs. Forsyth:** Okay, Mr. Speaker. Let me help the minister on this. It's on page 83 of the last quarterly report of Alberta Health Services. That's your report, not mine, so page 83. Again to the minister: what are the recommendations from the Executive Patient Safety Committee?

**Mr. Horne:** Mr. Speaker, as the Minister of Health, I do not attend nor do I monitor the detailed proceedings of any particular committee within Alberta Health Services. The question of policy, which is probably what the hon. member is trying to get at, is the degree to which we consider quality indicators in the development of health care policy and in the design of the specific delivery of services in hospitals and in other venues. It should be obvious to the hon. member. I think, if I remember correctly, she's been an advocate in the past, at least, for increased focus on quality in our health care system. We take every incident seriously that arises. They arise every day across Canada. We follow up on each, and we strive to do better.

**2:40**

**Mrs. Forsyth:** Okay. I'm going to try this question, Mr. Speaker. Will the Minister of Health please share with the House the quality assurance review recommendations?

**Mr. Horne:** Mr. Speaker, the hon. member seems unable to specify the specific issue that she has. As a matter of fact, as

difficult as it may seem to believe, I'm not carrying page 83 of the last report with me this morning. If she would like to use the vehicles available in the House such as motions for returns and written questions to have that detailed information provided, I'd be pleased to do that.

Thank you.

**The Speaker:** Hon. members, in about 15 seconds I'll call on the hon. Member for Edmonton-Manning so that we can resume Members' Statements. Fifteen seconds.

### Members' Statements

*(continued)*

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

#### Clareview Community Recreation Centre

**Mr. Sandhu:** Thank you very much, Mr. Speaker. I'm pleased and honoured to rise today to talk about the Clareview community recreation centre, closed for upgrading since October 2011. The northeast is the last area of Edmonton to receive a new rec centre. I have heard from many constituents and residents of the northeast who are looking forward to the completion of the rec centre.

In June I attended the partnership announcement between the city of Edmonton, Edmonton public library, Edmonton Catholic schools, and the government of Alberta to support construction of the Clareview community hub. The rec centre space will include an 18,000-square-foot public library. Its outdoor park space will include two new sports fields, three ball diamonds, a spray park, and walkway connection to the Clareview LRT station. The centre will be home to a beautiful swimming facility, fitness centre, and an ice rink, which many northeast residents are waiting for.

In addition, the facility will be home to a new Catholic high school as a centre of alternative learning. Mr. Speaker, this new multipurpose facility will be one of a kind in Edmonton.

Recreation and community centres in our province support all Albertans in living a healthy lifestyle. I look forward to witnessing the impact the new rec centre will have on families in northeast Edmonton and all the Albertans who access it in May 2014.

Thank you, Mr. Speaker. I hope you join us in 2014 for the grand opening.

**The Speaker:** The hon. Member for Barrhead-Morinville-Westlock, followed by Strathmore-Brooks, and then a request to revert to introductions.

#### Century Farm and Ranch Awards

**Ms Kubinec:** Thank you, Mr. Speaker. I hope that my colleagues across this Legislature don't get tired of me talking about agriculture and how proud I am of it. Farming and ranching are a great part of Alberta's heritage and legacy. They consist of hard work and sacrifice combined with a healthy dose of energy and unrelenting faith. This spirit of vision, complemented by a new land of limitless natural resources, is what brought our forefathers to Alberta. They settled the land to build the family ranch or farm, the place many of us continue to call home today. Courage and determination was what our parents and grandparents had, and they had plenty of it.

Marked by this same spirit of unshakable resolve, it's not surprising that second and third generations continue to build this rich heritage of agriculture. It's a heritage to be proud of, reflected

by personal sacrifices, perseverance, and a commitment to a family way of life. It's a legacy that you, too, may pass on to our children.

Keeping the farm or ranch from generation to generation and actively operating is an impressive achievement for any Alberta family. I stand today with the government of Alberta to recognize these special families who built the foundation of prairie farming and ranching. The Alberta Century farm and ranch award salutes those families who have continuously owned and actively operated the same land for a minimum of 100 years. In my constituency of Barrhead-Morinville-Westlock we celebrated four such milestones just this summer: the McNelly family from Clyde; the Lyons family, who are here today in the gallery, from Hazel Bluff near Westlock; the Marquette family from Linaria, very close to me; and the Messmer family from Naples. It is so important that these families be recognized.

It's that time of year again, when the Canadian Finals Rodeo and Farmfair are going on. We are looking forward to celebrating that today.

Thank you.

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

#### Newell Foundation

**Mr. Hale:** Thank you, Mr. Speaker. I rise today to acknowledge the stewardship of the Newell Foundation in addressing the community's health needs for my constituency of Strathmore-Brooks. The Newell Foundation had the foresight to propose a one-building, aging-in-community concept that will include a hospital and lodge in Bassano. The town of Bassano needs a new hospital, and the Newell Foundation has taken this opportunity to propose something that will improve health and seniors' services for the community. The project will be able to provide everything from a little bit of help for those who need it to long-term care and even palliative care. The project may even provide for health needs such as physiotherapists, pharmacists, a health clinic, and doctors' offices.

I fully support this initiative. It will be an asset in the community for decades to come. I would like to commend the Newell Foundation and its partners and stakeholders for working to make this a reality. It's refreshing to see the leadership of groups like this take the bull by the horns with such a great idea. I would also like to thank the hon. Health minister for taking time to come to Bassano and hear the proposal and for taking the time to meet with the board to discuss this first-class facility today.

This one-stop-shop concept will ease the transition that our seniors face in later years. They can move from the lodge with assisted living down the hall to receive long-term care, to acute care when needed, and not have to face the challenge of moving down the hall in another town. This will end the tremendous burden faced by families when having to make tough decisions regarding the level of care needed for their parents and grandparents.

This project has a way to go yet, and I will continue to support it every step of the way. Once again, thank you to the Newell Foundation for its leadership on health issues in our community.

**The Speaker:** Hon. members, might we get unanimous consent to revert briefly to Introduction of Guests? Is anybody opposed to that?

[Unanimous consent granted]

## Introduction of Guests

(continued)

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

**Mr. J. Johnson:** Thank you, Mr. Speaker. I'd like to introduce to you and through you a couple of ladies who have become fairly familiar here in the Legislature over the last couple of years: Patty Dittrick, president, and Mary Lynne Campbell, executive director, from the Public School Boards' Association. I'm sure they're very anxious to see Bill 3 get into third reading and passed. We welcome them back to the Assembly.

## Tabling Returns and Reports

**The Speaker:** The hon. Associate Minister of Wellness.

**Mr. Rodney:** Thank you, Mr. Speaker. It is a pleasure for me today to table three reports with the appropriate number of copies on behalf of the hon. Minister of Health. The first is the 2011 annual report of the College of Opticians of Alberta. Since 1965 the college has ensured that Albertans are receiving competent and effective care from their opticians. Their motto of Your Vision, Our Focus truly captures the value that the college places on vision care for all Albertans.

My next tabling is the 2011 annual report of the Alberta College of Medical Diagnostic & Therapeutic Technologists. This college regulates over 2,000 members who work in hospitals, primary care networks, and independent clinics, and their work with MRIs, X-rays, and radiation treatment for cancer is truly invaluable in today's modern medical field.

Finally, Mr. Speaker, the 2011 annual report of the Alberta College of Speech-Language Pathologists and Audiologists. These professionals use their training to work with those with difficulty expressing themselves and with those with trouble hearing them. This report highlights the great work the college is doing to increase the quality of life of many Albertans.

Thank you, Mr. Speaker.

2:50

**The Speaker:** The hon. Member for Calgary-Buffalo, followed by the President of Treasury Board.

**Mr. Hehr:** Thank you. Sorry. They're on my desk back in the office, but I will try and remember them tomorrow.

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

**Mr. Horner:** Thank you, Mr. Speaker. I do happen to have mine here.

Today I am pleased to table the required number of copies of the first annual Results-based Budgeting: Report to Albertans. The results-based budgeting process has encouraged government to work in different and more integrated ways and will ensure that every program and every service is delivering outcomes efficiently and effectively. Over the past year work has been under way to develop the process, create the schedule, and recruit external members of the public to participate in the review. This report explains the three-year process that we will use to examine and assess all government programs and services, including those delivered by agencies, boards, and commissions. It also includes

the names of government MLAs and members of the public who will sit on challenge panels and whose responsibility is to bring an external perspective to the review process.

**The Speaker:** The hon. Minister of Justice, followed by Calgary-Mountain View.

**Mr. Denis:** Thank you very much, Mr. Speaker. Just two items to table today, and I'll be brief as they are rather clear documents. I referred today to a document from Dr. Daniel Doz of the Alberta College of Art and Design wherein he indicated he did not use public dollars to make donations to a political party or to purchase tickets. Five copies there.

Secondly, I also table a letter from myself to the Hon. Rob Nicholson, Minister of Justice of Canada, dated July 24 wherein I asked him to honour the request of the Hon. Neil Wittmann, Chief Justice of the Court of Queen's Bench, for four additional justices in this province.

Thank you very much, Mr. Speaker.

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

**Dr. Swann:** Thanks, Mr. Speaker. I table the appropriate number of copies of the document Creating Synergy Health Coalition of Alberta. I attended their gathering yesterday and was introduced to the very energetic and committed individuals who are part of the Creating Synergy Health Coalition of Alberta, or CS, an alliance of informed, knowledgeable, and experienced individuals; voluntary health charities and not-for-profit or nongovernment organizations; and stakeholders representing present and future users of health care in Alberta. Their vision is the best people-centred health care for all Albertans.

Thank you, Mr. Speaker.

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

**Mr. J. Johnson:** Yes. Mr. Speaker, I have the appropriate number of copies of an article here to table. Yesterday I referred to an article entitled The Unreasonable Demands of Education, written by the hon. Leader of the Opposition, where she calls on schools to implement fees on parents to cover some of the extras in the school system.

## 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. Olson, Minister of Agriculture and Rural Development, pursuant to the Marketing of Agricultural Products Act the Alberta Agricultural Products Marketing Council annual report 2011-2012; pursuant to the Farm Implement Act the Farmers' Advocate office and Farm Implement Board financial statements 2011-2012; and pursuant to the Livestock Identification and Commerce Act and the Stray Animals Act the Livestock Identification Services Ltd. summary of activities April 1, 2011, to March 31, 2012, and financial statements for the year ended March 31, 2012.

**The Speaker:** I believe that concludes our Routine for today.

On that note, let's move on to Orders of the Day.



**Orders of the Day**  
**Government Bills and Orders**  
**Second Reading**  
**Bill 4**  
**Public Interest Disclosure**  
**(Whistleblower Protection) Act**

[Debate adjourned November 6]

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

**Mr. Pedersen:** Thank you, Mr. Speaker. I am pleased to have the opportunity to stand up today to speak on Bill 4, the Public Interest Disclosure (Whistleblower Protection) Act, or, as some would prefer me to say, stand up and blow the whistle on yet another broken promise and yet another flawed piece of legislation. Many of my colleagues have outlined various concerns with this legislation, but they say that repetition is the mother of all learning, so I'm going to take another crack at it, my children.

What disappoints me most is that we have seen some quality bills presented to us this fall by government, but for some reason this bill seems to have skipped so many important steps of scrutiny that all these other bills were put through. Bill 4 provides protection, but what amazes me is that it's not protection for whistle-blowers from government retribution. Rather, it provides protection for the government from whistle-blowers. It is absolutely amazing to me that the current government thinks that they should be able to get away with this. I guess that's what happens after 40 years of power, when you think the rules don't apply to you.

I am concerned with the lack of accountability this government thinks it should be treated with. The Premier has stated that the only thing worse than making a mistake was not admitting the fact that you did. Well, Mr. Speaker, they sure have made some mistakes with this bill, but I don't hear any admissions from the government on this one. Although there are some positives, I feel that they are so heavily outweighed by the negatives that I will be unable to support this bill.

Why is this bill being introduced on a go-forward basis only? What is it that the government is trying to hide? My constituents and all Albertans want to know. As well, I have yet to hear a plausible and convincing argument as to why this bill should have so many loopholes. Again, why does the current government have so much to hide? What are they worried about? What do they think it is that Albertans do not deserve to know?

Third, why is it that if the public interest commissioner is not satisfied by the follow-up from the department, they can only complain to the department? This should be done through a more public forum, likely through the Standing Committee on Legislative Offices.

As well, although this is by far not my last concern, it is the last one that I'm going to speak at length about. It's about the process for a whistle-blower to navigate in order to report alleged wrongdoing. The fact that someone must first work through their own organization, extremely likely the organization that they are trying to blow the whistle on, before they can go to the public interest commissioner is a process that is beyond me. Again, I am open to being convinced otherwise, but I just cannot see why there is a rational need for this.

Mr. Speaker, my colleague from Calgary-Fish Creek is bringing forward a great many amendments. I think that we would all be well served and, truly, that Albertans would be well served if we put some deep thought and consideration into these amendments.

These amendments are not based on a political agenda. Rather and more importantly, they are based on a passion for doing the right thing. I have been told by my constituents that I should come here for the right reasons, and I believe that we have all come here to serve Albertans but that when we are here, I also need to do the right thing.

Mr. Speaker, I'm going to close with this. I encourage all of my colleagues to listen carefully and think hard about the amendments that are going to be brought forward. Think about what your constituents sent you here to do. They sent you here to stand up for them, to stand up for Albertans, not to protect offenders or wrongdoers and certainly not to protect the government or government departments.

I say once again, Mr. Speaker, that we all came here for the right reasons, each and every one of us, but we also need to do the right thing. For that reason I cannot support this bill as it currently stands. Thank you.

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

**Ms Blakeman:** Thank you very much, Mr. Speaker. I'm really glad that I am getting the opportunity to speak to Bill 4 in second reading. Because we're speaking about the principle of the bill here, are we at all interested in the concept of it? Do we want to see it go forward and try and tweak it a bit or fix it a bit because it's not exactly what we were looking for, or do we just disagree flat out with the principle of it and don't want to see it go forward at all?

I'm really incredibly disappointed to say that I can't support this bill in the way that it's presented, and this is a bill that I have waited a long time for. To see it come forward drafted the way it's been done: it's such a slap in the face for colleagues of mine that are no longer here. The previous Member for Edmonton-Gold Bar had a bill – Bill 207, I think it was – that was actually a really good run at this and had some very good regulations and a process to put very strong whistle-blower protection in place.

3:00

I have to say that I would not recommend to anyone that they step out as a whistle-blower if they're relying on this legislation to protect them because it's not going to. That is what is so sad. More than sad, it's frustrating. It's just bedeviling that this government over and over again can take an idea that they get pushed and pushed and pushed to do by the opposition, by advocacy groups in the community, by individuals, constituents, and they finally say, "All right; we'll do it," and then they come out with something that we might as well not have because it so disregards the principle of what we were asking for. That's what we have in Bill 4. It's called the Public Interest Disclosure (Whistleblower Protection) Act.

[The Deputy Speaker in the chair]

You know, sometimes people talk about: close but no cigar. In theatre when you go to see your friend's play and it's a real turkey, you say: well, that was interesting. Then you talk about the set and the costumes. Or maybe you say: well, it was a good idea, just bad execution. I can't say any of those things for this bill. It's not close enough to deserve any kind of a cigar. As a play you couldn't possibly say that it was interesting. It is a good idea. Well maybe – I agree with my last statement – it is a great idea. It's one that is very needed in this day and age, but it is foul execution in what we have seen brought forward.

The longer I look at this, the more I read it, the angrier I get because we, all politicians, have created a situation where the

public no longer believes us or trusts us, and we've managed to disparage the civil service enough that we've given permission to the public to disparage them as well. Rather than being regarded as an honourable profession that you go into to serve the public and provide a program or service to them in a good way, now they're all called various bad names. What a civil servant is trying to do is deliver a service in the same way no matter who comes through the door, and that's a good concept to work with.

We know in this day and age that we need to look at our programs, review our programs on a regular basis to make sure that they still make sense, that they're still being delivered in an effective way, that they haven't been abused anywhere along the line. Frankly, no program is immune to this. Things go wrong. Things change in other contexts. Other legislation changes affect the way a program is delivered. You want the people that are working there to be able to step out and tell us: "There's a problem here. This is not working the way it should. The taxpayers are not getting value for their money," or, even worse, that there's fraud or bullying or an illegal action taking place. That's the only place we're going to hear this from, so we depend on those people to step out. But we have to protect them.

There are far, far too many examples of people who've taken huge risks. Many of them are well-educated people: scientists, respected academics, people with many years of experience in particular areas . . .

**Dr. Swann:** Doctors.

**Ms Blakeman:** . . . physicians – yes, very good – medical officers, ER doctors, who step out and say, "This is wrong, and it's so wrong that I need to tell someone out there about it so it will get fixed." In most cases they've already tried to fix it on the ground. They've already gone to their supervisor. They've already talked to their colleagues at the coffee table or in their place of work, and nothing is moving. People don't voluntarily step out of their comfort zone and put themselves in jeopardy for fun, you know, or for something to do or because they were bored. It's scary and potentially quite harmful to them. So if we accept that, then somebody that is stepping out to blow the whistle on wrongdoing or illegal activities really does need to be (a) taken seriously and (b) protected.

What we see, whether we're going to look back at things like Enron or other corporate structures in which corporate bullying was endemic to their corporate culture or to see how people get – what's the official word? The human resources term is constructive dismissal. So this is the opposite of that. You know, all of a sudden people aren't getting the assignments they used to get, or they're taken off of a good file. Other people start to mock them or make jokes about them when they walk by. That kind of stuff in your working atmosphere is toxic. It really poisons it.

Or let's say that you lose your job, and you're fighting to get it back because you say: "Hey, I stepped out. I was a whistle-blower, and now I've lost my job directly as a result of that." What happens? We say to them: "Well, prove it. You, an individual person out there on your own, prove that that government structure set out to do this to you." Who's able to do that? I mean, you can't even leave your office with any paperwork anymore. If you get fired, there's somebody at your elbow. Out you go. They're taking your card off your little elastic thing, and you're out, so you couldn't even collect any of the evidence that you would need to try and prove this kind of thing. This is what is so distressing to me in this bill.

First of all, the premise of the bill is that they're going to set up another process or structure in here, that you're going to go to

your own workplace, to someone that's been identified as the – sorry; I'm not remembering the title here – local whistle-blower person and give them your information, and they should be looking after it. Well, for any of you that have ever been in that kind of situation, that's just kind of laughable because they're probably part of the problem. In all likelihood, as I mentioned, you've already gone through the workplace saying, "Don't you find it strange that so-and-so always disappears at this time of day?" Or, "Gee; how come they get to have such and such?" In all likelihood most reasonable people would have done that already and not have seen anything happen and not have seen any change, so by the time they're at the point of doing things officially, on the record, this seems like a strange step to make them go through.

The one saving grace in this is that the legislation does allow that if you don't want to go to your local person, then you can go directly to – I'm sorry; these terms are just not sticking with me today – the legislative officer that they're going to create here, the commissioner of public interest, and they can bring the case before them. Okay. That's one small positive thing to say about it.

Where I'm really concerned is in the lack of protection that's offered here. For starters, there's no protection around somebody losing their job, or if they do lose their job, there's nothing that says: okay; if it turns out that you have lost your job as a direct result of your whistle-blowing, we will compensate you for the time that you were out of work and restore the job or an equivalent job to you. There's nothing in here that says that. So now we know that if somebody blows the whistle, there's no protection.

And there is a way in corporate culture that allows them to minimize, diminish, trivialize. My friends over there are experts in this, so I've got to assume they've passed some of that to the people that work with them. I hope it hasn't trickled down through the civil service, but I can't speak to that. Every day in question period – and we saw it today – a minister stands up and questions somebody's intelligence in the question that they asked or demeans them by saying that, well, they weren't smart enough to understand the question, or trivializes the question by just dismissing it. You know, it happens right here. You all know what I'm talking about. It happens easily, and it happens all the time. Very few people even comment on it. So it's easy to have it part of that corporate culture.

**3:10**

There's nothing that's going to protect people from, as I said, losing their job, nothing that's going to protect them from harassment or bullying at the work site. I could call it going to Siberia. You know, all of a sudden, you're in the desk that's at the end of the hall next to the photocopy machine, and you're missing out on the chit-chat that's back in the main area, the kibitzing. You don't know when everybody breaks for lunch because you're down the hall by the photocopy machine.

It's like blockbusting. It's like corporate culture blockbusting. I said that to a younger person the other day, and they didn't know what I meant. That was something that was used by unscrupulous developers, where they would buy up all the houses around and, you know, a couple of people wouldn't sell or one elderly couple was going to hang in there in their little old bungalow. The developer would basically rent the houses to people that weren't your number one kind of people. They'd start having parties. There's loud music. There's stuff going on. Maybe they don't keep the property so nice. No mufflers on the motorbikes, et cetera, et cetera. This couple is really starting to be afraid, and they're not comfortable in their home anymore. It's a way of busting the block and getting them to move out so the developer can buy the house and put up the development they want.

That's the same concept here. Being sent to Siberia down by the photocopier is a form of blockbusting. It's a way of making people so uncomfortable in their workplace that they give up and just get out because it's so toxic. You want to talk about posttraumatic stress disorder – and I'm not minimizing it here – just imagine the stress that you're under if you're in that kind of a situation. You did a brave thing – you stepped out – and now you're being punished in your workplace. There's no protection for you at all. If things go badly and you decide to quit because it's so bad or you get fired, you know, probably not constructively, let go, now you have no salary, and your family thinks you are a complete idiot for having jeopardized them and their financial security and perhaps their reputation if that's part of it. Still we have no protection here.

I think part of it is that you have to make sure that the legislation is offering whole remedies. That would be the thing about the work and the missing salary, maybe the missing benefits as well, missing pension contributions. There should be no burden of proof put on the individual. Once it's established that there's a connection – and this is not hard to do. You know, if the person blows the whistle and a week later they're let go from their job – well, duh – those things are probably connected. I think there's a very high probability of that. But not to place the burden of proof on the individual, I would say, you know, that the ones with all the money, the corporate culture there, can pay for it.

I'm really looking forward to Committee of the Whole. Thank you.

**The Deputy Speaker:** Thank you, hon. member.

Standing Order 29(2)(a) is available for questions or comments. The hon. Member for Medicine Hat.

**Mr. Pedersen:** Thank you, Mr. Speaker. To the hon. member of the splendiferous constituency of Edmonton-Centre . . .

**Mr. Rodney:** Sorry. The what?

**Mr. Pedersen:** Splendiferous. [interjection] It is now.

Being that I'm a new member, a new MLA, and that the member talked about a previous bill that had been introduced and mentioned how much better it was than this one, I'd just be kind of curious to hear what she would have to say about what made it better versus what we're being presented with here.

Thank you.

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

**Ms Blakeman:** Thank you. It's the fabulous constituency.

**Mr. Pedersen:** I'm trying to grow your vocabulary.

**Ms Blakeman:** No. We're good with fabulous. Splendiferous could go to somebody else. I'm not going to hog them all.

The legislation. I know that it was the previous Member for Edmonton-Gold Bar. I'm pretty sure it was Bill 207 in its day. Let me just see if I can find the year. Nineteen ninety-eight, I'm being told by my colleague. [interjections] Excuse me? Thank you.

His bill did cover a number of these sorts of protection devices, plus he had some very strong statements. It's a good suggestion. I will dig it up and bring it in so I can talk about it in Committee of the Whole. He had some real rigour in there that protected the whistle-blower but also was very clear about the activity. You see, in some ways I think – and if I remember this correctly, the suggestion was that this should almost go to an outside group like

Democracy Watch or that some outside group should be the arbiter of this.

In creating another legislative officer, well, we know how that works, and it can become tainted as well because in this Assembly the membership on the committees is determined by the number of seats that you hold, not by the popular vote, which has been my suggestion, which would really change the membership on those committees. They're done by the number of seats that you have, so the government always has a majority of the seats.

Even when you're on the Legislative Offices Committee and you're looking at the hiring of this new person, whatever the actual title is called, you're always outvoted by the majority. So, you know, are you really getting an independent member who's well qualified, or are you getting another – what's the phrase? Oh, yes: in the family. Another individual who's in the family and seems to have a lot of luck.

There are a lot of ways that this can go askew although it appears to be on a fairly straight track, and there's an example. Every time we create another legislative officer with the idea that somehow this is going to solve our problem, it doesn't. That officer reports through a committee of the Legislature, but the Legislature is dominated by one party here, as is the committee. Did that help?

**Mr. Pedersen:** Sure.

**Ms Blakeman:** Good.  
Thank you.

**The Deputy Speaker:** Are there other questions or comments? The hon. Member for Lac La Biche-St. Paul-Two Hills.

**Mr. Saskiw:** Yes. Thank you, Mr. Speaker. I guess, just being a new MLA, what would be kind of the most common occurrence of someone that would need this type of whistle-blower legislation? Is it doctors, nurses? What types of individuals have you had in your long career as an MLA that have come to your office? If this legislation actually worked, which individuals would actually use it?

**Ms Blakeman:** Actually, I've had a couple of civil servants who have come who were trying to point out some real problems in the way programs were being delivered. A long time ago there were a lot of issues around the maintenance enforcement program. The current Minister of Human Services was Justice minister, and I was his critic. There were problems in there. The teachers have quite a good process for that. It's a tough one to go through. It's called a review panel or something, but they've got quite a good system there. The other ones were some nurses and somebody trying to qualify to be an LPN.

**The Deputy Speaker:** Thank you, hon. member.

I'll recognize the Member for Edmonton-Strathcona, followed by Cypress-Medicine Hat, then Calgary-Mountain View.

**Ms Notley:** Thank you, Mr. Speaker. I am pleased to be able to rise to speak today to this particular bill, Bill 4. The Public Interest Disclosure (Whistleblower Protection) Act it is called, but as many people have already said, this is not a whistle-blower protection act; this is a government information protection act.

It's really quite disappointing because we have a government, Mr. Speaker, that made much hay out of their alleged plan to usher in a new day, a new, progressive approach to things that was going to be accompanied by transparency and openness and, you know, independence of lots of things. I think there were going to

be a few theme songs and perhaps some birds tweeting and flying around in the background as well.

Nonetheless, what we've gotten instead is this public interest disclosure act, which, just as a starting point, Mr. Speaker, replicates the federal legislation except in some cases it actually is worse than the federal legislation. So we are not actually taking our marching orders from the Harper Conservatives. We're taking what the Harper Conservatives have done, and we're making it worse than what they have done. So this is like Harper Conservative disclosure – quote, unquote – but less.

3:20

It really is quite something, Mr. Speaker, to hear folks on that side try to spin this as good news because really what this is going to do is clamp down on disclosure in a way that is unprecedented. It is absolutely not going to increase transparency, and the government is fully aware of that fact. It is really quite disingenuous that they are spinning this piece of legislation the way they are.

What are some of the reasons why we think that would be the case? Quite frankly, flipping through my notes today, just the simplest version of notes, I found nine amendments already that we are going to need to propose to this to make it not damaging to the careers of our hard-working public servants. Of course, Committee of the Whole is the place where we will go through that in more detail, so I won't go through it all in excruciating detail now, but I will say that it took me literally 15 minutes to scan through and see a whole bunch of things that just jump out at you as something that will be abused and used wrongly by this government to further clamp down on information and to further undermine the rights of the hard-working people who are employed in the public sector.

That's what we're dealing with, and I think it's really important to get that right out there. There's been a lot of discussion and analysis of the federal whistle-blower protection act, and it's been clearly concluded that that act does not do what it was intended to do and that instead what it is meant to do and what it does do is provide a whole new array of tools to the government to clamp down and stomp on people who are attempting to engage in a more transparent public discussion and in some cases to disclose information.

Let me just give you one example. We have the commissioner, the final person that somebody will get to maybe, if they've managed to navigate their way past their boss and keep their job in the process. If the commissioner decides that the person's information is inappropriate and was not something that should be disclosed and if they decide that the matter in question is not something that ought to be disclosed and then, on the flip side, if that information becomes public and that person is fired, because the decision of the commissioner is not eligible for consideration by the courts, what happens, Mr. Speaker, is that that person's legal rights to sue for wrongful dismissal or to access their rights under their collective agreement have now actually been fettered. They've been restricted – they've been restricted – by this process.

So a person goes through this process, and decisions are made about the merits of the concern that the person raises, and then those issues and those decisions are fundamental components of a subsequent wrongful dismissal act or a subsequent grievance or a subsequent application under a human rights tribunal. In any of those cases, the finding of the commissioner is significant in the deliberation in those other forums, yet the commissioner's finding is not subject to review or consideration by a judge or a labour relations board or a human rights tribunal.

What we've done now is that we've taken a great big piece of a wrongful dismissal case, and we've said that public servants no longer get to adjudicate that pursuant to the terms of natural justice with their own counsel and all that kind of stuff because our commissioner has made a finding. That commissioner's finding is unassailable, Mr. Speaker. Right there – right there – I now see that what we've done is that we have limited the rights of our public servants through that process. We've actually stepped on the rights that they would otherwise enjoy under the common law or under the terms of their collective agreement, depending on what we're dealing with. It's a form of discrimination against public-sector employees.

It's ironic because typically when one thinks about whistle-blower legislation, you know, the first thing that comes to mind is: well, it's not good whistle-blower legislation if it doesn't apply to the private sector. As soon as I looked at this, I thought: "Well, sheesh. I don't know if we want this to apply to the private sector. Do we want to take this new set of rules which is going to be used to beat up on public-sector employees and argue that the private-sector employees should also be eligible for beatings under this legislation?" I don't know.

Maybe we don't want to expand it to the private sector. Maybe we want to limit the scope as much as possible of the people who might be negatively affected by this legislation. Maybe what we're going to actually do is try and limit it so that, you know, one person in one office in the back of the Premier's office is the only person that this applies to, and if we do that, we're successful because we want to limit the damage that's being perpetrated by this piece of legislation. I mean, that's one example. I'm going to go through here and find some more, but that's one example where we're actually taking a step backwards, Mr. Speaker.

I thought that we would come in here, and we'd say: well, great idea, great intent, but here are some ways in which we can make it more meaningful and more helpful. I did not expect that I would come in here and after scanning through in a few short minutes be in the position to be saying: "Oh my goodness. This is not only not a step forward in the best way; this is actually not a step forward at all. This is actually a step quite a ways backwards." It's a bit of a revelation to me because I didn't really think that that's the kind of disingenuous strategy that would be adopted on something that is so closely linked to a critical election promise of our Premier, but apparently that's what we're going to do. So, yeah. That's a problem.

Now, because it's whistle-blower legislation and because in theory when you say that, the idea and the impression that is given with that kind of title is that you're protecting whistle-blowers, one would expect to find somewhere in this legislation something which talks about what happens if the whistle-blower has what normally happens to a whistle-blower, which is that they are discriminated against, penalized, subjected to discipline, demoted, or, in the worst-case scenario, fired. In some cases it even goes further than that. They can be publicly criticized and attacked as well. In all those cases you would think: "Okay. What we need to do is to make sure we've got something in place that will protect them and that will ensure there is some remedy."

Yet I've scanned through this act, Mr. Speaker, and nowhere do I see a section that talks about a remedy for the whistle-blower who has been wronged by an employer who is upset about information being disclosed. I don't see the authority for a commissioner to give them their job back. I don't see the authority for the commissioner to pay them damages. I don't see the authority for the commissioner to ask for the perpetrator of the wrong against the whistle-blower to pay pecuniary damages to the whistle-blower. I see none of that.

Of course, those are the authorities that you would see. Let's say you're talking about the authority of an arbitrator or the authority of the Labour Relations Board or the authority of the human rights tribunal or all these other places that in theory, when you have an operational agency of that type, are established to protect the rights of individual employees. That's what this is ultimately about. It's about protecting their rights. In all of those pieces of legislation you have a long list of remedial authorities that are at the disposal of the final decision-maker to ensure that the person who has been wronged is made whole. None of that appears here. None of that. Nowhere. No section anywhere.

3:30

What there is, however, is a long list of duties and responsibilities and processes and rules that the whistle-blower must follow, Mr. Speaker. There are a whole bunch of things that the whistle-blower has to do to stay on the right side of this brand new law, a long list of things that they have to do, but nothing about how we're going to make the whistle-blower whole when they are penalized for disclosing information.

So, really, in many ways what we've done here – the Member for Edmonton-Highlands-Norwood is a wonderful history buff, far more so than I. You know, back in the McCarthyism days there were systems set up where people were encouraged to actually rat out their fellow employees and go after each other. It was generally considered to be a horrific – horrific – morale-killing, job-killing, outcome-ruining process where people were encouraged to rat each other out. It was very, very unhealthy.

Really, since this act provides no venue where any of this information might ever go public and since it provides no protection for the person that's actually disclosing the information, it really reads to me like we're setting up a situation where we're putting a whole bunch of obligation on employees to go after each other, and then we'll keep it all internal. The boss will get to pick and choose what they think is appropriate, and then none of it will ever be made public, which is the irony of ironies because this is whistle-blower legislation.

When the Premier said that we are going to bring in whistle-blower legislation, the Premier was very clearly trying to compel Albertans to believe that she wanted to bring in whistle-blower legislation so that we could swing open the doors of government, invite in Albertans, let them see what's there, and make sure that everybody who helped Albertans see what was there would be protected. That is clearly what the Premier was intending to have Albertans believe when she ran on this.

Well, Mr. Speaker, this legislation is not that. This legislation is the exact opposite of that. This legislation is geared towards limiting, constricting, and intimidating workers in this government from ever making anything public. It is absolutely contrary to what it has been sold as. I think that as we deliberate on this piece of legislation over the course of the next few days, that fact will become increasingly apparent to Albertans. They will become increasingly aware of what it is that this legislation is clearly designed to do. The holes in it in terms of doing what Albertans thought this government was trying to do are gargantuan, and it's very difficult to believe that Albertans would be able to . . .

**The Deputy Speaker:** Thank you, hon. member.

Standing Order 29(2)(a) is available. The Member for Calgary-Mountain View.

**Dr. Swann:** Thank you, Mr. Speaker. I'm very interested in the comments made by the hon. member. She indicated that she didn't see any penalties. Well, the government has indicated that there is

a \$25,000 penalty and a \$100,000 penalty for recurrent mistreatment of a potential whistle-blower. How does that relate to her comments that there are no penalties?

**Ms Notley:** Well, Mr. Speaker, I haven't had a chance to go through the bill on a clause-by-clause basis. [interjections] I'm not finished.

What I said is that there is no provision in there for a remedy to the whistle-blower who is wrongly disciplined. It is not clear to me yet whether that penalty can be imposed upon the whistle-blower for failing to keep the information in line with the process. That's why I didn't speak to that issue. I've not yet had a chance to determine whether or not the penalty can be imposed on the whistle-blower himself or herself. But it is very clear that what the penalty does not do is provide a remedy to the whistle-blower who is wrongly disciplined. There is nowhere in that act where the commissioner can give the whistle-blower their job back or where the commissioner can give the whistle-blower damages. That was what I was talking about. The use of the penalty is still unclear.

More importantly, unlike in many other cases, there is no mechanism of appeal one way or the other. Those are things that need to be reviewed, Mr. Speaker. By failing to give the commissioner the ability to give the whistle-blower their job back or give the commissioner the authority to award damages to the whistle-blower if there is a transgression, we have not managed to protect the whistle-blower.

I can imagine a number of cases where the government would say: "You know what? Get rid of that person. If we've got to pay a \$25,000 fine, we'll pay a \$25,000 fine. This person is much more trouble than they're worth, so get rid of them." Then the \$25,000 penalty is assessed. The person says, "I was fired unjustly," and the commissioner comes up with a decision saying: "No. What was disclosed shouldn't have been because I've come up with this new set of rules, which are under the regulations." We don't know what they are yet because the government is suggesting that they'll all be under the regulations.

Then that person can't even sue for wrongful dismissal because the commissioner's decision is final. Or they can sue, but the vast majority of the substance of that decision will not be up for review or adjudication because it will have been finalized by the commissioner, and there'll be no appeal from that process.

Thank you.

**The Deputy Speaker:** Are there others? Okay.

I made a mistake in my earlier announcement of the order. I will recognize the Minister of Culture and then the Member for Cypress-Medicine Hat.

**Mrs. Klimchuk:** Thank you very much, Mr. Speaker. I rise today to give my support to this Bill 4 and to commend the Associate Minister of Accountability, Transparency and Transformation for taking this important step to protect one of our most valuable resources, our employees. I believe profoundly that this legislation is clearly about the protection of employees if they find themselves in the position of having to make a disclosure of wrongdoing, not public relations management.

Last night during the debate there was much discussion and, dare I say, an accusation that we have introduced this legislation to protect ourselves from having a disclosure made against us as a government. That is simply not true, Mr. Speaker. This legislation is meant to maximize the ability of the employee to make safe disclosure.

We all know that these types of situations can be very difficult and stressful for an employee. Not only does this legislation

establish an internal process so that the employee does not have to be subjected to the public spotlight, but it ensures that if the employee does not believe the internal process is safe, they may go to the independent commissioner to disclose the wrongdoing. I emphasize “independent” as the commissioner does not report to the Associate Minister of Accountability, Transparency and Transformation or to the Premier. The commissioner reports to the Legislative Assembly, to all of us in this Chamber. Where the commissioner substantiates the wrongdoing, the commissioner will be the public face for the whistle-blower so that the employee can maintain their confidentiality and does not have to undergo the additional stress that public scrutiny can bring.

There has also been a great deal of focus in this debate so far on how this act deals with disclosing wrongdoings, but I would like to talk about an equally important feature of the legislation: protection from reprisal. Reprisal includes any negative, adverse employment action. It can be as simple as removing the employee from an e-mail distribution list or being excluded from office camaraderie. However, it can also extend to more serious and blatant actions such as intimidation, bullying, ostracizing, changing of job duties or location, or being fired or forced to quit. Concerns brought forward by members of this House that intimidation and bullying are not caught by the definition of reprisal are simply false.

3:40

This bill makes it clear that employees who believe they have experienced an act of reprisal after disclosure of wrongdoing may engage the commissioner directly. The commissioner is empowered to investigate, report, and offer recommendations if a reprisal is confirmed. Apart from any investigation by the commissioner, those who carry out reprisals against employees will have committed an offence under the act, which may be prosecuted in court.

Mr. Speaker, some members across the way seem to be confused about the role of the court. They have suggested that there is no access to the courts. Not only can the commissioner's decisions be reviewed by the court, as is the case with all other officers of the Legislature, but it is the court that finds whether a person has committed an offence under the act. Upon conviction fines of up to \$25,000 for a first offence and \$100,000 for a second or subsequent offence may be levied. Reprisals against employees making disclosures in the public interest are a very serious matter, and this act treats them as such.

Mr. Speaker, this government values the commitment and expertise of all public servants. As a minister I am humbled and appreciative every day of the visionary and innovative work that goes on in my Department of Culture. Bill 4 has been brought before this House as a means to assist them not only in performing their daily responsibilities but also enabling the government to operate with integrity and accountability. Mutual respect goes a long way.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Thank you, hon. minister.

Standing Order 29(2)(a) is available. The hon. Member for Cypress-Medicine Hat.

**Mr. Barnes:** Thank you, Mr. Speaker. To the hon. minister. A lot of people have mentioned concern about the power the commissioner has and concern over lack of appeals for any of his decisions. Can you address that, please?

**Mrs. Klimchuk:** With the Public Interest Disclosure (Whistle-blower Protection) Act I think the commissioner is going to be able to do the right thing. What's really important to me is that

employees in the public service know they have a place to go, and that's what this is about. It's very interesting to me. This has been brought forward by our Premier and this government. This has been asked for for a long time. We are walking the talk. We are doing what is needed to be done.

**The Deputy Speaker:** The Member for Innisfail-Sylvan Lake.

**Mrs. Towle:** Thank you, Mr. Speaker. I can appreciate the hon. minister's passion in this bill because she clearly defends it. I think that's great. I'm actually quite impressed that she got up to speak on it, which is even better. Absolutely. The question I would have to the hon. minister – I'm assuming she has a couple of seniors' centres in her riding. I just wonder: does she not find it a little odd that we didn't include all the seniors' centres, whether they're private or Alberta Health Services? They're receiving government money. Does she not think that maybe those seniors would deserve that same protection that you're so passionately defending? I'm with you on defending it. I'm just curious if the seniors deserve that?

**The Deputy Speaker:** The hon. minister to respond.

**Mrs. Klimchuk:** Thank you, Mr. Speaker. I think it's important to note that this legislation applies to the employees of the government of Alberta, the broader provincial public sector, including agencies, boards, commissions, school boards, postsecondary institutions, and health organizations. With respect to coverage of seniors I'm not sure what the hon. member is getting at. Yes, of course, meeting with seniors in my constituency is very, very important to me, and again it's important for me as a minister to be accountable to the individuals who help me do my job. Certainly, this is a step in the right direction.

**The Deputy Speaker:** Thank you.

We still have some time. The hon. Member for Innisfail-Sylvan Lake.

**Mrs. Towle:** Actually, I appreciate the answer, and since she's asking me the question, I'll clarify. I'm talking about the continuing care model that the Minister of Health so valiantly supports. That continuing care model is the seniors' centres like Covenant Health, like Capital health, like the Bethany foundation, and they are not covered in this legislation at all. If you care so passionately about seniors, which I'm sure you do, do you not think that those seniors should be afforded the same protection as those in the Alberta Health Services system?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. I think that's a decision that those boards and foundations will have to make on their own. I think that with us setting the tone for this whistle-blower legislation, people are going to be watching this, and I think that's a decision that those individuals would have to make in protecting their interests.

**The Deputy Speaker:** The hon. Member for Lac La Biche-St. Paul-Two Hills.

**Mr. Saskiw:** Thank you, Mr. Speaker. I've just got to question that answer. What you're saying is that an entity like Covenant Health will have to voluntarily go under this act? There are no provisions in this act. I'm assuming you've read it. My question to you is: are you standing by those comments?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. Well, I'm sure the hon. member has memorized the bill and read it very closely. I think that the Lieutenant Governor in Council, if you look at section 36, may make regulations

designating entities, including an entity that receives all or a substantial part of its operating funding from the government, as a public entity for the purposes of this Act and respecting the application of all or any portion of this Act to those public entities.

Again, the ball would be in their court.

**Mr. Saskiw:** Mr. Speaker, the Lieutenant Governor is actually cabinet. The member is a cabinet minister, and it says that there's a discretionary power, "may make regulations." [interjections] I can stand this way.

**The Deputy Speaker:** Hon. member, through the chair, please.

Other hon. members, the Member for Lac La Biche-St. Paul-Two Hills has the floor, please.

Hon. member, please proceed.

**Mr. Saskiw:** The Lieutenant Governor in Council is cabinet. It's a discretionary power that says: "may make regulations." Why don't you actually just show some leadership and say "must make a regulation" referring to these types of entities? Why are you leaving the discretion there?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. The Lieutenant Governor is indeed not cabinet. I think that the leadership that we're showing as a government is that we are taking leadership by presenting this legislation.

**The Deputy Speaker:** Thank you, hon. minister.

I'll recognize the Member for Cypress-Medicine Hat.

**Mr. Barnes:** Thank you, Mr. Speaker. I rise to add another voice to those speaking on Bill 4, the Public Interest Disclosure (Whistleblower Protection) Act, also referred to as the whistleblower protection act. The federal government has implemented whistleblower protection legislation, as have many other provincial jurisdictions. Here in Alberta there is currently no protection for those who blow the whistle in the public sector. I think it is important for our province to follow suit and put a system in place so that if a person working in a public organization has knowledge of wrongdoing, they are not afraid to come forward. They are doing the right thing and should not be punished for doing this. I have heard a few of my colleagues say that Bill 4 will not really protect whistle-blowers, and I tend to agree. Bill 4 as it is written has no real teeth.

Mr. Speaker, let me outline the three biggest concerns I have with this bill. First of all, what this legislation does is tell people to navigate within their own organization when blowing the whistle on the very same organization. I hope my colleagues on the government benches will take a minute to stop and think about what that really means. Imagine that you witness something at work that you know to be wrong. You are an honest person, and you know you have to do the right thing and report this wrongdoing and help and promote the public interest. You want to make sure you follow all the rules, so you seek advice on how to properly make a report. How do you get this advice?

According to this legislation you could be forced to submit your request for advice on the proper way to blow the whistle not to an

independent source but to the very organization in which you work. In other words, your supervisor, your boss, possibly your colleagues will know that you have asked for this information. Talk about a disincentive to even find out how this whistle-blower protection works, let alone actually report something.

Now imagine that you go ahead and write a report on the wrongdoing that you have this knowledge of, but you're not allowed to blow the whistle to the public interest commissioner, the person who has all the power to investigate. No again. This legislation states that you must first try to work within your own organization in regard to blowing the whistle on that very organization. How can the government really think this makes sense? How can they say that this will protect the whistle-blower or promote our public interest?

Now, there's a provision in this legislation that states that if one reasonably believes that a reprisal is likely, he or she can complain outside their organization directly to the public interest commissioner. But will a person somehow have to prove reprisal is likely, and how would they do so? Will complaining directly to the commissioner really accomplish anything when his power is unchallengeable?

**3:50**

Mr. Speaker, if someone is going to blow the whistle, they should have the freedom to do so to any source they determine to be the most appropriate. It is ludicrous for this government to try to legislate how and to whom a whistle-blower can take their concerns. I wonder why this government would even try to be so prescriptive, and the only reason I can come up with is that they are trying to make it as difficult as possible for anyone within the government or for anyone within the public service to actually have their concerns addressed, to actually have wrongdoing looked into to promote the public interest.

The government claims this legislation provides an avenue for people to blow the whistle on any wrongdoing, but because it is written in such a narrow and prescriptive way, even if a person were to bring forward concerns, it is highly unlikely that the public would ever hear about it because this government will not allow individuals to blow the whistle to the media or any source outside the government family.

My second concern, Mr. Speaker, is that there is nothing in this legislation, not one phrase, not even one word, about how a whistle-blower could obtain a remedy if they suffer reprisals because they have blown the whistle. And let's be realistic here; most whistle-blowers do suffer reprisals. But there are no mechanisms written into this legislation, legislation that is titled whistleblower protection, for an individual to seek redress like compensation for a destroyed career. Again, talk about a huge disincentive to report any wrongdoing.

Mr. Speaker, last but not least, I am concerned about how broad the exemptions that the commissioner can make are. As written, section 31 allows the commissioner to exempt anything – any person, any public entity, any information, or any record – from any portion of the act or from any portion of the regulations which have yet to be written. Given that this act provides no method for any decision of the commissioner to be challenged – not even the courts can be used to mount a challenge – giving such broad exemption powers does not seem wise and does not seem to be in the public interest.

I am not arguing that the commissioner should not have the authority he needs to be able to deal with concerns that are brought to him, but, Mr. Speaker, there should be some sort of provision for a decision made by the commissioner to be reviewed if necessary. Yet this legislation does not provide for that. It does

not provide even one avenue for a decision of the commissioner to be reviewed. How can the government claim that this is transparent? Not only can no one challenge the commissioner, but if the commissioner has any concerns, he can only complain to a deputy minister, a minister of cabinet, an office of the Legislature, or to the Speaker. This legislation prevents the commissioner from going directly to the Legislature, in other words from going to any elected person outside of the Premier's inner circle, and we know their track record.

This government does not often walk the talk. They seem to think that providing catchy sound bites without taking any action to back them up is all that is required of them. In the case of Bill 4 the Premier said that she is leading the way in terms of accountability. Then I urge her to work with those of us who have pointed out the flaws in this legislation, and I challenge her to fix them and make this a great piece of legislation. If she really cares about being transparent and accountable to Albertans, she should be happy to do so.

Mr. Speaker, I'd just like to pause and close. In the six or so months that I've been an MLA – and maybe being an opposition MLA has something to do with this – the three, four, five, or six professionals that have come up to me over this time period and wanted to tell me something but didn't want it to get back to the government, didn't want their name out, or have started the sentence with, "I shouldn't be telling you this" make me totally aware of how important this type of legislation is.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Thank you, hon. member.

Standing Order 29(2)(a) is available. The hon. Member for Innisfail-Sylvan Lake, through the chair.

**Mrs. Towle:** Thank you, hon. member. I appreciate your interest and your speech, your talking here. Would you give your position on whether or not you believe this legislation should be afforded to all facilities that are receiving government money, whether they be public, private, whatever they are, and how you would perceive that that could benefit them?

**The Deputy Speaker:** Thank you, hon. member.

The Member for Cypress-Medicine Hat, through the chair.

**Mr. Barnes:** Thank you, hon. member. I for one would be concerned about the input into private. My initial thought is that where there are elements of a significant percentage of public funding that crosses with private service providers or where the government, the taxpayer, the citizen, is funding things, my initial thought is that it should apply because that is public money, and to promote the public interest, that should be protected.

**The Deputy Speaker:** Thank you, hon. member.

Are there others?

I'll recognize next the hon. Member for Calgary-Mountain View.

**Dr. Swann:** Thank you very much, Mr. Speaker. A pleasure to rise and speak to Bill 4, Public Interest Disclosure (Whistleblower Protection) Act. This is an initiative that's close to my heart, having spent the last 10 years in politics because of blowing the whistle on a government that I felt wasn't addressing climate change in a serious way and on a health authority that didn't seem to like that news or the health consequences that I saw arising out of climate change, including new infectious diseases, droughts, food production losses, extreme weather events, and floods, which we've seen a growing number of in this last decade in Alberta.

To get to the point, I guess I see a government that is going upstream after decades of eroding public trust. This is really a bill about trust, and I see a government that has, in most instances that have come to our attention, been transparent only about those things that they've been embarrassed about in public, when good media doing investigative journalism have exposed something, when freedom of information requests have exposed something. Only then does this government actually come forward and acknowledge problems within the system: failure of due diligence, wasteful spending, other activities that actually limit and coerce and in some instances eliminate employees within the government services.

Of course, some of the main ones we brought to the fore in the last year or so. Physicians who have actually been squeezed out of the system because they saw problems in the health care system, tried to raise issues with the government, with the health care system, were dismissed and signed confidentiality agreements, had big settlements, as we know. They still don't have the opportunity without a public inquiry to speak to some of the issues that got them fired. What they were really trying to do was improve the system and address some of the queue-jumping that resulted from coercion on them.

I'm thinking specifically of Dr. Ciaran McNamee, whose lung cancer patients were bumped way down the line by cardiovascular surgeons and through influencing the Health minister and the other officials in the department. He was dismissed because he raised the alarm bell on delays in lung cancer surgery because of priority given to others. That's just one example.

I guess that when I say that this government is coming at this bill with a tremendous handicap in terms of public trust and those of us on the opposite side having real trouble believing that they're sincere, it's this history of cover-ups, of unwillingness to address serious and legitimate allegations of penalties to whistle-blowers, in fact, and an unwillingness to open up these issues unless they are absolutely brought to the table and forced to accommodate the reality.

When I think about speaking out in public, I recognize, as someone who has suffered the consequences of this government's approach to whistle-blowers, that it's hazardous to people's well-being. It's hazardous to their mental health. It's hazardous to their future employment. It's hazardous, potentially, to their family's well-being.

This is a critical piece of legislation, and while I applaud the decision to finally get one on the table, I, like many others here, am very skeptical that this is actually going to accomplish what I think it is that we want to see it accomplish.

Several questions have to be answered with any whistle-blower legislation. First of all, does it make it safe to raise objections or concerns about a particular process or expenditure; secondly, will there be anonymity for the individual; thirdly, will there be an opportunity for any kind of retaliation or negative impact on the individual; and finally, will there be accountability for the offender as well as compensation for the whistle-blower should they pay an inordinate or any significant price for their speaking out?

4:00

Those questions, Mr. Speaker, are at the heart of what good legislation would have to ensure so that anyone who decided to take the courageous step to speak out would feel a hundred per cent confident. What I'm afraid I see, not so much in what's written but in what is unwritten and from some of the discussions that we've heard earlier, is that the internal process, the lack of an appeal process, the lack of an ability to go to the courts



afterwards, the inability to define harm after a period of time if a person has been damaged or let go or voluntarily resigned because it was too uncomfortable to work in that situation, and the lack of significant recognition of the costs to the whistle-blower and commitment to paying for that are serious concerns.

In addition, I guess I would have to echo what a couple of other people have mentioned. One, it's not retroactive. When it comes into place perhaps a year from now, it's extremely cloudy whether an individual who has been part of something that's ongoing should blow the whistle or not because it could be called retroactive if they start to raise issues from the past. It makes it, again, a barrier for people to feel confident in raising it.

Second is the lack of protection for contracted individuals, as I was, in the health care system, the lack of ability to hold people accountable in other partially publicly funded services. Covenant Health was mentioned among others. For many of the seniors' care homes that receive significant funding, even the private ones, again, this doesn't apply there.

One would hope that all of these issues would've been considered and that when we do this, put all the effort and expense of going through this process for a bill, we would make this as comprehensive and as bulletproof, I guess you could say, as possible. What we see is a minimalist approach, an attempt to, I think, give us an appearance of protection, an appearance of trustworthiness. As I say, coming from 10 years of watching this government in action, they're starting at a huge disadvantage with both the public and many of us in the Legislature because there has been very little that has been consistent in terms of a willingness to be accountable and transparent in this government.

It would be a huge cultural shift for us to believe that whistle-blowers would be safe, that they would be compensated, and that the perpetrators of malfeasance, mismanagement, or abuse would actually pay the price. Without that trust, Mr. Speaker, without an overarching sense of trust, which I dare say under the leadership of Peter Lougheed would've just been there – when people in Lougheed's day saw something like this bill, they would've said: "Yes. We believe what he's doing. We believe he wants to be serious about this." If he had considered it, we would have given the benefit of the doubt. In this government we give them no inch because we have seen too much evidence that this is hardly in good faith.

If they haven't done their homework, if they haven't looked at the best in the world – and we have a number of countries that have what's considered to be remarkable and state-of-the-art whistle-blower legislation. They didn't even consider those. That's unfortunate, and it gives us, again, the sense that Alberta has to have a made-in-Alberta solution. We know best, we're going to do it our way, and everybody should trust us.

I'm sorry, Mr. Speaker; we have to do better than that. We have to close all the loopholes. We have to ensure that this process is beyond reproach. We have a distrustful public service. We have a distrustful public. People know the prices that are being paid by those who blow the whistle. We have to have robust and, as I say, bulletproof legislation here that gives people absolute confidence that the best interests of the public, the best interests of good management, and the honest regard for accountability and transparency are held by this government. They're going to have to do better than this to convince us that this is actually going to serve the long-term best interests of this province and the employees working in it.

With that, Mr. Speaker, we'll be making some amendments in the next phase, and hopefully the government will take them in the spirit in which they're recommended. We want a robust bill that

all Albertans will be proud of, that people will not hesitate to use when they see malfeasance and malpractice.

I'll take my seat. Thanks, Mr. Speaker.

**The Deputy Speaker:** Thank you, hon. member.

Standing Order 29(2)(a) is available. The hon. Member for Lac La Biche-St. Paul-Two Hills.

**Mr. Saskiw:** Thank you, Mr. Speaker. I just have one question. There's an independent body called the Federal Accountability Initiative for Reform, or FAIR. They issued a press release stating that based on their reading of the bill, it would "simply create a black hole into which courageous employees place serious concerns that affect the public interest – and get no feedback, no result and no protection." I'm wondering if the hon. member has had any dealings with FAIR and what you think of their comments on this bill.

**Dr. Swann:** Well, thanks so much for that question. Yes, I'm familiar with FAIR. Many of you will know about the famous Dr. Nancy Olivieri, who blew the whistle on the federal government around research results and the inappropriate reassurance around some drug trials that she recognized. She paid a huge price for blowing the whistle on government cover-up of some of the important facts around health care impacts from some of these medications. FAIR has tried as a result of that, her years of battle and her tremendous financial costs through the courts, to get compensation and protection for her career and her family costs, tremendous stresses and depression.

She tried through this FAIR organization to raise the level of debate and understanding around whistle-blowing in the country, and I give them all the credit for both being critics of legislation as it's emerged across the country and giving constructive guidelines. I think this government would do well to listen to some of the several concrete recommendations that FAIR has made to improve this legislation, and I hope that will be taken to heart.

Thank you.

**The Deputy Speaker:** Thank you.

Are there others? The hon. Member for Cypress-Medicine Hat.

**Mr. Barnes:** Thank you, Mr. Speaker. To the hon. Member for Calgary-Mountain View, two questions.

**The Deputy Speaker:** Through the chair, hon. member.

**Mr. Barnes:** The first one is: who do you think whistle-blowers should be able to blow the whistle to? Secondly, I'm wondering if this lack of accountability harms our government and our public interest in other ways when good public employees don't have the option to blow the whistle and maybe feel a bit bullied, for lack of a better word, if they end up doing worse at their jobs.

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

**Dr. Swann:** Thanks, Mr. Speaker. I appreciate the question. From my point of view, any organization that has wrongdoing should allow the freedom and protection of whistle-blowers. We all lose as a culture, as a population when people are doing things that are either fraudulent or damaging to the public good. I could say that almost any organization has impacts on the public good either through the quality of their products and services or in this case, where we're addressing the public service issues, the public purse and, indeed, the services that they provide.

I wish I could remember your second question, hon. member, but it slipped away.

**Mr. Barnes:** Who should you blow the whistle to?

**The Deputy Speaker:** Hon. members.

**Mr. Barnes:** Oh, sorry.

**Dr. Swann:** Who should you be able to blow the whistle to? Well, clearly, we need independence. If we don't have an independent body through which to speak and to bring evidence, it is difficult to believe that whistle-blowers will be confident and trusting in the process. In this case this bill has only an internal process, or in an extreme case they can go directly to the commissioner. That makes it really difficult, I think, to have confidence in the process. I think we need to have at least some semblance of independence so that people can go wherever they wish to raise the issue, where they think they'll get a proper hearing and redress.

In some cases that may mean to the media. In many cases, at least in the months and years until we can prove up this legislation, I think people need to be able to go to the public, as I did, and make sure that there is full and open discussion of the issues, and people through the media can judge for themselves what seems to be appropriate and inappropriate.

4:10

**The Deputy Speaker:** Thank you, hon. member.

Are there others? The hon. Member for Lac La Biche-St. Paul-Two Hills.

**Mr. Saskiw:** Thank you, Mr. Speaker. My question is regarding the definition of wrongdoing. In the current version of the act there's nothing about political bullying, cabinet ministers bullying individuals. There are constituents in my area that felt this very strongly before and during the election. I was wondering if the member had any solutions to the wording on the definition.

**The Deputy Speaker:** The time has elapsed.

I'll recognize the Member for Lac La Biche-St. Paul-Two Hills on second reading.

**Mr. Saskiw:** Thank you, Mr. Speaker. If we were to implement proper whistle-blower protection in this fall session, that could be something that would benefit this province for years to come. It could be a highlight of this fall session. However, what has been presented to us in Bill 4 is something that will not leave a good legacy. Instead of implementing proper legislation with teeth to defend whistle-blowers, the government decided to bring forward legislation that will defend them from whistle-blowers.

I'm disappointed that this bill doesn't apply to ethical behaviour. There were many examples that I had in my constituency where municipal leaders were bullied into making a decision or would face serious consequences in terms of funding. They were fearful of speaking out on those matters, and rightly so.

The government knew that the public, I think, was looking for action following the alleged intimidation of health care professionals and the accepting of illegal donations. This should have been part of Bill 4. We should take issues like the intimidation of health professionals and other public servants seriously, but the government has chosen not to do so, and it's disappointing.

The bill is also currently structured to keep highly damaging information as private as possible. It indicates that the government wants to hide from whistle-blowers, not protect them. Under the proposed legislation government employees that are seeking

advice on blowing the whistle can be forced to submit their request in writing. This seems disturbing and is a way of intimidating people to not even think of blowing the whistle or finding out how to do so.

Further, section 10 makes it clear that you cannot blow the whistle to the public interest commissioner unless you have attempted to do this within your own organization. You know, one example is a health care professional. Are they really going to want to go to Alberta Health Services if those are the people that they feel are intimidating them? There is obviously going to be reprisal. Mr. Speaker, I feel that this was deliberately put in to scare public employees out of doing what is right and coming forward with information that is beneficial for the public good.

Mr. Speaker, let's imagine this. Imagine you worked in a place where your superiors were public employees that were making over-the-top expense claims. Imagine they were charging the taxpayer for thousands of dollars for things that were not necessary to do their job: butler service, a Mercedes, trips around the world. It's very hard to imagine taxpayer dollars being wasted like that, but just try and imagine that. Imagine if you had the good conscience to come forward with this and save the taxpayer from being brutally abused in these situations.

Should you really have to bring this up to the manager that is abusing the taxpayer first? Wouldn't doing that possibly intimidate you from coming forward in the first place? I think the obvious answer to that is yes, and that is why we shouldn't have to force individuals to go through a potentially flawed internal process within the organization that they are trying to blow the whistle on. It just isn't a good idea, Mr. Speaker, and I don't think it's right.

We should work to encourage whistle-blowers. They can help stop ethical lapses and financial mismanagement as soon as it happens. If we had good whistle-blower protection, perhaps a public employee could have come forward in the recent health expense scandal. That would have saved taxpayers thousands of dollars. Why wouldn't we want to include that in the legislation? What are they hiding? What are they trying to stop from being made public?

Furthermore, the act is on a go-forward basis. If we want to ensure that Albertans are getting proper use of their tax dollars, we should ensure that this legislation allows brave whistle-blowers, who are already putting their neck on the line, to be protected if they want the public to know about recent issues. This may include issues that we do not know about yet, but it would be better for the government to learn from previous mistakes than to repeat them in the future.

An example in my constituency is about some municipal leaders in my area as well as their CEO who were in a meeting with the minister, who basically said: you sign this document, or you're never getting another grant. That has to be made public. Those people have to have the ability to blow the whistle on that and not fear reprisal, not fear that their community isn't going to get the funding because they spoke out. It was a shame in our community. It was a black eye on democracy, actually.

Instead of doing this, the government is simply trying to make this effective only from the day the bill passes, and by doing this, the government closes the door on any wrongdoings in the past. This government has done more to cover their tracks than to put Albertans first with this legislation.

Formal whistle-blowing legislation is welcomed by the Wildrose and, I'm sure, is welcomed by all parties. We could have had a full, multipartisan approach, where you put this legislation to a committee that would examine the legislation, look at all the

best practices from organizations like FAIR that have come up with substantive recommendations, and get it right. But just like the government's FOIP Act, it is designed to protect the government, not the public.

I still hope that we can work together to create more effective legislation than what has been presented. This is still a first for Alberta. There has been no protection of whistle-blowers in government previously. It's a good thing this government has brought forward this legislation, but we should ensure that this legislation is one that will leave a lasting positive legacy, not just assist the government in sweeping things under the rug.

You know, we've talked in the past about having legislation done properly instead of having flawed bills come to the Legislature, where individuals don't know that the Lieutenant Governor, the Queen's designate, isn't actually the person that drafts regulations. They're the ones that put it into force, make it come into law. We need to have those types of discussions so that the legislation is done properly. Important pieces of legislation shouldn't be left to regulation. It should be right in the substance of the bill. Regulations are only meant for minor details that can change from time to time.

Key substantive provisions should never be left out of the face of the document. The reason for that is that legislation, at least to some extent, is debated in this House. We have the opportunity to provide amendments to it. But with regulations it's at the sole discretion of cabinet. If cabinet wants to make regulations on this, they could. Under section 36 they may. Well, I don't think Albertans can trust them to definitely make a regulation, particularly when answers on protecting employees of organizations, like, you know, employees of seniors' homes, aren't properly given to us.

You know, our caucus is coming up with many substantive amendments. I know that other members of the opposition are coming up with amendments, too. Let's hope that we can work together to actually take this legislation, that I think in many ways is a facade, breathe some life into it, and make it so that whistle-blowers can blow the whistle at any time and in any place and for any reason that's valid. In particular, we would look to be expanding the definition of wrongdoing to ensure that it includes political wrongdoing. I guess the fact is that if you're a cabinet minister or if you're an MLA or whatnot and you're not doing anything wrong, you should have no problem with putting that protection to the public in the definition of wrongdoing.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Thank you, hon. member.

Standing Order 29(2)(a). The Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you, Mr. Speaker. I appreciate the comments of the hon. member. You brought up an organization called FAIR. I, too, have looked at some of their stuff. I read with great interest David Hutton's article in the *Calgary Herald* and other things of that nature. For a government that seemingly was dedicating itself to openness and transparency – there are many examples throughout the world of governments which have actually written good legislation and opened this up to what in that organization's view is very good legislation – why would this government choose to write such a mediocre bill or, as you say, a facade instead of simply getting legislation from another government that was already out there, already proved to be working, as organizations like FAIR said, and just simply cut and paste that and implement that instead of putting in this, to use your words, facade legislation?

4:20

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

**Mr. Saskiw:** Thank you, Mr. Speaker. The organization FAIR – the member refers to it – talks about legislation that's in other jurisdictions like the U.S.A, the United Kingdom, Australia. If there are precedents out there, then why reinvent the wheel, particularly if it's so poorly done? The quote that they use is that this legislation “compels the whistleblower to enter a secretive, bureaucratic and tightly-managed process which is likely to bury their allegations and is unlikely to protect anyone except the wrongdoers.” I think the member states rightly that if there are other jurisdictions with the legislation out there, surely the legal counsel for this government would have looked at other legislation, but that may not be the case.

My understanding – we've had some communications with this organization – is that the government hasn't consulted with them at all. You have a body that has expertise. This is all they do. They have looked at all legislation. They have tons of reports on it, tons of good information, and this government hasn't even bothered to consult with them. It's to their own detriment. We're seeing in the media, you know, that they're looking at this independent body which is making substantive arguments about why this legislation doesn't work, and I think Albertans are starting to understand that this legislation is a failure.

I thank the hon. member for his question, and hopefully – hopefully – we can take some of the recommendations that FAIR has presented, get to Committee of the Whole, put them forward to the government, and hopefully the new minister will accept those recommendations so that we can actually have real legislation. We hope that the creation of this bill in such a poorly written fashion wasn't deliberate. Maybe I'm just a new MLA and I'm being naive on that. There are a bunch of other amendments here that FAIR has put forward. Some of them are specifically related to certain sections here, but we'll take some of their overall principles, incorporate them into our amendments, and hopefully the members on the other side will judiciously look through our amendments.

**The Deputy Speaker:** Thank you, hon. member.

The Member for Innisfail-Sylvan Lake under 29(2)(a).

**Mrs. Towle:** Thank you, Mr. Speaker. Hon. member, we heard over there from the minister of arts and culture that you really couldn't cover seniors' care centres, and she wasn't really sure what the difference between private and public was. I'm just wondering: is there the ability in Bill 4 to ensure that any organization that receives public money could be covered? Is that a possibility in this bill, or is it absolutely impossible, as we've heard?

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

**Mr. Saskiw:** Thank you, Mr. Speaker. It so happens that we actually have an amendment on that. It's just amazing how that happens. It's actually even been approved by Parliamentary Counsel, so it is possible that we can put that in the bill. The hon. minister somehow said that this was some type of impossibility, that if an organization has employees that aren't employees of the government, it can't be included. That's not the case. If there is an entity, whatever type of entity, whether it's a seniors' home or some other entity out there, provided that that entity receives public funding and provided that taxpayer dollars are going into it, there should be the opportunity for those individuals, if they see

mismanagement – and there’s a load of mismanagement; we’ve seen that – to be able to blow the whistle so that taxpayers are protected.

Thank you.

**The Deputy Speaker:** Thank you, hon. member.

I’ll recognize the Member for Edmonton-Beverly-Clareview. Please proceed.

**Mr. Bilous:** Thank you, Mr. Speaker. It gives me great pleasure to rise today to speak regarding Bill 4, the Public Interest Disclosure (Whistleblower Protection) Act. I have much to say, so we’ll see where this carries me.

First and foremost, you know, when I heard that the government was going to be introducing legislation on whistle-blower protection, I was quite optimistic and hopeful that this legislation would actually in fact protect whistle-blowers. Unfortunately, this bill is fraught with problems that I will attempt to outline in the short time that I have. It’s frustrating because, again, as other colleagues have pointed out, whistle-blower protection is something that is sorely needed within this province. The legislation that we have in Canada, unfortunately, doesn’t go far enough, as other members have pointed out.

I’d like to begin by talking about how, you know, good whistle-blower protection would cover workers, whether they’re in the public sector or the private sector. It would cover all workers, which is the first shortcoming of this bill in that it only covers public-sector employees, and even then it doesn’t go far enough. I mean, in our great province there are many, many workers who are contracted. As my colleague from Calgary-Mountain View pointed out, when he was working in the public sector, he was actually contracted, so this current legislation would not have protected him either, which is a major shortcoming.

The way I look at it is that if we are spending our time and resources in drafting legislation in this great House, then we should ensure that it’s legislation that is well thought out, where we look at different points of view, where we ensure that no stone has been left unturned. I applaud my colleagues from the opposition parties for their due diligence in looking at this bill and thoroughly going through and adding their points of view and trying to close some of the loopholes. My optimism, unfortunately, is not where theirs is in that this is rife with so many challenges and problems that I’m not sure we can plug enough of these holes. If this was a ship, it would have already sunk.

One of the great concerns I have is that we have a commissioner with an unbelievable amount of power. First of all, if the commissioner decides that not a single instance of alleged wrongdoing has occurred, he has unlimited discretion to decide to do nothing about it. The fact that you’ve got a single entity, a single person that makes that decision of whether or not something will or won’t be investigated is a problem right at the forefront. I’ll talk a little bit more in a bit about the reporting that the commissioner has to do, but again we don’t get any specifics in this bill. Therefore, we’re going to see that many of the details, as far as individual cases, are going to be left in the dark.

First of all, there’s a lack of an appeal mechanism, the complete lack of ability for individuals to appeal a decision that the commissioner has made. There’s no access to the courts, no possibility of a judicial review of that. I’m not sure what my colleagues across the way were thinking. If a person wanted to challenge a decision made by the commissioner, well, clearly, it’s: sorry; there’s really nothing that you can do about it. You know, according to David Hutton, a gentleman from FAIR whom others

have quoted, at least in our federal legislation there is the potential for a judicial review.

In section 52 of our bill here it states that “no proceeding or decision of the Commissioner shall be challenged, reviewed, quashed or called into question in any court.” That, of course, is a grave issue. You look at our regular court system, and there is an appeal process. Decisions can get taken to the next level until multiple rulings have been made. Unfortunately, in the case of whistle-blowers, should the commissioner make a decision, well, we’re all left with that decision forevermore. Strong whistle-blower legislation should protect and add access to the courts, not replace that access.

4:30

The disclosure process and limitations are a challenge. Again, the annual reporting the commissioner will make once a year is pretty weak. This is worse than our federal law because our commissioner, according to this bill, does not need to disclose many details beyond annual statistics. So the challenge is that there is no disclosure or process for disclosure to the public. You know, if we want whistle-blower protection to protect Alberta workers, they need to have that access of going public to ensure that a situation is not only identified, but then something is done about it.

There is some exemption as far as employees for coverage. This is another power that the commissioner holds, where he or she may exempt a person from coverage. The fact that he or she has the ability to freely designate departments, offices, et cetera, from whistle-blower protection – in other words, meaning they are exempted from the law, they’re above the law – is a major concern. I mean, it’s unacceptable in that it goes completely against the scope of what the government is saying that this bill will do.

In seeking a remedy, at least in the United Kingdom our colleagues’ act focuses on remedies for the whistle-blowers, so it provides that compensation will be given to whistle-blowers. So the whistle-blower, for their system at least, is made whole if they suffer damages from that process. This current bill, Bill 4, doesn’t have anything that will protect and compensate the whistle-blower. For myself this is glaring evidence that this bill is not about whistle-blower protection. Again, it’s about protecting the government from whistle-blowers.

I find it quite interesting that my colleagues across the aisle boast about how proud they are of this bill and how strong it is, yet if you look at section 3(2), it clearly states that: “This Act applies only in respect [to the] wrongdoings that occur after the coming into force of this Act.” Well, if this bill is that strong, then why can’t you protect whistle-blowers who have had past transgressions, as opposed to saying: okay; the clock starts today. I find that a serious challenge to their position.

Unfortunately for whistle-blowers that do blow the whistle, many of them lose their jobs, face immense legal and other costs. So, you know, it is essential that whistle-blower protection have robust details regarding remedies in order to make it an effective law and to ensure that the whistle-blower is protected.

I’ll move onto an example from Australian law. Something that is strong from their own provision is that if bureaucracy refuses to investigate, the whistle-blower has the right to go public, and they are protected. So at least there is a provision where, if the internal mechanism fails, which I’ll speak to in a moment – I mean, an internal mechanism for whistle-blowing is already destined to fail – in Australia they have the option then of going forward and going public. They are protected, which is a crucial piece to

whistle-blower legislation, where clearly this bill falls flat on its face.

Strong whistle-blower protection must turn delay tactics on their head and not allow for that. It must consider the limitations. There shouldn't be any restraints going beyond the internal. Again, I've spoken in the past in this House that a whistle-blower should have the ability to blow the whistle anywhere, anytime, to anyone. That is the first and foremost criteria of any good whistle-blower legislation. The start of this bill talks about the limitations on who, when, and how and really does itself a disservice and doesn't live up to what it potentially could be.

Talking about the reports, the commissioner's annual report to the Legislature will not provide enough information for the public. Missing details are likely going to include departments, individuals involved in the investigations, remedies sought/awarded, penalties to departments or individuals, and specific steps taken to remedy wrongdoing, which is a great way for one to learn from their mistakes. Of course, if this Legislature is unaware of all of these details I just mentioned, well, I'm not sure how we're going to move forward in a way that's going to strengthen and improve the system upon which this is being built.

You know, I think the way this bill is currently written: there's quite a bit of secrecy. When we look at the internal disclosure process, that will actually, in fact, silence the whistle-blower and intimidate those who do not feel comfortable going through the internal process.

I've mentioned already the monopoly of control the commissioner will have over this legislation, which, again, works completely opposite to what the intention is and has been outlined by the government in this bill. In the end, you've got a commissioner that can effectively shield the government from whistle-blowers, which is a grave concern.

I want to touch again on the five tenets that have been outlined by various organizations and which I feel strongly should be in this legislation. One, first and foremost, is that a whistle-blower has full free speech rights and that their freedom of speech is protected no matter who they speak with, where they go, and that they have access to the media.

You know, again, I'd like to bring up the example that the incident that happened – and "incident" isn't even strong enough of a word – at XL Foods could have been prevented had we whistle-blower protection that protected private-sector workers. It became clear after the fact that there were workers who were aware, that there were some concerns they had regarding their work at the plant but, of course, fear of reprisal, fear for some – there are many temporary foreign workers who work at the now JBS, the XL Foods plant – of being deported, not just losing their jobs but being evicted from the country. Clearly, they weren't about to sacrifice or take that chance. I'll jump to the public example in a second.

Had we whistle-blower protection that would have protected these workers, they could have stepped forward. They could have blown the whistle. This crisis could have been prevented, the incidents of people getting sick, the fact that our reputation was, I'll say, slightly tarnished by this. It all could have been prevented.

I mean, the purpose of whistle-blower protection, folks, is to not only protect the whistle-blower but also to strengthen and improve our public sector and also our private sector. You know, it causes me alarm, and it makes me think that my colleagues across the way haven't necessarily done their due diligence in research, in looking at other jurisdictions, in looking at laws that exist in other countries like the U.K. and Australia that show that strong whistle-blower protection will actually, in fact, help to save dollars, protect workers.

I mentioned David Hutton with FAIR, and he has also written that, unfortunately, our federal whistle-blower law has not been much better than this one in that the federal government has expended roughly \$30 million with very little coming out in the way of protecting our workers.

It's my contention and, I believe, my colleagues' on this side of the House that, you know, we write this bill, we do it correctly the first time, we ensure that it's going to do what it set out to do, which is, again, to protect the whistle-blower, to ensure that they don't have fear of reprisal, that they're not going to be either harassed or intimidated or, worse, lose their job for speaking out. We have many examples, unfortunately, in our history of when this has happened. If we want to do something to ensure that they are protected, well, then, we need to rewrite this current bill and, honestly, start from the top and consult with industry and experts in this area. I find it amusing . . .

4:40

**The Deputy Speaker:** Thank you, hon. member.

Standing Order 29(2)(a) is available. The hon. Member for Livingstone-Macleod, through the chair.

**Mr. Stier:** Good afternoon, and thank you, Mr. Speaker. I appreciate the opportunity to speak to the House again today. I've enjoyed the . . .

**The Deputy Speaker:** Hon. member, this is 29(2)(a), not your opportunity to speak.

**Mr. Stier:** Fine. Yeah.

**The Deputy Speaker:** That's fine. Carry on.

**Mr. Stier:** I've really enjoyed the information that the Member for Edmonton-Beverly-Clareview has been providing us. He spoke an awful lot on things in the bill that seem to be a problem for him. I just wondered, in addition, are there other sorts of legislation perhaps that he might think should be added to this, in his opinion?

Thank you.

**The Deputy Speaker:** The hon. member, in response.

**Mr. Bilous:** Thank you very much, and thank you to the hon. member for that question. I mean, definitely we need to add to this. Of the five I think I only covered the first, talking about full free speech rights. There's also the right to disclose all illegality and misconduct. There should be protection so that there is no harassment of any kind for a whistle-blower or any form of reprisal that can be taken upon a person who goes out and, again, is reporting on this with the intention of improving a system or correcting measures that aren't right.

I think part of the problem is the way this bill is written. The government will speak about how this is to protect the whistle-blower, but truly when one goes through the bill, we see that it is mostly geared toward protecting not the whistle-blower but the government from the whistle-blower. Section 27, I find, talking about human resource management decisions: well, the way that it's currently written, it basically gives an out for a ministry to let go of a whistle-blower for making – I'll read it. "No action lies against a department, public entity or office of the Legislature, or an employee of any of them, for making a reasonable human resource management decision in good faith."

Part of the issue I have is that when you have a bill like this, where we're relying on the definition of one person's idea of good faith, it can be argued in so many different ways that a person was

acting in bad faith, therefore their reprisal or losing their job or other consequences are justified. I don't think public servants or people who are going forward to report this want that decision based on an interpretation of what good faith is. I mean, that's an issue.

Should members go through the bill section by section, I think it's clear that many pieces of this legislation need to be rewritten. There's too much that's either left for interpretation or up to the discretion of one person, the commissioner, which is too much power in the hands of one person and really should be given to the public.

Thank you.

**The Deputy Speaker:** Thank you.

Others on 29(2)(a)? The hon. Member for Medicine Hat.

**Mr. Pedersen:** Thank you, Mr. Speaker. I'd just like to ask the Member for Edmonton-Beverly-Clareview, because he's enlightened us quite well, how can a bill like this with so many holes in it, some large enough to, say – I'll just sort of warn the members across the way – drive a bus through them, be presented to us in the Legislature? Do you think we're being punked here?

**The Deputy Speaker:** The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Bilous:** Thank you for that question. You know, it gives me great concern that there are this many holes and, as you've so aptly described, that you could drive a bus through the size of the holes in this bill.

It's just frustrating for myself that there is whistle-blower protection that exists in other jurisdictions that does protect the worker, and I'm unsure why the government hasn't consulted, hasn't looked into these pieces of legislation. We have organizations like FAIR, David Hutton, whose whole scope of work is about identifying and sifting through, line by line, legislation on whistle-blower protection. His organization was not consulted. He was not approached, and he even extended his hand out to the government to give some feedback on this legislation. To my knowledge, my understanding is that he was not contacted and was refused access. So it's quite frustrating.

The potential for this legislation, I think, was great. I think it is definitely needed.

**The Deputy Speaker:** Thank you, hon. member.

I'll recognize the next speaker, the Member for Drumheller-Stettler.

**Mr. Strankman:** Thank you, Mr. Speaker. I'm uneagerly awaiting my chance to speak to this bill because it is an important bill, and I am not an excellent public speaker, but I do believe that it needs to be addressed. I have serious concerns with the methodology of it and the intricacies of it.

Unfortunately, whistle-blower protection in this province is long overdue. We will join the ranks of Ontario, Manitoba, Saskatchewan, and Nova Scotia in having protection for whistle-blowers. Whistle-blowers protect the public interest and safety by courageously stepping forward despite the odds against them. In a word, they are heroes. Heroes are selfless, they sacrifice for others, and they are brave when they stand up against insurmountable odds. They are David to Goliath, and we should do everything we can to make sure David wins.

With that, Mr. Speaker, I'd like to relate a personal experience that I had in a previous life, when I was in Ottawa and challenged by a Member of Parliament at that time, Dr. Wayne Easter. I was

representing the Western Barley Growers. Going forward, I had heard that some serious questions were going to come forward from opposition in the House either that week or the next week coming. I had a chance to greet Dr. Easter at a committee hearing. He was advising me as a westerner how I would be involved in politics of the country coming forward. I had a chance to grab Dr. Easter's hand and shake it and tell him that Canadians were having an increasingly difficult time discerning between a Liberal and a crook. It was only a very few days after that that the sponsorship scandal broke. Allan Cutler, sir, was the gentleman that broke that sponsorship scandal. He blew the whistle on it.

I have to tell you, sir, that I kind of skipped part of my story. For Dr. Easter to understand that I came from western Canada, I made a statement that with federal Liberals it was difficult to discern between their political aspirations and that of being a crook. His face just simply dropped. He was shaken, and I believe in my heart that he knew that there was something afoot. This whistle-blower came forward, and as we all know, the Adscam scandal broke. It wasn't about the incompetent use of tax dollars. It was about the deliberate and fraudulent use of tax dollars for those political purposes, so I believe whistle-blower legislation is extremely important.

For too long civic-spirited public servants have been afraid to come forward or be destroyed if they do. Careers can end, and jobs can be lost. Ultimately, the livelihood of a person and their family is put at risk when someone in the public sector wants to step forward and bring attention to outrageous behaviour. I am pleased that after 41 years of government the party in power has finally seen fit to pass whistle-blower legislation. It's about time. There are also limitations to prevent fraudulent claims against the government. Whistle-blowing is too vital to a free and healthy democracy to be bogged down with the vindictiveness of some. This legislation should be reserved for those who know of serious wrongdoing in public institutions.

With this legislation, sir, I do have serious reservations and will not be supporting the bill in the present form. This piece of legislation before us will protect those in the public sector when and if they blow the whistle. They should not have to fear reprisal from their supervisors or any other management executives in their department. The problem is that I do not believe in this government, and I don't believe that this bill was intended to protect employees of the government. This bill reads a lot like the FOIP Act, and it was intended to protect the government from its employees. If this bill was intended to hold government to the highest standards and facilitate whistle-blowing, it would read much differently.

From the beginning of my reading, Mr. Speaker, this bill seemed a bit suspicious. Why would this legislation only apply going forward? Why wouldn't the government be interested in violations of the public trust in the past? Why wouldn't it want to know about gross mismanagement of public funds or reprisals against employees, and to the Member for Innisfail-Sylvan Lake, whether they're involved in health care or not?

**4:50**

One could conclude that there is something to hide, Mr. Speaker, especially since this bill, if passed, would not be implemented for some time. This seems less like whistle-blower protection and more like whistle-blower suffocation. What kind of message does this send to the civil service right now? The expense scandal in our health system was only brought to light by a FOIP request from the media. Government tried to hide the scandal. I would surely doubt that this government claims to be perfect, so why gag the civil service in the meantime? Why not make a

promise here in the Legislature now to protect employees against reprisal from this day forward instead of some distant future date yet to be defined?

As it stands in this bill, wrongdoing is limited to gross mismanagement of funds and assets in civil and criminal law. We can do better than this, Mr. Speaker. We should be looking at ethical behaviour. A good friend of mine once said: you cannot legislate morality.

Another major concern of mine, Mr. Speaker, is the exemption section of this bill. To be honest, sir, all barn doors are smaller than this exemption, and there's been comment made about a bus and even a double-decker bus that could be driven through the legislation.

The government is asking us to trust the judgment of the Ombudsman or whomever is designated to oversee this process. Where I'm from, Mr. Speaker, trust is earned, not demanded. Memories are long. We have an Ethics Commissioner in this province. We have conflict-of-interest legislation in this province, and it's clear that former ministers must cool off for one year before re-entering government service, especially in their own department. Yet somehow party hacks wind their way back into government positions before a proper cool-off period. What's the point of conflict-of-interest rules, for example, if this government is going to just waive them when it's in their best interests? What could happen with whistle-blower protection in this province when anyone or anything can be exempted from the act? It's shameful. Albertans deserve better than this.

To that end, Mr. Speaker, I'd like to speak to a campaign promise that I made guaranteeing personal anonymity in whistle-blower legislation. Well before this legislation was brought forward, I ran in the election campaign with a personal commitment to my constituents that if they knew of wrongdoing, not criminal wrongdoing, I would give them a personal guarantee of whistle-blowing anonymity to the best of my ability.

This whole bill seems designed to keep a lid on outrageous conduct inside government. This seems far too secretive for me. This province thrives on freedom. The ministry that crafted this bill has the words "transparency" and "accountability" in its name, yet somehow this bill does not allow findings of wrongdoing to be made public by the public interest commissioner. Every avenue is designed to lead to the Premier's office and cabinet. If the commissioner is ignored by a minister or the Premier or a deputy minister, there appears to be no recourse so that the public is aware of the situation. Ironically, this seems against the public interest. How can this be?

I find it interesting that this bill closely follows the relevant legislation in Saskatchewan, the people's republic of Saskatchewan. I find it interesting because there's a significant clause in The Public Interest Disclosure Act of Saskatchewan that allows a commissioner to make a special report to the Speaker if it is in the public interest and relevant to a disclosure made to that office. Somehow that section 24 from Saskatchewan did not make it to this bill here.

I seriously hope the government reconsiders their bill and listens to the opposition so that serious progress can be made.

Mr. Speaker, I will not be supporting this bill in its present form. Thank you.

**The Deputy Speaker:** Thank you, hon. member.

Standing Order 29(2)(a).

**Mr. Dorward:** Mr. Speaker, my grandmother's maiden name was Hutton, and as most people here will know, my first name is David. I do want to congratulate the parties opposite from start to

finish for their detailed analysis of a website which is run by a Mr. David Hutton – I believe that is his name – the FAIR website. You know, I clicked on one button on that website, and I found a whole series of comments that are eerily similar to what we've heard here for the last while.

Getting down to a question, I find it ironic that on the day that the Results-based Budgeting Act report is tabled in the Legislative Assembly, all the parties opposite – I think I've heard it from all of them, and I stand corrected if I'm not right, and for greater clarity: the Wildrose, the Liberals, and the New Democrats – have all spoken about opening up this legislation to all sectors. As a chartered accountant who ran a CA business, I can only imagine in my mind's eye, with just the clients that I was favoured to be the accountant for, how this legislation, if it was open to them, would be very expensive. To the member opposite: what will it cost if they open this legislation up to all enterprises?

**The Deputy Speaker:** The hon. member to respond, if you care to.

**Mr. Strankman:** I have no idea, member opposite. I think that's in the hands of the government.

**The Deputy Speaker:** Standing Order 29(2)(a). Are there others?

**Mr. Griffiths:** I'd just pick up where my colleague left off. I think it's very, very important to consider the cost implications that go along with this. I know that when a legitimate whistle-blower comes forward with some issues of wrongdoing that are going on, it has to be investigated. It has to be investigated to also make sure that you don't have some employee coming forward who's got an axe to grind, that just wants to blame somebody. How are you going to hire enough people to police that, and who's actually going to do the policing of that?

**The Deputy Speaker:** The hon. member to respond.

**Mr. Strankman:** Mr. Speaker, I don't think this government is afraid to spend money. It seems quite open in their budget deficit where that money is going. [interjections]

**The Deputy Speaker:** Hon. members, the Member for Drumheller-Stettler has the floor. Thank you.

**Mr. Strankman:** Mr. Speaker, I made the personal commitment in my constituency. It might be possible for the hon. members opposite to do the same in theirs.

**The Deputy Speaker:** The hon. Minister of Finance and President of Treasury Board.

**Mr. Horner:** Thank you, Mr. Speaker. I'm intrigued by the personal commitment the hon. member mentions, and I'm curious as to how many people have come forward to take him up on his personal commitment and have done whistle-blowing through that commitment.

**The Deputy Speaker:** Hon. Member for Drumheller-Stettler, do you care to respond?

**Mr. Strankman:** I'm sorry; could I just have clarification, sir?

**Mr. Horner:** You mentioned that you gave a personal commitment for whistle-blower protection, that you made a personal commitment of guarantee. I'm wondering if you've had in the last eight months any people come forward to take you up on that.

**Mr. Strankman:** Yes, sir. I've had several.

**The Deputy Speaker:** Are there others?

**Mr. Dorward:** Just to clarify that comment, I thought that on that side were the ones who wanted to spend the extra money out there on other entities, not this side. Are they the side that wants to spend that money on opening up the legislation to all entities?

**Mr. Strankman:** To the hon. member: I thought I answered the question. I said that I made the personal commitment and that I would do that in my constituency.

**Mrs. Towle:** I just want to clarify . . .

**The Deputy Speaker:** Through the chair, hon. member.

**Mrs. Towle:** Sorry. Through the chair. It's my understanding, because I spoke about it, that nobody on this side said that it would go to private companies. We said: anybody receiving public money. I just want to clarify. You're not hard of hearing, correct? That is your understanding. I just want to make sure. Is that your intention? Is that what you mean when you're talking about putting it forward to other companies?

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

**Mr. Strankman:** Yes, Mr. Speaker. I'm talking about government money. I'm talking about public spending going forward. If people are saying that there is public money being spent improperly, I would like to know, and I would bring that forward from my position as an elected representative from Drumheller-Stettler.

**The Deputy Speaker:** Thank you, hon. member.

**Mr. Dorward:** Mr. Speaker, there's only one taxpayer. When you add administrative burden, which I think is the suggestion here, you add cost. Is that not the case?

**The Deputy Speaker:** That opportunity has expired, hon. members.

If there are no other speakers, I'd invite the hon. Associate Minister of Accountability, Transparency and Transformation to close debate.

**Mr. Scott:** Thank you very much, Mr. Speaker. As sponsor of Bill 4, Public Interest Disclosure (Whistleblower Protection) Act, I have appreciated the lively and very selective debate by the members of this House. My only wish is that they would have taken the time to read our legislation with attention to detail. Over the last week I've been closely monitoring the commentary about Bill 4. I am proud to see that there has been unanimous support for the core principles of this legislation.

**5:00**

With this in mind, I believe there have been some misperceptions and mischaracterizations of the operation of our proposed legislation. Let me reiterate what Bill 4 really does. It establishes a formal process to facilitate the disclosure of wrongdoing, conduct investigations into wrongdoings, and protect those making disclosures from reprisal. It also applies to the public sector and is one of the broadest in Canada in its application. This legislation will apply to the Alberta public service, agencies, boards, and commissions, academic institutions, schools boards, and health organizations upon proclamation.

Mr. Speaker, I remind the House of these principles because now I would like to take a few minutes to address some of the statements made by members last night and this afternoon and, in doing so, to set the record straight about how the legislation will actually operate.

I'd like to thank my colleague the Minister of Justice for clarifying the difference last night between retroactive and retrospective application of this new legislation. There was a perception that past wrongdoings are outside the scope of the legislation. I would like to provide some more detail around the matter of retroactivity. Mr. Speaker, investigations by the commissioner can address any wrongdoing, including those that happened before the act comes into force. Furthermore, the commissioner can report their findings and refer the matter to the appropriate authority for action. Sections 18 and 19(2) . . . [interjections] Read the act. I feel like I need to educate everyone here. Read the act. Read it. It would be a nice change if the members on the opposite side of the House read the act before they commented. That's the difference that I think I would like to see from this side.

**Mrs. Towle:** Did you even read it?

**Mr. Scott:** You know what? I think I'm the only one when I compare what I've listened to from the other side.

**The Deputy Speaker:** Hon. associate minister, through the chair, please.

Hon. members, the hon. associate minister has the floor. Thank you.

Please proceed, sir.

**Mr. Scott:** Furthermore, the commissioner can report their findings and refer the matter to the appropriate authority for action, section 22. For example, if the commissioner investigates and confirms an allegation of fraud that occurred in 2011, they can report their findings publicly, make recommendations, and refer the matter for criminal prosecution, section 22.

**An Hon. Member:** We're looking.

**Mr. Scott:** Yeah, open it up.

Of course, offences that are created by this act – for instance, a reprisal or obstructing a commissioner's investigation – cannot be applied retroactively because they were not against the law at the time they occurred. [interjections] You should have been listening instead of talking, and then you would've heard the answer to your question.

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

**Mr. Scott:** It would be like prosecuting someone for talking on a cellphone while driving before this government brought in distracted driving legislation.

Last night some members also raised concerns with the definition of wrongdoing. There was some suggestion that the definition is not broad enough. Mr. Speaker, the kinds of wrongdoings reportable under the act are consistent with comparable legislation in other Canadian jurisdictions. A wrongdoing includes violations of provincial or federal law, actions or omissions that create a danger to public health or safety, gross mismanagement of public funds, and counselling any person to do any of the above, section 3(1).

We've also heard members of this Assembly say that individuals should be protected from intimidation and bullying



and that the protection against reprisals that this legislation guarantees doesn't go far enough. What this legislation does is guarantee that should a member of the public witness a wrongdoing, they receive protection from reprisal, which will include:

- (a) a dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work or reprimand; [or]
- (b) any measure . . . that adversely affects the employee's employment or working conditions.

To repeat, Mr. Speaker, "any measure . . . that adversely affects the employee's employment or working conditions." Clearly, this provides far-reaching protection for employees and includes intimidation and bullying. While this wasn't quoted in the FAIR report, it is in the legislation under section 24.

Earlier today the Minister of Culture explained why the act is structured to enable disclosure through an internal process or to the commissioner. Bill 4 is designed to maximize the ability of the employee to make a safe disclosure. We all know that these types of situations can be very difficult and stressful for an employee. Not only does this legislation establish an internal process so that the employee does not have to be subjected to the public spotlight, but it ensures that if the employee does not believe the internal process is safe, they may go to the independent commissioner to disclose the wrongdoing, section 10(1).

There were many liberties taken last night with interpretations of transparency by this government. Some even went so far as to say that public reporting is not transparent enough and that the legislation prevents wrongdoings from being made public. This is simply not true, Mr. Speaker. The legislation contemplates public reporting in two ways. At a minimum the commissioner and all public entities must report at least once annually, and these reports will bring to light descriptions of wrongdoings found and any systemic problems. That's section 32 and section 33. In addition to the annual reporting requirements, the commissioner is enabled to report about any matter whenever they feel it is in the public interest to do so, section 33(3).

Another mischaracterization of the act suggests our legislation creates red tape. This legislation does not create a bureaucratic maze or black hole into which complaints could disappear. In fact, Bill 4 clearly prevents this for the following reasons. First, an employee making a disclosure internally may simultaneously notify the commissioner to ensure appropriate oversight, section 9(2). Second, employees may disclose directly to the commissioner, where appropriate, and this includes when an employee fears reprisal or is reporting about the individuals charged with administering the internal procedures. That's section 10(1).

Allegations have been made that the commissioner, an independent officer of the Legislature, will abuse their discretion when administering this act by granting exemptions. The power to exempt is necessary to allow the commissioner to ensure that the act applies fairly to a wide range of public bodies. For example, where public bodies are so small that it would be impractical for them to comply with the act's full requirements, the commissioner may exempt them from establishing an internal process, and all disclosures would go directly to the commissioner. Furthermore, to ensure that the exemption power cannot be abused, the commissioner must make public any exemption and supporting rationale, section 31(3). The commissioner will be accountable for every exemption they grant.

One of the most perplexing comments about this act is with

regard to the commissioner's independence. As I've said repeatedly, the commissioner will be an independent officer of the Legislature and will have full discretion to carry out their responsibilities.

There will be situations where it would be simply inappropriate for the commissioner to investigate. In those circumstances they must have the discretion not to; for example, where a complaint is clearly frivolous or malicious, section 19(1). I believe accountability will be achieved through the establishment of an independent commissioner.

Another mischaracterization of Bill 4 is that there would be no way for the courts to review the commissioner's decisions. The courts in Alberta have the ability to judicially review any exercise of discretion by any officer of the Legislature. Let's be clear. The decision by the commissioner is subject to judicial review.

There were two other questions that arose last night about the commissioner. The first was how disclosures about the commissioner would be handled. Disclosures about the commissioner are made to the Auditor General. In these circumstances the Auditor General assumes the powers and responsibilities of the commissioner, section 12. Second, the act clearly states that the commissioner will be appointed by the Lieutenant Governor in Council upon the recommendation of the Legislative Assembly – I'm looking forward to that discussion with all parties – and that's found in section 38.

As I said before, extensive research was undertaken to ensure this bill reflects the best practices nationally and internationally. Some members have suggested our legislation doesn't have any commonalities with the best practices from the Australian legislation. In fact, Mr. Speaker, the commonalities of Bill 4 and the Australian legislation include but are not limited to broad application of the public sector, establishment of an independent commissioner or similar body to oversee the operation of the act and conduct investigations where appropriate, similar reporting requirements for both annual reports and investigation reports, and allowance for disclosures to be made anonymously.

This sets the record straight on the multiple mischaracterizations of Bill 4. Mr. Speaker, I move second reading of Bill 4, the Public Interest Disclosure (Whistleblower Protection) Act.

**The Deputy Speaker:** Thank you, hon. minister.

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

[Several members rose calling for a division. The division bell was rung at 5:10 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

|           |               |         |
|-----------|---------------|---------|
| Allen     | Fawcett       | McIver  |
| Bhardwaj  | Fraser        | Olesen  |
| Bhullar   | Griffiths     | Pastoor |
| Brown     | Hancock       | Quest   |
| Calahasen | Horner        | Sandhu  |
| Campbell  | Hughes        | Sarich  |
| Cao       | Jansen        | Scott   |
| Cusanelli | Kennedy-Glans | Weadick |
| Dallas    | Klimchuk      | Webber  |
| DeLong    | Luan          | Woo-Paw |
| Dorward   | Lukaszuk      | Xiao    |

Against the motion:

|          |          |              |
|----------|----------|--------------|
| Anderson | Fox      | Smith        |
| Barnes   | Hale     | Stier        |
| Bikman   | Hehr     | Strankman    |
| Bilous   | Pedersen | Towle        |
| Donovan  | Rowe     | Wilson       |
| Forsyth  | Saskiw   |              |
| Totals:  | For – 33 | Against – 17 |

[Motion carried; Bill 4 read a second time]

### Government Bills and Orders Committee of the Whole

[Mr. Rogers in the chair]

#### Bill 2 Responsible Energy Development Act

**The Chair:** Amendment A1 is on the floor. The hon. Member for Airdrie to speak to the amendment.

**Mr. Anderson:** Just as an observation to the House, there's a very bad snowstorm outside right now. My understanding is that Edmonton public transit is going to be shutting down or already has shut down. We do have a lot of staff in the Leg. and in our caucus offices and so forth, and there are some amongst them, I'm sure, that do use public transit. I'm not sure about those folks on the other side. But it would be something to consider that after we're done here, in half an hour anyway, with the city essentially shutting down with regard to this storm, we might want to think about doing the same so that we can keep everybody safe and get home safely tonight. I would just like to put that on the record as something to think about. Hopefully, in half an hour we can adjourn for the day. We've been working till midnight virtually every day we've been here, which is fine, but it's just something to think about for the safety of folks. If something were to happen, it would be a real tragedy.

**The Chair:** On the amendment, the hon. Member for Strathmore-Brooks. On amendment A1.

**Mr. Hale:** Yeah. Thank you, Mr. Chair. This amendment A1 is something I will be supporting. I just have a couple of questions for the hon. Energy minister about it. When we talk about changing it from a regulatory review to a regulatory appeal . . .

**The Chair:** Hon. member, if I may, just a moment. Based on the discussions last time the committee met, amendment A1 was broken into A1A, A1B, A1C, A1D, and so on. For the record the decision was made that we would deal with these as A, B, C, so we would be dealing with A1A at this point.

Please proceed. Thank you.

**Mr. Hale:** Thank you. I would just like some clarification on changing the word from "reviews" to "appeals" and if that has any bearing on the process within the act. It seems to me that they're just changing the word in the act. It doesn't really explain what the change will mean. Is there a difference, I guess, between an appeal process here or a review process? I was just hoping that maybe the Energy minister could elaborate on that.

**The Chair:** Thank you, hon. member.

The hon. Minister of Energy.

**Mr. Hughes:** Thank you very much, Mr. Chair. I appreciate the member's question, and I also appreciate the approach he's taken to working through this, very much so. I look forward to working with him through the various amendments that we've got on the floor in the important outcome that we're seeking together for Albertans.

Really, this is a change of the name of the process from a regulatory review to an appeal. It has no substantive impact, but it does help communicate to people that this is indeed an appeal process and that it's an internal appeal process at this stage. It makes it very clear that there is this appeal mechanism in addition, of course, to the appeal to the courts, which is also another part of the bill as well, as is the case in other existing legislation.

**The Chair:** Thank you, hon. minister.

The hon. Member for Lac La Biche-St. Paul-Two Hills.

**Mr. Saskiw:** Thank you, Mr. Chair. I'm just looking at amendment A1 and the change of the terminology from a review to an appeal under division 3, part 2 of the act. One of the main issues that we had with the bill was the right to a full and independent appeal process that was originally in the Energy Resources Conservation Act. I'll just quote from it briefly. In that section it had a provision that

if it appears to the Board that its decision . . . may directly and adversely affect the rights of a person, the Board shall give the person

And that, of course, is mandatory language.

- (a) notice of the application,
- (b) a reasonable opportunity of learning the [surrounding] facts . . .

So it's also slightly a disclosure requirement. It also gave them

- (c) a reasonable opportunity to furnish evidence relevant to the application or in contradiction or explanation of the facts or allegations in the application.

My understanding is that the opportunity is probably dependent on the facts situation, whether or not that type of evidence would be provided by written appeal or orally.

It also provided what in our judicial system is very important, and that's a right to cross-examine – that was under 26(2)(d) – anyone who presented the application and who presented the facts. Why cross-examination is important – and this has been stated by judges across our country – is that it's one of the only opportunities to really get to the truth of the matter, where you have a free flow, an uninterrupted flow of a direct question and a direct answer back. To my understanding, such a right of cross-examination currently isn't under the proposed Bill 2.

5:30

And then under (e), "an adequate opportunity of making representations by way of argument to the Board or its examiners." Representation I think would be defined as oral representation as well. I get that, you know, the change has been made from "review" to "appeal," but my question is whether or not the meaning of "appeal" now actually includes all these normal rights that are associated with an appeal. You can name something under a statute, call it something, but if the underlying rights associated with that word aren't there, then it's rendered meaningless. So I guess my question is whether or not the changing of the words in this amendment A1A to "regulatory appeal" furnishes the landowner that's been adversely affected by an application with those rights that existed previously under the Energy Resources Conservation Act; namely, the opportunity to learn the facts, the opportunity to provide evidence, and the

opportunity to cross-examine anyone who has put those facts within that notice of application. Without those rights a mere word is meaningless.

**Mr. Hughes:** Well, Mr. Chair, I believe what we're doing here is going through on a clause-by-clause basis. Is that correct? So perhaps that question could be addressed more appropriately with the part of the legislation that addresses that and not imputed into this clause.

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

**Ms Smith:** Thank you, Mr. Chair. I'm hoping to be able to meet with some members of CAPP and SEPAC next week. We're lining up a meeting for early in the week to be able to go through some of the amendments that the minister has brought forward as well as the amendments that we're bringing forward. I know we're going to be getting through this over the course of the next half-hour or so, so I'm just wondering if the minister can help me answer a couple of questions.

We know that we're trying to balance the interests and rights of a number of different parties here: environmental groups and landowner groups as well as the energy companies. Now, I'm curious. From the minister's perspective when he made the decision to put "review" in there in the first place, who was it that he was consulting with to get that language? Then when he made the decision to switch to the word "appeal," on whose consultation and what advice did you get to make that change?

The reason I'm asking that is because when I meet with these energy industry companies next week and they're asking me the question about this change from "review" to "appeal" and the kind of impact that it might have on how this legislation is interpreted, I want to be able to have an answer for them about where the consultation began, why "review" was chosen, why it's now switched to "appeal," what impact that would have. Is this in response to something that the energy companies have brought forward to you as a concern? Is it something that the environmental groups have brought forward as a concern, or is it something that the landowners have brought forward as a concern? If you could address each of those three different groups so that I can have some satisfactory responses if we do indeed make this change so that I can understand the difference in the terminology.

Thank you, Mr. Chair.

**The Chair:** Thank you.

The hon. minister to respond.

**Mr. Hughes:** Thank you, Mr. Chair. I appreciate the question. It was clear in the early drafting. The consultation was done with all of the groups that the hon. leader has questioned about with respect to leading up to preparing the first version. You know, what we saw out there in various communities over the past 10 days or so since I first introduced the legislation was that there seemed to be a lack of recognition that there actually was an appeal process that was consistent with what people had seen historically. In some of the predecessor legislation like the ERCB the term was actually "appeal" as opposed to "review."

We started out with "review." That was something that was familiar to people in administrative law, but, in fact, what became evident was that it would probably be helpful to revert back to the term "appeal" in order to ensure that there's greater clarity. We're

just trying to seek greater clarity here. So I hope that answers the hon. leader's question.

**The Chair:** Are there others on amendment A1A?

Seeing none, we'll call the question.

[Motion on amendment A1A carried]

**The Chair:** We'll move on to a discussion on A1B.

The hon. Member for Strathmore-Brooks.

**Mr. Hale:** Thank you. Under this one the heading to part 2 is amended by striking out "Regulatory Reviews" and substituting "Regulatory Appeals." First, some clarification on this. When you're saying "regulatory appeal," does that mean that it'll be an outside appeal source through the commissioner that will be listening to the appeals? I guess I can't call them reviews anymore. Or does it go through the board of directors? Do they just have a look at the application and then make their decision? I'm just trying to clarify if every one of these appeals goes to that commissioner. Or does that board of directors make that decision without going to the commissioner?

**The Chair:** Hon. member, we go back and forth here, so if you're asking that question to the minister, I'll invite the minister to respond.

**Mr. Hale:** Sure.

**Mr. Hughes:** Thank you, Mr. Chair. In fact, what I would say is exactly what I said in the previous comments in the exchanges that we had. This is simply substituting the word "appeals" for the word "reviews," and that's consistent throughout the whole piece. We'll see this several times in the course of this amendment.

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

**Ms Smith:** Thank you, Mr. Chair. Just in the interest of time and easing things through, I guess I'm just wondering, because I notice that when we get to a later amendment in M, you do sort of an omnibus section change to change this wording. I think that's maybe why we're getting a little bit hung up on why these ones are separated. We're just trying to figure out why you wouldn't have included these kinds of changes under section M or N when you seem to be making kind of similar changes there. We just want to make sure that we are not missing any important nuance about why these are itemized separately before we get to some of the other more substantive amendments. If you could just clarify that, I'd be grateful.

Thank you.

**The Chair:** Thank you.

The hon. minister.

**Mr. Hughes:** Thank you very much. Yes, in fact, Mr. Chair, these are simply the same amendments, the same changes for the same reasons and with no greater import other than they're headings as opposed to substantive parts of the other pieces of the legislation.

**The Chair:** Any further questions or comments on this amendment A1B?

I'll call the question.

[Motion on amendment A1B carried]

**The Chair:** We'll move to A1C. The hon. Member for Strathmore-Brooks.

**Mr. Hale:** Thank you, Mr. Chair. In this one section 31 is amended by adding “public” before “notice.” In the bill it says that “the Regulator shall on receiving an application ensure that notice of the application is provided in accordance with the rules.” So my question to the hon. Energy minister is: what sort of public notice? Will it be a mail-out? Will there be public meetings? How will these people being affected, be it urban or rural, receive this public notice? Will it go out to the surrounding area, the province of Alberta? We need some clarification, I guess, on how public the public notice is, how the public is going to receive that notice.

“In accordance with the rules”: well, in the rules it says that the regulator is going to make the rules or the cabinet will make the rules. Is this something that can be predetermined now, or is it something that’s going to have to wait until the regulator is formed, the board of directors is formed, and then they’ll decide what sort of public notice it is going to be?

5:40

**The Chair:** The hon. minister.

**Mr. Hughes:** Mr. Chair, thank you. As the hon. member would know, today there are certain normal practices by regulators in terms of how they give notification to adversely and directly affected parties. There are other aspects of this legislation which make it clear and which actually up the bar in terms of the requirement on the regulator not only to notify people but also to allow people to self-identify, saying: you know, I think I’m directly and adversely affected here over and above whoever you, the regulator, think is affected. That’s all dealt with later in the legislation.

In this case what we also wanted to do was that over and above the process, that we can address later in the legislation, we wanted to ensure that there wouldn’t be just notice but that it was, in fact, public notice. There are many practices that evolve over the years that regulators use for that kind of notice. One would assume that there would be, certainly, a website presence in terms of awareness. That is not necessarily done for all applications today. It’s one step of disclosure and awareness that will be helpful, we believe, to landowners to help ensure that people know if there’s something coming that might affect them, even though they haven’t been notified for whatever reason by the regulator, that the regulator thinks they’re directly and adversely affected. It’s a step up in terms of trying to ensure that there is one more opportunity to make people aware of the application coming before the board.

**The Chair:** Thank you, hon. minister.

The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you, Mr. Chair. I appreciate that definition, but I’m probably going to need a little more help on it. One of my criticisms of the act is that there appears to be – actually, not appears to be. There is no longer any public interest provision. Public interest is no longer part of the act and the like. So because there is no public interest, I’m very interested in what “public notice” is. You also know that “directly and adversely affected,” despite what people may think, really limits the definition of who these regulatory bodies or this new Responsible Energy Development Act needs to communicate with.

Given that the scope of the act has been cut down on public interest, I’m asking, really: what were the requirements before for a public notice? Was it by newspaper? Was it by publication in a newspaper? Was it the like? That, to me, is what public notice would be, something in the newspaper or some other communication tool. What was it then, and what is it now in this current act? I think that if you can tell me that, that would be great.

**The Chair:** The hon. minister.

**Mr. Hughes:** Thank you, Mr. Chair. Interesting question, actually. What we’re witnessing here is an evolution of an understanding of what the term “public interest” really is. In fact, I would challenge the hon. member to define public interest. I think we all know what it is conceptually, but it’s exceedingly difficult to actually define it in a way that has meaning and that gives strength to the public interest that one might be trying to accomplish. It was a term that was used quite widely, perhaps, when the ERCB legislation was put in place, and it really over time has effectively lost its meaning. So we need to be much more specific. This act is seeking to be much more specific. However, this particular amendment is not speaking to public interest at this time. We’ll get to that in later parts of the bill.

What this speaks to is simply ensuring, Mr. Chair, that the regulator must – I repeat must – provide public notice. Public notice reflects current best practices. The Energy Resources Conservation Board today and the environmental regulators, that we’re bringing together in the new regulator, probably pursue slightly different ways to ensure that there’s public notice. There are best practices that regulators follow, and we would be looking to see that they actually follow those best practices. It could involve website – you know, we’re talking here about thousands of applications in a year. There are different grades of sort of impact that different applications might involve.

The goal is to ensure that we get everybody who has an interest into the discussion at the front end of the process, and that’s why you have a public process. There are people who are identified at the front end as adversely and directly affected. Then there are people who self-identify and say: “Hey, what about me over here? I think I’m adversely affected. Here’s why, and here’s the impact.” If you get them all into the discussion at the front end, you get a much better outcome in the regulations process than you do if you end up with a subset of those people in the discussion at the front end, and then somebody says: “Hey, wait a minute. What about me?” after they’ve already gone through the process of review and have tried to make a decision in good faith.

This is an attempt to ensure that we have as wide a base, as wide an engagement as possible of the people who should be there at the front end.

**The Chair:** Thank you.

The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Bilous:** Thank you, Mr. Chair. I’m hoping that the minister can just clarify a little further. I apologize for not knowing this in detail. Public notice. I’m just wondering if there’s any kind of parameter around what constitutes this, if there’s a clear or identifiable amount of public notice that must be given or if it’s a one-off: they throw up a poster on a billboard, and that’s taken care of, and they can cross it off the list. Are there any stipulations or requirements defined either in the act or that are meant to be read in this that will just provide clarity? How does an application – how can they check that off, or how do they ensure that they’ve given public notice? Please.

**Mr. Hughes:** That’s a fair question. For those of us who don’t do this every day, you know, we want to make sure that the intent of the legislation is appropriately followed through on. I would say that the intent here is, clearly, appropriate public notice. Appropriate public notice is to get the job done to ensure that people who maybe believe they would be adversely or directly affected, if they haven’t been notified, would have as good a chance as

possible of receiving public awareness through a public notice of some form. Clearly, common sense tells you that that's not a poster on the wall, that it's not through means that don't achieve the objective of ensuring that it is a genuine public notice.

It could be the website. It could be other means as well. It depends upon the size of the application as well. This could be quite different for an oil sands plant in northeastern Alberta as opposed to a gas well on a quarter section in southeastern Alberta somewhere, where there's nobody living within five miles. You know, it could be quite different.

What will evolve and what has evolved over time is a practice of best practices and rules of conduct by the board, historically by the ERCB, and by the environmental regulators as well. So they would build on that history and those steps to make sure that the objective of public notice was achieved appropriately.

**The Chair:** Thank you, hon. minister.

The hon. Member for Innisfail-Sylvan Lake.

5:50

**Mrs. Towle:** Thank you, Mr. Chair. I'm not going to ask for clarification on, necessarily, what public means, but there are a few things that I would just like to further massage if we could. When you say the rules, it says that "the Regulator shall on receiving an application ensure that [public] notice of the application is provided in accordance with the rules." The question I would have is: given that you would be creating one regulator and that each of those regulators, that were previously separate, would all have different rules as to what their standards were – I'll give you an example. My husband and I were turkey farmers, and we were an intensive livestock, 150,000 birds, and the rules were different. We had one set of rules with the ERCB, and then we had a different set of rules with the NRCB, and then we had a different set of rules with the county, and a different set of rules with, you know, the adjacent farmers.

When you're bringing together multiple organizations, which we all agree is a good thing, to offer one-stop shopping – a fabulous idea – who is going to decide what those rules are? I see that the regulator is going to apply them, but who is actually going to decide what those rules are? And in that decision of what those rules are, who is going to oversee that those rules going out to the landowner are appropriate?

Alternatively to that, if you're going to have a discussion on what the requirements or the rules are going to be in terms of public notice – I know in our case with the turkey farm, we had to notify everybody around us. Then we had to notify through the NRCB everybody within a certain distance of us, and then we had to through the county do a public notification in the paper and also attend a little hearing thing.

Who, then, will decide that all of those rules that you're creating for the public notice are appropriate? Who, then, will be going to the stakeholders to have a discussion with them on whether those rules actually hinder the process or make the process go further, which is ultimately our goal here?

Alternatively to that, you mentioned that you're not really sure who defines public interest. I can appreciate that because bringing multiple regulators together has got to be a little bit difficult. If you're not sure who defines the public interest and the public notice goes out through this section 31, notice of application, then who would define the rules that affect the interest of the public that it could affect? If we're not sure who defines public interest, then I think we need to ensure that we're making this actually

applicable and ensure that public notice actually reflects public interest.

Otherwise, you know, my father-in-law owns a dairy farm, and he has to buy acreages all around him because they might oppose something 20 years from now. It's business planning, right? That same philosophy could be applied to industry. What we don't want is industry struggling and landowners frustrated. We're trying to appease that. So if we're not defining public interest at this point, then how can we make sure that the rules apply to public notice if we don't know who the public is that it's applying to?

Alternatively to that, does anyone get to set it? Ultimately, if the rules are set – we're not sure yet by whom – is it the ultimate distribution of those rules, that are supposed to cover the public interest for the public notice, by cabinet that has a say in coming in and overriding when those regulators get together? And they say: okay; this is what we believe is in the best public interest and what we're trying to achieve. I know it's a lot. Sorry.

**The Chair:** The hon. minister.

**Mr. Hughes:** That's okay. I appreciate it. I'm just glad to know who I can call when I need a turkey or 10 just before Christmas.

Mr. Chair, let me try and take a crack at this. I didn't say that we don't know who is defining the public interest. At least, I didn't intend to convey that. The concept of public interest is a concept that is ill defined just by practice over the last few years. What we're trying to do is move away from an ill-defined, mushy, well-intended concept to something that's quite specific every time we're drafting legislation. That's the reference to public interest.

With respect to who sets the rules for what "public" is in terms of public notice, first of all, the new regulator would take a look at past practices of all of the previous regulatory aspects of this. So the ERCB, the environmental regulators that are being pulled together into this one regulator would look at those. It would be my expectation as the minister that they would go to the highest standard of public notice. If that isn't adequate in some way or if people feel that that is not adequate in terms of public notice, then people have an opportunity to engage with the Minister of ESRD and the Minister of Energy through the policy management office, where we will be setting policy and receiving input on policy issues in general rather than focusing on one application by one applicant.

You know, it might be a little bit like your experience with the NRCB, but every regulator is different – right? – so there's going to be a different experience, I suspect. What we've got to do in bringing together these entities is that they will be charged, first and foremost – the new board and the CEO and the responsible people in the Alberta energy regulator – with ensuring that they have first-class public notice processes. If it isn't adequate, I know I'll hear about it, and so will you.

**The Chair:** Thank you, hon. minister.

Are there others? The hon. Member for Lac La Biche-St. Paul-Two Hills.

**Mr. Saskiw:** Thank you, Mr. Chair. Just on this amendment, the inclusion of "public" prior to "notice." I really have no concern with that. I guess the one concern is with the rules. It says: "The Regulator shall on receiving an application ensure" that, if this amendment goes forward, the "public notice of the application is provided in accordance with the rules." Given that notice is so important to landowners if there's an application for a project

that's going on their land, it's again going back to this principle that if there's something that's material, something that's important, we should put it directly into the act rather than leaving it to either regulation or, in this case, you know, in accordance with rules. I'm assuming that the rules are the equivalent of a regulation, that the rules would have the force and effect of a regulation.

I guess when looking at this, if you're a landowner and you see this piece of legislation passed and you're worried about notice and you've seen notice provisions in previous legislation, there may be some cause for concern that the rules, once they're drafted, may not afford that landowner sufficient protection. I guess the way these rules are drafted is that the regulator will be the one that first initiates the drafting of the rules. My understanding is that – I'm guessing – the rules that will initially be drafted will be the same rules that were in force under the

previous act, the ERCA. That would probably be the foundational starting point for the rules in this act, but I guess as a landowner you're concerned. You're thinking with the new rules that the regulator is going to put in: is that going to afford you sufficient protection, or are you not going to get the appropriate notice that you would normally receive to defend yourself in a full and open hearing?

I guess the other concern that I do have is that not only can the regulator draft rules that respect this amendment in section 31, but the cabinet minister, in my understanding, can amend any rules under this legislation. Section 60 sets out the areas that the Lieutenant Governor in Council . . .

**The Chair:** Hon. members, it's 6 o'clock. The committee stands recessed until 7:30 p.m.

[The committee adjourned at 6:00 p.m.]

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