



Province of Alberta

The 28th Legislature
First Session

Alberta Hansard

Wednesday afternoon, November 28, 2012

Issue 24a

The Honourable Gene Zwozdesky, Speaker

Legislative Assembly of Alberta
The 28th Legislature

First Session

Zwozdesky, Hon. Gene, Edmonton-Mill Creek (PC), Speaker
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Bhardwaj, Naresh, Edmonton-Ellerslie (PC)	Luan, Jason, Calgary-Hawkwood (PC)
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Cusanelli, Hon. Christine, Calgary-Currie (PC)	Olson, Hon. Verlyn, QC, Wetaskiwin-Camrose (PC)
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Fox, Rodney M., Lacombe-Ponoka (W)	Scott, Hon. Donald, QC, Fort McMurray-Conklin (PC)
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Hale, Jason W., Strathmore-Brooks (W)	Strankman, Rick, Drumheller-Stettler (W)
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Johnson, Hon. Jeff, Athabasca-Sturgeon-Redwater (PC)	Xiao, David H., Edmonton-McClung (PC)
Johnson, Linda, Calgary-Glenmore (PC)	Young, Steve, Edmonton-Riverview (PC), Government Whip
Kang, Darshan S., Calgary-McCall (AL), Liberal Opposition Whip	
Kennedy-Glans, Donna, Calgary-Varsity (PC)	

Party standings:

Progressive Conservative: 61

Wildrose: 17

Alberta Liberal: 5

New Democrat: 4

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Standing Committee on the Alberta Heritage Savings Trust Fund

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Select Special Conflicts of Interest Act Review Committee

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Standing Committee on Families and Communities

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 Sherman
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Standing Committee on Public Accounts

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Standing Committee on Resource Stewardship

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 Casey Xiao
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 Fraser Vacant
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Legislative Assembly of Alberta

1:30 p.m.

Wednesday, November 28, 2012

[The Speaker in the chair]

Prayers

The Speaker: Hon. members, let us pray. Holy and Great Creator, guide us in our discussions, in our deliberations, and in our actions that they might exemplify what a democratic system looks like in its finest hour. Amen.

Please be seated.

Introduction of Guests

The Speaker: The President of Treasury Board and Minister of Finance.

Mr. Horner: Thank you very much, Mr. Speaker. It's an honour to introduce to you and through you to the members of the Assembly a rather large group of grade 6 students from Muriel Martin school in St. Albert. You know, St. Albert has a long history, which includes our francophone heritage. Included in this group are a large number of students in French immersion. They are accompanied by teacher/group leaders Mrs. Rhonda Surmon, Mrs. Jody Bialowas, Mrs. Linda Saunders, Mme Danielle Jean, Mme Paylig Oltadjian, Mme Skye Cloutier, Mme Linda Foley, Mme Julie Mann. I believe that they are seated in both the public and the members' galleries this afternoon. I would ask that they rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Member for Edmonton-South West for your first of two introductions.

Mr. Jeneroux: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to all members of the Assembly a group of students and teachers from George P. Nicholson school, located in the new constituency of Edmonton-South West, that I'm so honoured to serve. Accompanying these 20 bright and energetic students are teacher Mrs. Marcie Syme and parent Mrs. Michele Saul. They're seated in the members' gallery. I'd ask the students and guests from George P. Nicholson school to please rise and receive the traditional warm welcome of the Assembly.

Mr. Speaker, it's my pleasure to introduce to you and through you to all members of the Assembly two of my constituents, who are observing the proceedings of the Assembly for the first time. Both reside in Twin Brooks in the constituency of Edmonton-South West. I'd like to ask two fabulous ladies, Sheila Balash and Carol Costa, to please rise and receive the warm welcome of the Assembly.

The Speaker: The hon. Minister of Infrastructure.

Mr. Drysdale: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of this Assembly a great group of people from my constituency, Grande Prairie-Wapiti. Seated in the members' gallery are the mayor and council from the city of Grande Prairie. They were here yesterday and hosted a reception. I know that they had a chance to meet lots of people in the House. I'll ask them to stand as I call their names: Mayor Bill Given, Councillor Lorne Radbourne, Councillor John Croken, Councillor Kevin O'Toole, Councillor Kevin Mclean, Councillor Justin Munroe, Councillor Dan Wong, and

administrator Mrs. Janette Ferguson. I'd ask the House to give them the warm welcome of this Assembly.

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

Mr. Dallas: Thank you, Mr. Speaker. I rise to introduce to you and through you to all members of the Assembly Martha Castañeda, the director of international programs at the Council of State Governments – West. Miss Castañeda was of great assistance this past summer when Alberta hosted the 65th annual meeting of the Council of State Governments – West and helped contribute to the overall success of the event. We again welcome her to Alberta. We know that our friendship with the CSG – West will continue to thrive under her leadership. I invite Miss Castañeda to please rise and accept the traditional warm welcome of this Assembly.

The Speaker: The hon. Associate Minister of Municipal Affairs.

Mr. Weadick: Well, thank you, Mr. Speaker. It's a pleasure to rise today and introduce to you and through you to all members of this Assembly a good friend and a constituent of mine, Mrs. Shelby MacLeod. Shelby is no stranger in this House. I know many of you will have worked with her during her tenure here with Clint Dunford. He did a fabulous job of representing Lethbridge-West as well. Shelby is a strong community member. She supports many organizations, including the Lethbridge Food Bank, and she's here today supporting our beef industry and working with the Alberta Beef Producers. I'd ask Shelby to rise and accept the warm welcome.

The Speaker: The hon. Member for Drumheller-Stettler.

Mr. Strankman: Thank you, Mr. Speaker. I'd like to proudly introduce to you and through you to all members of the Legislative Assembly my daughter Pamela, who is with us today in the Assembly, and a good friend of our family, Dr. Glenn Baron, who resides in Sherwood Park and has hunted in our area for a great number of years. I'd like them both to receive our Assembly's warm welcome.

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

Mr. Bhardwaj: Well, thank you very much, Mr. Speaker. It's a pleasure to rise today and introduce to you and through you to the entire Assembly two individuals who are seated in the public gallery, Miri Peterson and Bryan LaFleche from Crystal Kids. Crystal Kids impacts young people in ways that strengthen their resiliency and empower them to choose education and a productive future over street life, misery, and reliance on social support. Miri Peterson has been executive director for Crystal Kids for nearly nine years, and Bryan is the president of the Crystal Kids board and uses his experience from the business to spearhead the strategic plan for the organization. At this time I'd ask my guests to please rise and receive the traditional warm welcome of the Assembly.

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

Dr. Sherman: Thank you, Mr. Speaker. Today I have two introductions. First, I'd like to introduce to you and through you to all members of this Assembly Derek Fildebrandt. As many of you know, Derek is the Alberta director of the Canadian Taxpayers Federation. You've likely seen him around the Legislature, pushing us to be more fiscally accountable. It's important for the government to heed Derek's advice as he's also an Aussie rules

football player in his off time. He might just tackle the government if they don't listen. I'd like Derek to rise and receive the traditional warm welcome of the Assembly.

For my second introduction I'd like to introduce to you and through you to all members of this Assembly Kevin Mclean. Kevin is not only a councillor for the city of Grande Prairie, but he's also a former Liberal candidate for Grande Prairie-Smoky. Now, Kevin is still working hard and is committed to working for the good citizens of Grande Prairie and all Albertans. The needs of Grande Prairie are great. They need not just roads and highway expansions but also schools and hospitals and general infrastructure. Kevin literally helped build Grande Prairie with his involvement in the home building industry. Kevin has a lovely wife, Tina, and two daughters, Kendra and Keira, who keep him busy when he's not working on city issues. Mr. Speaker, I'd like Kevin to rise again and receive the traditional warm welcome of the Assembly.

Thank you.

The Speaker: The hon. Member for Edmonton-Mill Woods, followed by Calgary-Varsity.

Mr. Quadri: Thank you, Mr. Speaker. It is an honour for me to rise today and introduce to you and through you Nelumni Fernando and Indra Chaudhury. Nelumni Fernando is a 2012 MBA graduate from the prestigious University of Brighton in the United Kingdom. She has previously worked with the city of Brighton in the accounting division, and she's a proud member of the Institute of Financial Accountants in the United Kingdom. Indra Chaudhury, who is my campaign manager and also my office manager, has an MBA from the University of Brighton and is very talented. When I'm talking about him, I'm getting very emotional because we have what seems like a marriage together for such a long time. He's a very kind gentleman. At this time I will ask Nelumni and Indra Chaudhury to stand up and receive our traditional warm welcome.

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

Ms Kennedy-Glans: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to all members of our Assembly Dr. Aliko Lafontaine. Aliko practises anesthesiology in Grande Prairie – it's Grande Prairie day here, I think, today – and he's the only aboriginal anesthesiologist in Alberta's northern zone. He is the youngest ever recipient of the highest honour aboriginal people give their own, the national aboriginal achievement award. Aliko lives with his wife and three children in Grande Prairie. He is seated today in the members' gallery, and I would ask him to rise so that he can receive the traditional welcome.

1:40

The Speaker: The hon. Member for Edmonton-Beverly-Clareview for your first of two introductions, followed by Calgary-Bow.

Mr. Bilous: Thank you, Mr. Speaker. I have just one introduction at the moment. I'd like to introduce to you and through you to this Assembly a group of guests who are members of the Alberta Union of Provincial Employees. These workers are from Monterey Place assisted living and are yet another group who have made their trip up from Calgary despite the horrible weather and driving conditions. Nearly 90 staff members have been locked out by their employer, Triple A Living, for five months and two

days. Once again, they're here to remind the PC government that private operators like Triple A Living are receiving government subsidies yet paying salaries up to 27 per cent lower than industry standard. I'd now like to ask my guests to rise as I call their names to receive the traditional warm welcome of the Assembly: Kavita Ben, Shayne de Leos, Jaswinder Dhillon, Pramila Ghimire, Balvinder Gill, Kidist Hailemariam, Kurt Rubiano, Jagjit Sran, Kevin Barry, and Nancy Burton. Please join me in welcoming these guests.

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

Ms DeLong: Thank you, Mr. Speaker. It is my great honour today to rise and introduce to you and through you to the Legislative Assembly a very special visitor and friend of mine. Seated in the members' gallery is Lorraine Kuffner, a former constituent of Calgary-Bow who now resides in Edmonton. Lorraine has been an active citizen in Alberta for many years now. Her energetic spirit has proven highly effective over the years as she has acted as an advocate on behalf of many seniors throughout this province. She also served as an advocate for her late husband, Louis Kuffner.

In addition to her time spent advocating on behalf of seniors, Lorraine always had time to be active in her own constituency. She was politically involved in my 2008 campaign, and I can't thank her enough for her generosity and support throughout the years. Our province is blessed with citizens like Lorraine Kuffner, and we don't say this enough, but we are lucky and grateful to have you. At this time I ask that Lorraine Kuffner please stand and for all the members to join me in extending the traditional welcome of the Assembly.

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

Dr. Swann: Thank you very much, Mr. Speaker. I'm very pleased to stand and invite my current but soon-to-be former constituency manager Mike Brown, his wife, Lauren, and Mike's dad to stand in the visitor's gallery and be recognized by the Legislature. He has been working tirelessly for me for the last two and a half years. Now moving on to the nonprofit sector, he's been a tremendous asset to Calgary-Mountain View. Please rise and receive the warm welcome.

The Speaker: The hon. Minister of Human Services.

Mr. Hancock: Thank you, Mr. Speaker. It gives me great pleasure today to rise and introduce to you and through you to Members of the Legislative Assembly two friends of mine who've been friends for many, many years. Karen Lynch I met on the eve of election in 1975 at Lou Hyndman's campaign headquarters. She was barely born then. We have campaigned together on many occasions since that time, and she is a dear friend. In fact, I was invited to be the best man at her wedding many years ago. I'm very pleased that she is now in the building and helping us out on the details of the Premier's schedule and other things. Susan Elliott was one of my first campaign managers way back when I ran for a nomination. I think it was in 1982. I think that was also the first campaign the Premier worked on. Neither of them was actually born at the time. Two very wonderful women who've actually contributed a lot to the political process in this province over the years, I'd ask them to rise and receive the traditional warm welcome.

Members' Statements

The Speaker: Hon. members, pursuant to my verbal advisory yesterday and my written memo that went out to each one of you shortly thereafter, I will remind you that the rule that we must abide by is this. Members' statements must not be used to denounce, defame, or attack any member of the Assembly nor any members of the general public who are not members of the Assembly and therefore are unable to defend themselves in this Assembly. As I indicated, I will intervene to enforce this rule as necessary. Therefore, I would ask for your co-operation in not violating this rule nor, for that matter, any of the rules that guide our proceedings.

That having been said, let us proceed with the first member's statement. The Leader of the Official Opposition.

Tobacco Recovery Lawsuit

Ms Smith: Thank you, Mr. Speaker. Albertans are alarmed to hear about the Premier's potential conflict of interest, which we will explore today in question period, but for everyone's benefit I would like to give a chronology of events so we can understand just how troubling this case is.

First, in May 2009 we have first reading of the Crown's Right of Recovery Act, which paves the way for the Crown to sue to recover health care costs for treating smokers. In late October 2009 that act passes third reading, and nothing much happens for a year. Fast forward about a year, and this thing really begins to take shape. On October 25, 2010, the then Justice minister and now Premier announces the government's plan to recover health care costs through the act. A week later the Justice department invites several law firms to complete an RFP to be a Crown litigator. A deadline of November 15 is set, and three bids are received.

On November 17, after the bids have been received, officials in the Justice department inquire to see if any of the applicants are involved in litigation against the government of Alberta. In essence, they changed the rules of the game after the puck was dropped. On December 7 the Justice minister receives a brief that rates all three bidders as being capable and roughly equal. One week later, on December 14, the Justice minister writes a memo awarding the contract for this made-in-Alberta litigation plan to the International Tobacco Recovery Lawyers. How about that, Mr. Speaker? A \$10 billion litigation suit tendered, evaluated, and awarded inside of seven weeks. When has the government ever acted this fast?

The questions arising from this warp-speed process are almost endless, but it boils down to this. It doesn't pass the smell test. The Premier awarding a multibillion dollar litigation suit to a firm connected to her ex-husband, close friend, political confidant, regular donor, and the man who oversaw her transition into the Premier's chair, in a seven-week span is a matter of serious ethical concern.

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

Crystal Kids Youth Center

Mr. Bhardwaj: Thank you very much, Mr. Speaker. I rise today to recognize the Crystal Kids Youth Center from Edmonton's inner city. The nonprofit community organization began in 1992 as a safe recreational facility for at-risk youth with an emphasis on physical fitness and health. Recreational activities were accompanied by a strong educational component to promote healthy eating habits and personal hygiene.

Over the course of two decades the centre has evolved into something far beyond this initial vision. Crystal Kids is now an integrated community support centre which focuses on building resilience, providing opportunities, and encouraging lifelong learning for all its visitors and members. One program, offering literacy and educational support, delivered over 4,680 hours of supervised literacy and homework activities in 2011. Another program called Heroes offered strength-based mentorship. It has been accredited with helping thousands of young Edmontonians develop healthy behaviours, leading to healthy life choices.

The Crystal Kids Youth Center has proven that mentorship can positively impact those who are at risk, in turn reducing crime and addiction. The centre has been an overwhelming success, but this has not come without its challenges.

Thanks to the strong leadership and dedicated volunteers, it has lived up to its vision. The Crystal Kids Youth Center continues on as strong as ever leader this year. It has celebrated two decades of nurturing and supporting at-risk urban youth. To all youth centres and mentors everywhere: thank you. To Crystal Kids Youth Center: a job well done, and you should be very, very proud of yourselves.

Thank you very much, Mr. Speaker.

1:50

Oral Question Period

The Speaker: Hon. members, just before we start the clock, two quick notices. One, the order of members' statements was altered at the request of one of the members who wished to be placed later down, so that explains that. Thank you for the notes, those who sent me some.

Secondly, in my advisory yesterday and my subsequent memo I also indicated that another rule that guides question period in particular is that supplementary questions should not be preceded with any preamble. I also indicated that I would be enforcing that rule more strictly today, and I intend to do that. Hopefully, this will result in more members being able to be recognized for their important questions today than has previously been the case, and it will also help us preserve additional order in the House today. That having been said, let us proceed. The clock can start now with the hon. Leader of Her Majesty's Loyal Opposition.

Tobacco Recovery Lawsuit

Ms Smith: Mr. Speaker, we should be talking about the fiscal deficit today, but I'm disappointed to have to be raising questions about the ethical deficit here. The awarding of a multibillion dollar Alberta government legal case to a Calgary law firm with close ties to the Premier raises disturbing questions of conflict of interest, perceived conflict of interest, manipulation of the process, and at the very least horrible judgment on the part of the then Justice minister, now Premier. How could the Premier let herself and the province's reputation be so badly damaged?

Ms Redford: Mr. Speaker, our Minister of Justice has spoken very clearly to the process that was followed. The suggestion that the Leader of the Opposition is making is absolutely inaccurate and false. In fact, when the decision was made by the government of Alberta as to who to retain on this file, I was not the Justice minister. I was not a member of cabinet. I was an MLA running to be the leader of this party. I will tell you that we are confident that the decisions that have been made to recover billions of dollars from the tobacco industry are in the hands of a firm that was of good service to taxpayers, cost effective, and selected by other jurisdictions.

Ms Smith: Mr. Speaker, since documents that I will table make it clear that it was the Justice minister's sole decision and since the conflict of interest legislation states in section 3 and section 4 that a member is in breach if he or she uses their office to improperly further another person's private interest, isn't it plain to the Premier that this is exactly what occurred?

The Speaker: The hon. Minister of Justice.

Mr. Denis: Thank you very much, Mr. Speaker. I hope that the hon. Leader of the Opposition will also table the document from the previous Justice minister, the now agriculture minister, in June of 2011, when he was the one that signed the final item deciding to go with TRL.

Ms Smith: As I say, Mr. Speaker, I will table the December 14, 2010, document with the former Justice minister's signature on it which shows that she was the sole decision-maker in this case.

When one of the principals in this firm in question is the Premier's ex-husband, a 20-year political associate, a campaign regular who even led the Premier's transition team when she became Premier, you have to ask: why didn't she recuse herself as Justice minister in making this decision?

Mr. Denis: Mr. Speaker, there's been lots of talk and innuendo here, but there is nothing new. This has been public for months, literally for months, yet when it suits a certain political advantage to bring it up, they bring this up against the Premier today. I think this House deserves better.

The Speaker: The hon. Leader of the Opposition. Your second main set of questions. [interjections] You have the floor, hon. member.

Ms Smith: Well, Mr. Speaker, let me refresh the Premier's memory because the Justice minister's memo, the December 14, 2010, decision granting the contract to the consortium that includes her ex-husband and long-time political confidant's firm cites "perceived conflicts of interest, actual conflicts of interest, the structure of the contingency arrangement and the importance of a 'made in Alberta' litigation plan," which is why, she writes "the best choice for Alberta will be the International Tobacco Recovery Lawyers." How could the Premier miss the perceived conflicts of interest that were evident when she was making the individual decision to select this firm of her former husband?

Mr. Hancock: Point of order.

The Speaker: Government House Leader, you rose for a point of order at 1:56. That's been noted, as has the other one that was raised at 1:48.

The hon. Minister of Justice in response.

Mr. Denis: Thank you very much, Mr. Speaker. What the hon. Leader of the Opposition does not disclose is that there was a committee that had appeared before this. It was an independent review committee. There was also a tendering process where there were four firms that expressed matters of interest. As I mentioned in the earlier exchange, the final decision was made by the previous Attorney General, who is now the minister of agriculture, who is in no way anywhere near connected to this alleged conspiracy.

Ms Smith: I'm afraid, Mr. Speaker, that's simply not true.

Mr. Hancock: Point of order.

Ms Smith: I will also table the January 13, 2011, status update, which states . . .

Mr. Anderson: Sit down, Dave.

Speaker's Ruling Decorum

The Speaker: Hon. member, telling your own leader to sit down is not an appropriate statement to be making. It's an interjection that ought not be tolerated here. Let's cut down on the interjections. As much as people appreciate a little bit of applause, we've been pretty lenient over the years to allow applause at times on both sides of the House. However, there is a time when we can maybe shorten it a bit to move on with question period.

The hon. leader.

Tobacco Recovery Lawsuit (continued)

Ms Smith: . . . "no one consortium stood out above the others" in the process the Justice minister just spoke about, but "shortly before Christmas, [the then minister, the Premier] selected the International Tobacco Recovery Lawyers" above Alberta-based Bennett Jones, above Alberta-based McLennan Ross. Why is it that it came down to choosing a Florida firm with Alberta connections to a smaller firm tied to the Premier?

Mr. Denis: Again, Mr. Speaker, the Leader of the Opposition is quoting a newspaper article, and I thank her for that. As I've dealt with the particular issues, if you look at all the other firms that expressed interest, every one of them talks about being part of a national office. Well, we want a consortium that acts solely for Alberta taxpayers in the event that there's another opportunity to deal with our particular issue and it is not the same interest as another province's like B.C. or Saskatchewan. We need a made-in-Alberta solution, and that is what we got in this process.

Ms Smith: It's obvious that the four other provinces involved in tobacco litigation saw no problem having Bennett Jones as their lawyers, no problem at all. Won't the government admit that this decision had nothing to do with the litigation and everything to do with political reasons?

Mr. Denis: Mr. Speaker, I say once again that I'm fully confident that Albertans are receiving the best possible legal representation pursuant to this open and public tender. We picked the one of the four that best represents our interests. Again, it's on a contingency basis, so if this firm receives no money, guess what? The Alberta taxpayer pays no money.

Mr. Anderson: The Law Society code of conduct states: "A lawyer must not act personally in a matter when the lawyer's objectivity is impaired to the extent that the lawyer would be unable to properly and competently carry out the representation." The explanation provided underneath this rule says that this refers to "situations in which a lawyer's professional objectivity in a matter may be threatened or destroyed by circumstances personal to the lawyer, such as a family or other close relationship . . . [or] a financial interest." To the Premier: as the province's lawyer, why didn't you remove yourself from awarding the tobacco lawsuit when such a clear conflict existed?

Ms Redford: Mr. Speaker, the government of Alberta made a decision as to who to retain. I was not the Justice minister at the time that the government made that decision. The opposition can stand up every single day and say that I was, but I wasn't. It is simply not the case. It is not true. I truly believe that Alberta and the government of Alberta made an appropriate decision, a cost-effective decision, and hired a firm that is highly capable of undertaking this litigation in the best interests of Albertans. I congratulate the government for making that decision.

2:00

Mr. Anderson: Mr. Speaker, I quote from the memo written by the Premier at the time.

Considering the perceived conflicts of interest, actual conflicts of interest, the structure of the contingency arrangement and the importance of a “made in Alberta” litigation plan, the best choice for Alberta will be the International Tobacco Recovery Lawyers.

It's signed by you. It's black and white, Madam Premier. Why did you do this? Why did you not recuse yourself?

The Speaker: Hon. member, I will allow this question, but the preamble that just took place ought not occur again. Let's please abide by that because I have to strictly enforce it.

Ms Redford: Mr. Speaker, there are four factors cited in that memo. In that memo we look to the fact that we do talk about perceived conflicts of interest, actual conflicts of interest. These are entirely appropriate to be raised by the Department of Justice. On top of that, we had the opportunity at that time to talk about a made-in-Alberta solution and cost-effective service for taxpayers. At the time that memo truly reflected what needed to be considered. The government of Alberta four months later, when I was not the Minister of Justice, I presume considered the same factors, and that's why the decision was made. It would be incorrect to highlight one factor over others. It's time for this to stop.

Mr. Anderson: To the Premier. I have another problem, so I need to ask, Mr. Speaker. If I need to make a complaint on behalf of Albertans to the Law Society of Alberta for what seems like an egregious violation of professional code of conduct, how can I feel comfortable doing so when the president-elect of the Law Society of Alberta itself happens to be Carsten Jensen, senior partner in – you guessed it – the exact law firm that you awarded the tobacco contract to? The tangled web never ends, does it? [interjections]

Ms Redford: This is getting absolutely absurd. There is a legal profession in this province made up of a group of people called benchers who absolutely protect their independence. The members of the benchers, the Law Society of Alberta, elect a president. If this person, who theoretically should understand what the Law Society is, is now prepared to malign the legal profession in this province, then I have no idea where this discussion is supposed to go. But I'll tell you, Mr. Speaker, if this hon. member decides to make a complaint, go ahead.

The Speaker: Order, please.

Mr. Hancock: And there would be a point of order for maligning people who are not in the House.

The Speaker: A point of order by the Government House Leader at 2:05.

Provincial Fiscal Reporting

Dr. Sherman: Mr. Speaker, let's change gears a little bit here. The Premier promised in her fudge-it budget to balance the books by 2013-14. Now with the release of the second-quarter fiscal update it's clear that government is hiding the true fiscal reality from Albertans. First they changed the definition of balanced budgets, and now it's breaking its own Government Accountability Act by refusing to release details on fiscal assets and liabilities as required by law. To the Premier – welcome back, by the way – when will your government come clean and tell Albertans how much income your government is taking in and how much money it actually owes?

Ms Redford: Well, Mr. Speaker, I'm very pleased today that the Minister of Finance and President of Treasury Board had the opportunity to again update Albertans on our current fiscal circumstances. In the last week as I've been travelling, I've met with the Prime Minister, with the governor of the Bank of Canada, with Premiers across this country, and there is no doubt that we are all facing challenges that were unexpected nine months ago. We simply have to look at what's going on in the world to know that we are in uncertain times. I'm very pleased that today Albertans can see very clearly what our way forward is. We are going to be able to continue to provide services to Albertans, we are going to make sure that our operating budget balances, and we're going to continue to invest in the infrastructure that's going to allow Alberta to continue to grow.

The Speaker: The hon. member.

Dr. Sherman: Thank you, Mr. Speaker. Given that sections 5(1)(f) and 9(1) of the government's own accountability act require the government to disclose the assets and liabilities and given that it has now failed to provide this information in both fiscal updates and in the FOIP request by the Canadian Taxpayers Federation, to the Premier: why is Alberta's balance sheet of fiscal assets and liabilities a cabinet secret? Why won't you tell the public?

Mr. Horner: Well, Mr. Speaker, I'll be tabling in the House a little bit later on the second-quarter fiscal update and economic statement. I am not tabling the third budget of this year in this House. I am tabling an economic update as per the requirements of the legislation. If the hon. member would care to peruse this document, which, I might add, is more information than most jurisdictions across Canada provide at a mid-year point in time, he would be able to ascertain exactly the answers he is looking for if he bothered to do the research that he needs to do. We clearly have outlined the revenue that we are generating in the province, we have clearly outlined the debt that we have on the books today, and we have clearly outlined where we are six months into our budget year.

The Speaker: The hon. member.

Dr. Sherman: Thank you, Mr. Speaker. Given that it requires courage to balance budgets and courage to balance the fudge-it budget and given that Premier Lougheed had a progressive tax and even Prime Minister Harper has a progressive tax, will the Premier have the courage to bring in a fair progressive tax so that we can increase our revenue stream so we can balance the books today with oil at 90 bucks a barrel?

The Speaker: The hon. President of Treasury Board.

Mr. Horner: Thank you, Mr. Speaker. The simple truth of the matter is that when we bring forward the budget next year, it will have an operating plan, it will have a savings plan, it will have a capital plan because Albertans have told us that they want to have a home in the health care system, they want to have their kids have access to postsecondary education for their future, they want to be able to get to work on time, not congested, and they want to get products to market. All of that will be in a balanced budget presentation for the '13-14 year. We have made that commitment. The Premier has told me that it will be done because it meets the vision that she has for this province when we have 5 million people in the province. That's what this government will do.

The Speaker: The hon. leader of the New Democrat opposition.

Tobacco Recovery Lawsuit

(continued)

Mr. Mason: Thank you very much, Mr. Speaker. On top of government scandals involving the Katz donation and illegal political fundraising involving the Premier's sister, we have a new revelation involving the Premier herself. According to documents obtained under the freedom of information act, the then Justice minister directed that an extremely lucrative legal contract be awarded to a law firm in which her ex-husband and former transition team leader is a partner. My question is to the Premier. Did you not realize that it was inappropriate at the very least for you to be involved in a decision that would likely involve a substantial financial benefit to your ex-husband?

Mr. Denis: Mr. Speaker, I thank the hon. Member for Edmonton-Highlands-Norwood for his question, but unfortunately that's where my thanks must end because the premise of his question is incorrect. The decision was made by the former minister, now of agriculture, who sits in this House, to hire the particular firm by way of a contingency fee agreement in June of 2011 when this Premier was not even a member of the cabinet. So we can just go on to the next.

Mr. Mason: Unfortunately not, Mr. Speaker. Given that the definition of conflict of interest is not just related to the final decision in this case but also to attempts to influence that decision by someone in a position to do so, will the Premier stop trying to avoid the tough questions and admit that this is a question of common-sense ethics and that she has fallen far short of the standard that Albertans expect from their leaders?

Mr. Hancock: Point of order.

Mr. Denis: Well, Mr. Speaker, it's pretty much the same question, and it's the same answer. The people here are trying to malign the Premier for a decision that she didn't even make the final one of. I don't know where this issue is. The lawyers that were hired were in the best interest of recovery of Crown funds that we've expended over the last number of years dealing with tobacco-related illness. That's what this is about.

2:10

The Speaker: Hon. Government House Leader, you rose on a point of order at 2:10. It's been noted.

The hon. member.

Mr. Mason: Thank you very much, Mr. Speaker. Well, given that the current Justice minister is attempting to define this question in a way that completely misleads Albertans and given that the director of the Centre for Professional and Applied Ethics has

stated that the then Justice minister, now the Premier, behaved, quote, unethically and possibly illegally by not recusing herself from this decision, unquote, will the Premier admit that her conduct in this case . . . [interjections]

Mr. Denis: Point of order.

Speaker's Ruling

Decorum

The Speaker: Hon. member, please have a seat for a moment. I hate to interrupt here. I'm going to give a little speech about the word "given" at the end, but technically it is allowed, and he does technically have 35 seconds to phrase his question. I have indicated before that it's very difficult, in my view, to even imagine a question going 35 seconds in length. The House leaders will be reviewing this, I'm sure, before too long.

But at the moment, Member for Edmonton-Highlands-Norwood, you do have the floor.

Tobacco Recovery Lawsuit

(continued)

Mr. Mason: Thank you very much, Mr. Speaker. We have seen the incredible shrinking time available to opposition members to ask their questions over the years.

Given that the director of the Centre for Professional and Applied Ethics has stated that the then Justice minister, now the Premier, quote, behaved unethically and possibly illegally by not recusing herself from this decision, unquote, will the Premier admit that her conduct in this case was at best a mistake and apologize to Albertans for her breach of ethical standards?

Mr. Hancock: Point of order.

Mr. Denis: Mr. Speaker, this question has been asked and answered today, but I just want to provide a quote from a lawyer whose firm lost the competition, for the edification of the Member for Edmonton-Highlands-Norwood. Quote: no concerns about the transparency of the process. That should speak for itself.

The Speaker: Hon. Minister of Justice, you rose on a point of order at 2:11. Government House Leader, you rose on a point of order at 2:12. That makes it about seven or eight points of order so far.

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

Mr. Saskiw: Thank you, Mr. Speaker. We know this Premier inherited a culture of corruption and entitlement, but now we see that her own fingerprints are all over this latest scandal. She personally chose her ex-husband and transition leader's law firm to handle a \$10 billion lawsuit.

Speaker's Ruling

Decorum

The Speaker: Hon. member, please have a seat. Please. There are a number of rules that say that the Speaker should intervene whenever statements are made that may cause disorder or disruption in the House. Clearly, you have done that. Now, I have indicated a great amount of leniency and leeway over the past couple of weeks. You all know that. You have all seen my comments in *Hansard*. I wish I could stop making them. I wish I could stop having to be forced to make them. However, if you persist in that kind of language and disorder results, I have no choice but to rise. Now, it happens from both sides of the House

on occasion, so I'm not chastising only one member here. I'm reminding all of you. Would you please rephrase your questions in such a way that it doesn't result in this kind of potential disorder being created.

The hon. member.

Tobacco Recovery Lawsuit

(continued)

Mr. Saskiw: Thank you, Mr. Speaker. I'll try, but it's quite difficult.

The Premier personally chose her ex-husband and transition leader's law firm to handle a \$10-billion government lawsuit. It's crazy that the Premier can't see this conflict of interest. Can the Justice minister see it?

Mr. Hancock: Point of order, Mr. Speaker.

The Speaker: Hon. Government House Leader, you rose on a point of order at 2:14. It's been noted as well as the 2:12 one.

Mr. Denis: Mr. Speaker, I spelled this out before; I'll spell it out again. Prior to that memo that they're referring to, there was an expression of interest from four different law firms. They made their presentations to a review committee. That included an ADM from Health, an ADM from Justice, and also included a senior lawyer from Justice. Then what happened was that there was the memo, but the actual contract wasn't signed until June of 2011 by the current minister of agriculture when he was Minister of Justice. I'm sure that with the vast years of legal experience that this member has, he could understand that that memo is not a contract.

The Speaker: The hon. member.

Mr. Saskiw: Thank you, Mr. Speaker. Given that this Premier has given away the biggest litigation contract in Alberta's history to a law firm tied to her, how can this government possibly argue that the Premier was not in a clear conflict of interest?

Mr. Denis: You know how far back that we have to go. Again, I refer that member to Section 1(5) of the Conflicts of Interest Act and the definition of a spouse. Nowhere there does it say former spouse, let alone does it say spouse of 20 years, Mr. Speaker. Which way is up?

The Speaker: The hon. member.

Mr. Saskiw: Thank you, Mr. Speaker. Will the Premier do the right thing and self-report to the Ethics Commissioner, or is she going to have to wait for us in the opposition to drag her kicking and screaming into yet another ethics investigation?

Mr. Lukaszuk: Mr. Speaker, the opposition has clearly indicated that they will be filing a complaint to both the Ethics Commissioner and to the Law Society, and the Premier has invited them to do so. I certainly hope that they do that. What I find also very interesting, and that is another thing that the Leader of the Opposition won't mention, is that the ex-husband in question also was a partner at Bennett Jones, to which, she says, contracts should have been awarded. Would she be then complaining of that being collusion as well? We're dealing here with allegations which are so farfetched. Perhaps some rulings on that should be made. Thank you.

The Speaker: I'm sure some rulings will become necessary, and I would just remind you of 23(h), (i), and (j). Please review those with subsequent questions before they're asked.

Calgary-North West, followed by Highwood.

Personal Care Standards in Seniors' Facilities

Ms Jansen: Thank you, Mr. Speaker. We've heard in the House that seniors in our long-term care facilities are receiving only one bath a week. It doesn't seem right. To the Associate Minister of Seniors: what are you doing about this issue?

The Speaker: The hon. minister.

Mr. VanderBurg: Well, thank you, Mr. Speaker, and thank you for that question. You know, my mom lived in a seniors' facility, and like all family members here that have loved ones in care in our seniors' facilities, I too care about the well-being and the care and the safety of the residents. I've discussed this matter with the Health minister, and together we're going to have a look at this issue, sir.

Ms Jansen: Also to the Associate Minister of Seniors. It's fine to say that there are standards, but when we hear that some of these seniors are getting only one bath a week, how can we be confident that their needs are being met?

Mr. VanderBurg: Mr. Speaker, the standard for personal care is developed with the personal attendants at each of our seniors' facilities. They're trained professionals. With input from family members a care plan is developed. I'll stand by that care plan. Like I said in the previous answer, I will have an opportunity to review this matter.

Ms Jansen: Also to the same minister. It still doesn't tell me why some people may be getting only one bath a week. Does the Associate Minister of Seniors believe that's appropriate?

Mr. VanderBurg: Mr. Speaker, what's appropriate is that we follow the care plan and that the care plan is updated on a regular basis with family and that family has the opportunity for input. The safety, the care, and the love that's given to our residents are always paramount for me.

The Speaker: The hon. Member for Highwood, followed by Calgary-Varsity.

Tobacco Recovery Lawsuit

(continued)

Ms Smith: Thank you, Mr. Speaker. Arthur Schafer, director of the Centre for Professional and Applied Ethics at the University of Manitoba, has reacted to this situation involving the perceived conflict of interest and is scathing in his assessment. I will table his biography later today in the event that the hon. members on the other side wish to see it. He has said: the Minister of Justice, in my view, behaved blank and possibly blank by not recusing herself in making this decision in this matter. What is the Premier's defence?

Mr. Mason: Don't be glib, Thomas.

Mr. Lukaszuk: That's right. One has to be very cautious when using blanks because I'm certainly tempted to do so.

Mr. Speaker, I have to tell you this. The Premier has been very clear that at the time when the final decision was made, it was made by a different Minister of Justice. Frankly, the Premier was not in cabinet at that time, and I can attest to that myself personally. The fact is that there is no conflict of interest. The best firm was chosen through an open process, was at the lowest cost to Albertans, and had the best expertise to recover money for Albertans from tobacco companies. Now not only are they alleging that there is a problem with that, but the Law Society is somehow implicated in that.

Ms Smith: Mr. Speaker, just because her successor affirmed the decision that she made does not negate the fact that she made the decision. All three consortiums were considered capable. No one consortium stood out before the others, and shortly before Christmas she was the one who selected the International Tobacco Recovery Lawyers. Professor Schafer says this on that: her failing to recognize or failing to act after recognizing she was in a conflict of interest is worse than shabby; it is shameful.

The Speaker: Hon. member, question, please.

Ms Smith: How can the Premier defend herself?

2:20

Mr. Denis: Again, Mr. Speaker, the defence is relatively easy. The Premier was not a cabinet minister. She stepped down to run for the leadership of the party in February of 2011. She came back as Premier in October of 2011. The decision was made during the time she was not a cabinet minister, not the Premier. I fail to see what the issue is here. I think the member should look at her notes.

Ms Smith: With all of the evidence suggesting at a minimum the perception of conflict, why did the then Justice minister not stay out of the decision completely?

Mr. Denis: Again, Mr. Speaker, she didn't make the decision. The decision was made by another member of cabinet. She was not even a member of cabinet. There is no conflict of interest whatsoever.

The Speaker: Hon. Government House Leader, you rose on a point of order at 2:19 p.m. It has been noted.

The hon. Member for Calgary-Varsity, followed by Calgary-Mountain View.

Provincial Fiscal Policy

Ms Kennedy-Glans: Thank you, Mr. Speaker. We're all aware that the global economic uncertainty persists. It's clear from today's second-quarter fiscal update that Alberta is not impervious to its effects. My question is to the Minister of Finance and President of Treasury Board. With the significant decreases in resource revenue we have seen so far this year, is it realistic to suggest that we are still on track to balance the budget in 2013-14?

Mr. Horner: Well, Mr. Speaker, as you well know, I have been asked this before although not as politely and not in as well-phrased a manner. Looking ahead to Budget 2013, we will have, as I said, a fully funded operating plan, savings plan, and a fully funded capital plan. Those plans will speak to the vision that our Premier has, the optimism that Albertans have for the future of this province. I know that some don't share that optimism. We do. We also will recognize the challenges that we face as they relate to our largest customers, relate to the global economy. We

certainly understand that Albertans expect us to be looking at those things. We will do all of them.

Ms Kennedy-Glans: Also to the Minister of Finance. I share your optimism, but given these decreases in resource revenue and the invariable impact they'll have on our current budget, what are we doing about spending?

Mr. Horner: Well, Mr. Speaker, our fiscal reality has changed since the budget was tabled in this House. We understand that, and in response to that we are holding the line on spending. In fact, we have asked all departments to share half a billion dollars' worth of savings in this year. We're moving forward with the results-based budgeting initiative, where every dollar that we spend will be scrutinized to ensure that taxpayers are getting full value, that we're getting the objective that we were striving for. The bottom line is that we're going to control our spending while still continuing to meet the priorities that Albertans have told us they want us to meet: health, education, and infrastructure.

Ms Kennedy-Glans: To the same minister: given that many jurisdictions around this world are facing economic downturn, what is this government doing to manage the risk that the vast majority of our oil is exported to a single market?

Mr. Horner: Well, Mr. Speaker, that is a very good question. Today when I was presenting the documents, which I'll table later, on our second quarter, I put up a graph that showed the differential spread between what we get for our oil and what the international prices are. It's widening. That speaks to the market access question. I'm very proud that our Premier was at the confederation of regions talking to other Premiers about allowing access for our pipelines to cross their territories and get to markets like Quebec. That is what's providing benefit to Albertans. That's how we'll deal with market access. I'm proud to have a leader who is willing to do that.

The Speaker: The hon. Member for Calgary-Mountain View, followed by Edmonton-Beverly-Clareview.

Personal Care Standards in Seniors' Facilities (continued)

Dr. Swann: Thank you, Mr. Speaker. My questions are for the Seniors minister. Staff shortages and inadequate training continue to weaken community care at a time when increased nursing is needed to keep services and patients out of hospital. The government has just not gotten it. Alberta Health has standards, but each centre has its own policies, Mr. Minister. Imagine, Minister, having incontinence two, three, or more times a day and having a single bath a week. This is both a risk to the individual and to spreading infectious disease in an institution and the community. I know that in some centres there's not even a licensed practical nurse supervising during some shifts, no oversight, with short staff in some cases. To the minister: lack of in-house nursing ability and caregiving means . . .

The Speaker: The hon. minister.

Mr. VanderBurg: Well, thank you for the question. Each and every one of our facilities goes through a rigorous inspection and accommodation standard. We have very well-trained staff that go to each and every one of our facilities. It's publicly noted on the website any infractions or any issues that each facility has. It's there for public knowledge. I have to tell you, Mr. Speaker, that

I've been to lots of these facilities around the province, and I'd hold them up to any facility across this country.

Dr. Swann: No consistency, Mr. Speaker, according to the Auditor General.

Given inconsistent nursing services and care – I mean, many of these seniors are sent back to the institutions from the emergency room, to the same conditions that caused their evacuation of the long-term care. No wonder EMS is struggling with unacceptable response times; they're being held up in emergency departments. What are you doing to make this a more consistent care centre for people?

Mr. VanderBurg: Well, thank you for that question. One of the things we know is that the demand-supply curve is out of whack right now in the housing options for seniors. One of the issues that we're going to move forward on and very aggressively is a five-year action plan on housing. Over the last two years we've developed over 2,100 spaces. We'll continue to develop 1,000 new spaces a year, with care provided in those centres, sir.

Dr. Swann: I'm aware, Mr. Speaker, of declining staff morale. As well, families who don't trust their loved one's care are increasingly obligated to feed and assist their loved ones to make up for deficits. When will this minister assure and ensure consistent training and staffing numbers for our seniors?

Mr. VanderBurg: Well, Mr. Speaker, what I ensure is that the support for our seniors' programs, their independence, their quality of life, and positive health outcomes are paramount to me and to the Health minister and to everybody on this side of the government and, I'm sure, to all of you. We'll continue to have the best services across this country, and I'll stand beside those workers any day, anytime, anywhere and promote that.

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

Provincial Fiscal Policy (continued)

Mr. Bilous: Thank you, Mr. Speaker. This PC government won re-election on a platform full of expensive promises. The Premier pledged to do everything from building 140 new family care clinics to putting billions of dollars back into the sustainability fund. The promises this Premier made during her campaign have been costed out at between \$3 billion and \$6 billion, but now the deficit makes it look like there's no way that this government will be able to pay for their promises. To the Premier: was it her intention to win re-election on empty promises and then govern on cuts?

Mr. Horner: Well, Mr. Speaker, for the hon. member to make that accusation, I guess he can see into the future, because at this point in time we are planning to meet all of our commitments.

Mr. Bilous: Mr. Speaker, given that this Conservative government intentionally misled Albertans by using a budget based on overly optimistic projections – in other words, rainbows and unicorns – and given that the price of oil is still lower than this government's projected price, to the President of the Treasury Board: will he admit that the way to rectify this situation and ensure that Albertans get the public services they need is to increase royalties to an amount competitive with every other jurisdiction in the world?

Mr. Horner: Mr. Speaker, here is what I'll admit to. I'll admit that I think the hon. member is not reading any of the material that was provided to him. The federal government budget that was announced this spring used \$100 for their oil number. The Saskatchewan government, which just recently released their mid-year statement, used \$100 for their oil projection. The opposition, the wild alliance, in their fudge-it budget used our royalty and our revenue numbers. I'm not sure what the NDP fudge-it budget might have been, but I'm sure they would have used our numbers as well.

What we are doing is presenting projections that are based not on what government has said, what private forecasters have said, what public forecasters have said. We take the best information available just like those other jurisdictions have, and we'll continue to do that.

Mr. Bilous: To the same minister: given that in order to pay for the Conservatives' corporate welfare program – in other words, corporate tax cuts – the government has cheated Albertans out of nearly \$14 billion in corporate income taxes since 2001 and given that there are no plans to increase corporate taxes to a competitive rate in order to offset this government's current \$3 billion projected fiscal deficit, will the minister please explain to Albertans what programs are going to be cut in order to pay for their corporate giveaways?

2:30

Mr. Horner: Mr. Speaker, here are some news flashes for the hon. member. When I table this document this afternoon, I certainly hope that he'll read through it because what it tells you is that the Alberta economy is extremely strong. We created more jobs in this province than any other jurisdiction in Canada. That's what the corporations are doing. Personal income in this province is rising faster than even what we projected at the beginning of the year because there are new Albertans coming into our province. Why are they coming here? It's because this is where it's happening. This is a province of opportunity, and we will continue to make it so.

The Speaker: The hon. Member for Calgary-Shaw, followed by Vermilion-Lloydminster.

Tobacco Recovery Lawsuit (continued)

Mr. Wilson: Thank you, Mr. Speaker. We were led to believe that this Premier was serious about finding a made-in-Alberta approach to tobacco litigation back in 2010. She was so serious, in fact, that the Premier hand-picked a group largely based out of Florida to receive the contract. We are told the Florida firm is the muscle in this group. They are the ones with all the tobacco litigation experience, making the Alberta firms merely hood ornaments. Can the Justice minister explain how shipping the work associated with the lawsuit to sunny Florida qualifies as a made-in-Alberta solution?

Mr. Denis: Mr. Speaker, TRL has many lawyers throughout Alberta, and I need to correct another item that the Member for Calgary-Shaw mentioned. The Premier did not hand-pick this particular item. She was not a member of cabinet. She resigned on February 16, 2011, and wasn't back until after the leadership. [interjections] What happened – if I could even hear myself think – was that in June of 2011 the contract was done by a different minister, not the Premier. Let's stick to the truth here.

The Speaker: The hon. member.

Mr. Wilson: Thank you, Mr. Speaker. To the Justice minister: how is the International Tobacco Recovery Lawyers firm a more made-in-Alberta approach than Bennett Jones, which employs hundreds of Alberta-based lawyers at their headquarters in Calgary and once counted amongst their staff the hon. former Premier Lougheed?

Mr. Denis: Mr. Speaker, there are many firms throughout this entire province who applied. There were four actually which were chosen as part of the consortium. TRL was chosen because it was in the best interests of the taxpayers. I've outlined all of the issues here. I'm sorry that the member does not accept the truth.

The Speaker: The hon. member.

Mr. Wilson: Well, thank you, Mr. Speaker. Does the Justice minister seriously expect Albertans to believe that Bennett Jones, an Alberta law firm with years of tobacco litigation experience, was passed over in favour of an American-backed consortium simply because it was of better value to Albertans, or was it just better value to Albertans who have ties to the Premier's office?

Mr. Denis: Mr. Speaker, I think that if you go through almost every law firm, you'd find ties to every party in here. I have many lawyers who donate to me. I know there are lawyers over there. There are binders full of lawyers everywhere around this entire province. I'll tell you that we got the best deal for the Alberta taxpayer, and we're going to keep acting in the interest of the Alberta taxpayer.

The Speaker: Hon. Government House Leader, you rose on a point of order at 2:29 during Edmonton-Beverly-Clareview's question, and that has been noted.

Support for the Pork Industry

Dr. Starke: Mr. Speaker, in my veterinary practice I had the privilege of serving Alberta's hard-working pork producers. Many of them are coming to me now, asking me to save their bacon in a different way. Our pork industry is in crisis. While high prices benefit other commodity producers, pork producers have been crippled by falling prices, soaring feed costs, and unfavourable foreign exchange rates. Producers are suffering huge losses, causing some to downsize or terminate production entirely. To the minister of agriculture: are any new or additional measures being contemplated to provide much-needed financial support to our beleaguered pork producers?

The Speaker: The hon. minister.

Mr. Olson: Thank you, Mr. Speaker. Notwithstanding the comments of my colleague down the way, I think I still have this job, so I'll answer the question. We are certainly aware of the ongoing challenges that exist in the pork industry. They have been having some tough times in recent months and even years, but there are a number of programs that are in place that are partnerships between the federal government and our government and other governments across the country to support the pork industry and other industries such as AgriStability and AgriInvest.

Now, we're working with the industry and with the federal government to maximize the effect of these programs. We are trying to make sure that they are fully utilized and that applications under these programs are given priority. We also have a hog price

insurance program in Alberta, which is the envy of many other jurisdictions. Unfortunately, it's fairly new and undersubscribed.

The Speaker: The hon. member.

Dr. Starke: Thank you, Mr. Speaker. A supplemental to the same minister: given that high feed prices are a significant contributor to the current crisis, will the minister indicate whether he is contemplating any changes to the current government programs and policies that favour ethanol production, which essentially funnels feed grains into the production of fuel rather than food?

Mr. Olson: Mr. Speaker, this is an issue that was brought to me by the Alberta pork people last week, when I was at their AGM. It is something we hear about from time to time. The fact is that the federal government does mandate that a percentage of fuel come from renewable sources. In Alberta 5 per cent of our fuel has to come from renewable sources. However, less than 1 per cent of grains in Alberta are used for the production of ethanol. There is only one ethanol plant in Alberta; that's in Red Deer. They're using wheat. They're producing food, and it's only the by-product that is used for ethanol.

Dr. Starke: A final supplemental, Mr. Speaker: if the Minister of Agriculture and Rural Development can't offer much in financial help, could he offer producers some assistance with another challenge facing their industry; namely, the recruitment and retention of workers for their operations?

Mr. Olson: Workforce is an issue not only in the pork industry but in many parts of the agrifood industry. We do have a workforce development strategy. We have specialists who counsel producers and processors in terms of efficiency and also recruitment and retention. We have some grant programs up to a maximum of \$25,000 for the purpose of becoming more efficient and for using the programs of recruitment and retention. So we have assets in place to help.

Tobacco Recovery Lawsuit (continued)

Mr. McAllister: Mr. Speaker, this is all very disturbing. It looks like the Premier used her position as Justice minister to send a great big chunk of business to her long-time political confidant's law firm. What we can't dispute: we know that partner at JSS headed her transition team, donated thousands to her leadership bid, co-ordinated and organized five leader's dinners. Now, the government claims it's all okay. This is all above board. Well, it sure doesn't look very good. Did the Premier think to consult the Ethics Commissioner to get an okay before this contract was awarded?

The Speaker: The hon. Minister of Justice.

Mr. Denis: Thank you, Mr. Speaker. What I will mention to this particular individual is that the individual he did not name – and I thank him for that – was not part of the bidding process, was not part of the lawsuit. It still has nothing to do with this particular item. I don't know where they're going with this.

Mr. McAllister: Mr. Speaker, even the appearance of conflict is damaging. I think we'd all agree on that.

To the Premier or anybody else over there that would like to answer: don't you see that you are shattering – yes, shattering – Albertans' confidence in all of you?

Mr. Lukaszuk: For the last seven months, while this side of the House was focusing on governing Alberta and creating a bright future for all Albertans, they have shattered the confidence of Albertans in the health care system, in the educational system, in the justice system, now in the Law Society, and now undermining the process of law firms being retained in this province of Alberta. This is all that we can expect from that side of the House, and they can carry on. But, Mr. Speaker, just a word of warning. Pretty soon they will run out of family members of individual members of this House and of institutions that have been credible for over 100 years in this province.

Mr. McAllister: Translation: I know you are, but what am I?

Mr. Speaker, we've seen health expenses, illegal contributions, all kinds of scandals in the last seven months. Can the Premier look Albertans in the eye, convince them that she is raising the bar on accountability and transparency or anything else for that matter?

Mr. Lukaszuk: Mr. Speaker, let me introduce to you Her Majesty's Loyal Opposition.

The Speaker: I recognize the Member for Lethbridge-East. Please proceed.

2:40 Postsecondary Institution Infrastructure Planning

Ms Pastoor: Thank you, Mr. Speaker. The University of Lethbridge, named as Canada's undergraduate research university of the year, also has the top third ranking in the highly touted *Maclean's* rankings. These designations are despite having outdated – and that's a very generous word – teaching labs in the sciences. To train scientists to a standard that allows them a seamless transition to Alberta's workforce, modern labs at postsecondary institutions are crucial. To the Minister of Enterprise and Advanced Education: can the minister advise the Assembly how his department is identifying the critical infrastructure needs at Alberta's postsecondary institutions.

The Speaker: The hon. minister.

Mr. Khan: Thank you, Mr. Speaker, and thank you to the hon. member for that question. My ministry works closely with all 26 of our Campus Alberta partners to identify their infrastructure needs and priorities, and through this process we identified the need for expanded science facilities at the University of Lethbridge. In fact, last year we provided the U of L with \$2.3 million to plan a new facility that will ensure that they can deliver up-to-date science in their global initiative and in all that they do at the U of L.

Ms Pastoor: Thank you to the minister. Given that modern science facilities at the U of L are key to continuing to attract top students and faculty from across Canada and the world, can the minister tell the Assembly how his department is prioritizing the critical infrastructure that's needed at Alberta's postsecondary institutions?

Mr. Khan: Mr. Speaker, my team and I visit all the postsecondaries around the province. We visit them first-hand, and we inspect their facilities. We meet with the stakeholders, and we learn what their needs are. As well, my department collects comprehensive data from all of the publicly funded institutions, and this allows us to make evidence-based decisions on capital priorities. Our focus will always be to respond to the needs of our students, our schools, and the economy in all regions of the province.

The Speaker: The hon. member.

Ms Pastoor: Thank you, Mr. Speaker. I will continue to talk about the U of L, but my next question is to the Minister of Infrastructure. Recognizing the many different infrastructure needs in the province, how can we ensure that the critical infrastructure needed today will be done in a timely manner?

Mr. Drysdale: Mr. Speaker, Albertans expect their government to invest in key infrastructure projects and use their tax dollars wisely, and that's what we'll do. I've been working with my colleagues to build this year's capital plan. For example, we have been successful in using the P3 model to build new schools two years sooner than traditional builds. As the minister of Treasury Board and Finance has said, we will look at all the tools in our financial toolbox, and we will continue to invest in the public's infrastructure to ensure that Albertans have the quality of life they deserve now and into the future.

The Speaker: Hon. members, that concludes question period for today. In a few seconds from now we will resume with Members' Statements, beginning with Lesser Slave Lake.

Members' Statements (continued)

The Speaker: The hon. Member for Lesser Slave Lake.

Aboriginal Content in Education Curriculum

Ms Calahasen: Thank you, Mr. Speaker. For years aboriginal people like myself have requested that aboriginal content be included in Alberta's curriculum. Today I stand to salute an innovative professional resource for teachers produced in collaboration with First Nations, Métis, and Inuit members and elders across Alberta, Walking Together: First Nations, Métis and Inuit Perspectives in Curriculum.

There are approximately 50,000 First Nations, Métis, and Inuit students in Alberta, many of whom we know are not achieving to their full potential. One of the reasons has been a lack of understanding of First Nations, Métis, and Inuit people's culture, history, and language amongst teachers. I believe Walking Together now provides that understanding.

The activities within this online resource are designed to encourage greater insight and deeper understanding of issues impacting aboriginal students, their families, and communities. The resource aims to initiate classroom conversations addressing topics like culture, language, oral traditions, aboriginal and treaty rights, and indigenous connections to the land.

Postsecondary institutions, particularly those involved in teacher training, anticipate the resource will increase educators' confidence to bring First Nations, Métis, and Inuit content and perspectives to life in their classrooms, and Walking Together can help teachers initiate conversations that address aboriginal issues in a caring and collaborative manner. That will assist Alberta's teachers to ensure that their classrooms are welcoming, caring, and respectful learning environments for both their aboriginal and nonaboriginal students. After all, Mr. Speaker, Albertans have told us they want an education system that values diversity and respect.

To the Education department: nih nah sku mun, hai hai!

The Speaker: The hon. Member for Strathcona-Sherwood Park, followed by Calgary-Shaw.

eCampus Alberta 10th Anniversary

Mr. Quest: Well, thank you, Mr. Speaker. I rise today to recognize eCampus Alberta and its member postsecondary institutions. This month they celebrate 10 years of leadership and dedication to improving access to lifelong learning opportunities for Albertans. eCampus Alberta uses online learning technologies to extend the reach of Alberta's postsecondary system across the province. This consortium of 16 postsecondary institutions currently provides access to more than 800 online courses and 70 provincially accredited online certificate, diploma, and applied degree programs.

Through online learning Alberta's students can pursue postsecondary studies while continuing to work, raise a family, and remain at home in their community, and more and more Albertans are taking advantage of this great opportunity. In fact, eCampus Alberta has seen growth rates of nearly 25 per cent per year in recent years.

The success of eCampus Alberta is a direct result of its leadership, a visionary group of senior executives from our postsecondary institutions. Thanks to their co-operation eCampus Alberta has facilitated more collaboration between institutions than any similar consortia in the country. In fact, this group of outstanding leaders often receives queries about eCampus Alberta's success from their colleagues right across Canada. eCampus Alberta is a great example of the successful collaborative and co-operative relationships being built between Campus Alberta's 26 publicly funded postsecondary institutions.

On behalf of this government and the citizens of Alberta I'd like to congratulate eCampus Alberta on reaching this important milestone. The convenience and flexibility provided by eCampus Alberta to access a postsecondary education remotely allows Alberta students to better realize their full potential and contribute to their families, their communities, and, of course, to the success of our province. We look forward to eCampus Alberta leading the way over the next 10 years.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Calgary-Shaw, followed by Edmonton-Highlands-Norwood.

Ethics in Government

Mr. Wilson: Thank you, Mr. Speaker. Much hay has been made in the past five weeks about illegal donations and the perceived unethical behaviour of individuals with close ties to the government. The reality is that the public perception of what happens here in this House every day, both positive and negative, reflects on all of us. In a province like Alberta, that was founded on principles like my word is my bond, the cowboy code, and where a handshake seals a deal, it makes you wonder just how far we've come when we require laws to be written to define what is right and what is wrong. But here we are by force of circumstance reviewing and drafting laws on what should be just good common sense.

Yesterday a mandatory review of the Conflicts of Interest Act was launched, and I am pleased to be on the committee to do just that. I look forward to working with the committee to strengthen our democracy, and I welcome the opportunity to work with MLAs of all parties to navigate the process of redefining conflicts of interest for the 21st century. Clearly, this is long overdue in Alberta.

I am a very trusting person, always looking to find the best in people and more often than not will give someone the benefit of the doubt even though I probably at times should not. It appears that a major breach of this act has occurred, Mr. Speaker, and it is with truly mixed feelings that I react to this revelation. Today the reputation of our entire democratic system has been called into question, and I'm not sure what is more disturbing, the allegation itself or this government's blind defence of it.

It is said that the true judge of character is what one would do if they thought they would not get caught. Unfortunately for all Albertans, I believe we have just witnessed a major blow to the character of this very institution, and that, Mr. Speaker, reflects very poorly on every one of us.

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

2:50

Provincial Fiscal Policy

Mr. Mason: Thank you very much, Mr. Speaker. Today the PCs provided Alberta with their second-quarter fiscal update. It should have been a positive and hopeful update, providing Albertans with the economic security they need and deserve. However, the update they provided is a sobering reality of the kind of future Albertans can expect under this government.

During the election the Conservatives misled the people of this province about the dire fiscal situation we're in. The reality is that we're running huge infrastructure deficits, fiscal deficits, and social deficits. Prior to the election the Conservatives released a budget that projected an \$868 million deficit. Today they again admitted that the deficit is likely to be between \$2 billion and \$3 billion. There are also hidden deficits within crumbling roads, bridges, and schools and an overreliance on nonrenewal resource revenue, which financed nearly 30 per cent of program spending in the last budget year.

Mr. Speaker, the fiscal fiction that the Conservatives are spinning is based on overinflated revenue projections, yet they campaigned on promising new infrastructure and programs that Albertans know they can't pay for and enjoy under this fiscal framework. When will the Conservatives understand that you can't have your cake and eat it, too. You can't have balanced budgets, low revenue, and continue to deliver on the services that Albertans depend on and deserve.

Since the Conservatives started cutting corporate taxes for their corporate welfare program in 2001, the government budgeted for Albertans to miss out on nearly \$14 billion of lost corporate income tax, and their ideological adherence to a flat tax is costing taxpayers billions of dollars a year. When it was introduced in 2001, the same year that the government began cutting corporate taxes, it cost Albertans an estimated \$1.5 billion a year. This flat tax sacrifices public services and punishes the poor for the benefit of the very wealthy.

Mr. Speaker, Alberta's New Democrats are calling for the government to increase revenue and balance the budget by making corporations and wealthy Albertans pay their fair share.

Thank you.

Notices of Motions

Mr. Anderson: Mr. Speaker, pursuant to Standing Order 30 of the standing orders I'd like to move a motion.

Be it resolved that the ordinary business of the Legislative Assembly be adjourned to discuss a matter of urgent public importance; namely, the need for the government of Alberta to suspend all activities and proceedings related to any contracts it

has with International Tobacco Recovery consortium, including Jensen Shawa Solomon Duguid Hawkes LLP, that are related to the tobacco recovery litigation until a full investigation has been completed by the Ethics Commissioner of Alberta and all results therefrom made public.

Introduction of Bills

The Speaker: The hon. Member for Lesser Slave Lake.

Bill 205 Fisheries (Alberta) Amendment Act, 2012

Ms Calahasen: Thank you, Mr. Speaker. I request leave to introduce Bill 205, the Fisheries (Alberta) Amendment Act, 2012.

This act would amend the Fisheries (Alberta) Act to formalize a consultation process by which fishing quotas would be set each year, and it would help to make regulations concerning the consultation process more consistent and transparent by entrenching the process in legislation. It will also advance the government's commitment to clarity and transparency and would assist in the inclusion of key stakeholders in the decision-making process that directly affects them.

[Motion carried; Bill 205 read a first time]

Tabling Returns and Reports

The Speaker: The hon. Member for Strathcona-Sherwood Park. Three tablings.

Mr. Quest: Yes, Mr. Speaker. Thank you. Pursuant to section 16(2) of the Alberta Heritage Savings Trust Fund Act as chair of the Standing Committee on the Alberta Heritage Savings Trust Fund it is my pleasure to table the 2011-2012 annual report on the fund.

Pursuant to section 15(2) of the Alberta Heritage Savings Trust Fund Act I'm also tabling the 2012-2013 first-quarter update on the fund. Copies of these two reports have previously been distributed to all members.

Finally, pursuant to section 15(2) of the Alberta Heritage Savings Trust Fund Act, I am pleased to table the 2012-2013 second-quarter update on the fund. The copies were distributed to members' offices this morning.

Thank you.

The Speaker: The hon. Associate Minister of Wellness, followed by the President of Treasury Board and the Justice Minister.

Mr. Rodney: Thank you very much, Mr. Speaker. It's a pleasure for me to rise today to table the 2011 annual report of the College of Dental Technologists of Alberta. Members of the college provide a strong supporting role to other health care professionals by creating, repairing, and maintaining prosthetic and orthodontic devices. They pride themselves on providing Albertans with the safe delivery of quality care. This report outlines the great work that they are doing as well as their financial statements for 2011.

Thank you, Mr. Speaker.

The Speaker: The hon. President of Treasury Board.

Mr. Horner: Thank you, Mr. Speaker. I wish to table the second-quarter fiscal update and economic statement, which reports on the results of the first six months of the 2012-13 consolidated fiscal plan. The 2012-13 second-quarter fiscal update and economic statement has already been provided to all members and

released publicly as required by sections 3 and 9 of the Government Accountability Act.

The Speaker: The hon. Minister of Justice.

Mr. Denis: Thank you very much, Mr. Speaker. I'll be brief in interests of time. I have three tablings, five copies of each for you. The first is a statement from JSS Barristers.

The second is a backgrounder regarding Tobacco Recovery Lawyers.

The third is just some information on the Nunavut tobacco file for the records here.

The Speaker: Are there others? The hon. Leader for Her Majesty's Loyal Opposition.

Ms Smith: Thank you, Mr. Speaker. I have five copies of a memorandum dated December 14, 2010, from the Justice minister at the time to the Deputy Minister of Justice and Deputy Attorney General that makes it clear that this minister at that time had indicated that the best choice for Alberta in this litigation will be the International Tobacco Recovery Lawyers.

I also have a subsequent follow-up from a backgrounder requested from the deputy minister as a status update, dated January 13, 2011, in which case it is affirmed that shortly before Christmas the then Justice minister at the time selected the International Tobacco Recovery Lawyers, the Jensen consortium.

I also have a biography of Arthur Schafer, who is the director of the Centre for Professional and Applied Ethics at the University of Manitoba.

Thank you, Mr. Speaker.

The Speaker: Are there others?

Seeing none, then we can deal with the points of order. Hon. members, most uncharacteristically, we have 10 points of order to deal with today. I'm going to start with the Government House Leader's first point of order. We'll hear how that goes.

Point of Order

Allegations against a Member

Mr. Hancock: Thank you, Mr. Speaker. In the interests of time perhaps I can narrow down my points of order to two, one with respect to the various offensive actions of the Official Opposition questioners today and the other with respect to the offensive actions of the Member for Edmonton-Beverly-Clareview.

With respect to the first point of order – and I'll deal with all of the others in it, subject to your telling me not to – it's under 23(h), (i), (j), and (l). Often members get up and just ream those off as points of order just to have something to speak to, but they actually fit perfectly in this circumstance today. Standing Order 23(h), "makes allegations against another Member," 23(i), "imputes false or unavowed motives to another Member," (j), "uses abusive or insulting language of a nature likely to create disorder," and also (l), "introduces any matter in debate that offends the practices and precedents of the Assembly."

Mr. Speaker, the Leader of the Official Opposition offended all four of those rules and, in fact, many, many other rules in the book. The performance today could only be characterized as cheap theatrics by a failed actress. The fact of the matter is that there are many appropriate ways to raise issues that a member of the House believes are of public importance. Certainly, an issue with respect to an awarding of a contract in the Ministry of Justice

may be that type of public interest, particularly when it deals with an area of public interest like tobacco policy.

3:00

If the hon. members wanted to raise questions about a process to award a contract, whether there was an open and transparent process, whether there was anything around the process, they could actually do that and with a small, rather modest application of talent bring up questions which actually were relevant. But today, instead, full-frontal and intentional – full-frontal and intentional, Mr. Speaker – on numerous occasions they directly made allegations against the Premier. Now, I'm not going to repeat all the allegations. People can read the Blues themselves. It was very evident what was happening today, allegations against the Premier with respect to conflict of interest.

Mr. Speaker, we have a rule against allegations against a member for a reason, and the reason is that this House has to be held to a standard of operation. We have a rule about respecting each other, a rule about decorum, a rule about how we engage in respectful public discourse, and we have processes for investigations of allegations if and when they come up. We have an Ethics Commissioner. If there are any allegations about a conflict of interest or the ethics of a member, there is an appropriate place where that can be determined.

Why, Mr. Speaker, do we have that? Why do we have such a rule? Well, we have such a rule because from time there may be allegations made. These are very serious allegations when they're made because what we have in this House as individual members of this House is our integrity. What we bring to this place is honesty, integrity, and ability to serve Albertans to the best of our ability.

Now, allegations will come up from time to time, and they should be handled extremely carefully. They should be handled appropriately. An allegation is just that. It's not proof. It doesn't necessarily have all of the facts surrounding it. In fact, when we see them come up in a role like question period, the facts are usually selective, and indeed the statements are rarely fact. So it's absolutely inappropriate to make a full, direct allegation against the Premier or any other member, and it's against the rules for a reason. There is a process to deal with ethics allegations. If somebody wants to deal with ethics allegations, they can deal with that in the process.

Now, we can't control what the press says, and nobody would want to. People will judge the press for themselves. We have some reporters who engage in this sort of stuff. That's fine. But in this House, in government, and in Legislatures and parliaments there is an important process that we engage in, and it is important that the public sees us as being above that kind of smear technique, above that kind of tactic.

We have appropriate processes in place if hon. members have any allegations against another member that they think violate any of the rules or ethics or any laws of that nature. If it violates a law, they should report it to the police for investigation. If it violates the ethical standards or even if they perceive that it violates ethical standards, if they have an allegation in that regard, they can go to the Ethics Commissioner. When it comes to the House, they can ask questions. Every member can ask questions in the House to members of Executive Council with respect to matters of policy, with respect to matters of how that policy is carried out. There are very appropriate ways to ask those questions, none of which were used by the hon. Leader of the Official Opposition or the Member for Airdrie or the Member for Lac La Biche-St. Paul-Two Hills today.

I would ask you, Mr. Speaker, to admonish the members not to approach questions in that nature. In fact, I would not only ask; I would very seriously insist that those members be called to task and asked to recant their allegations. We cannot go through question periods in this House where we raise points of order and wait until the end, where those members are on prime-time television talking to Albertans, making allegations in a wildly accusatory manner without the benefit of proof, without the benefit of investigation, without the benefit of anyone, in particular the Ethics Commissioner, having an opportunity to review the matter. That's precisely why we have the rules, and flagrant violation of the rules cannot be allowed.

The Speaker: The hon. Member for Airdrie.

Mr. Anderson: Thank you, Mr. Speaker. You know, I think we need to put some of this in a little bit of context. I think that a lot of folks over here on this side of the House, today especially, feel very strongly that freedom of speech itself in this Legislature right now is at stake. I've never seen 61 folks cower so completely to 17. It is unbelievable, the yelling across the aisle that took place today. [interjections]

Mr. Saskiw: Just like right now.

Mr. Anderson: Just like right now.

When we came in here, Mr. Speaker, we had read your memo. We had read your memo. We went through our caucus together, and we read it out loud and said: we are not going to engage in heckling and screaming across the aisle. For the most part, I would say, other than me asking the Government House Leader to sit down after his 10th point of order, we did our job on this side. Meanwhile the folks on that side have been literally screaming this entire time, and I don't think they have been called to account. I think we need some context here. We are trying to use a civil tone, and no one is more civil in this House than the Leader of the Official Opposition. She wasn't the one screaming, like your leader over there.

Anyway, Mr. Speaker, it is very clear from the questions. Now, I don't have the Blues in front of me, but I do have the Leader of the Opposition's questions that she used. It is very clear from these questions. I don't know how she could be more delicate in how she worded these things. Can I give an example, or will that be called to account?

The Speaker: Just stay to the point. Let's move on.

Mr. Anderson: Well, this is the point exactly.

Mr. Speaker, since documents, which I will table, make it clear it was the Justice minister's sole decision and since the conflict of interest legislation states that a member is in breach if he or she uses their office to improperly further another person's private interest, isn't it plain to the Premier that this is exactly what occurred?

How on earth is that out of order?

Now, Mr. Speaker, I don't know which specific question this hon. member is referring to. I have all nine that the Official Opposition leader read into the record, and I have mine as well. I think, first of all, that for a point of order to be called in this case, it would be incumbent on this Government House Leader to actually say which. I mean, I know he called 10 points of order today or nine or whatever it was. Which one is he referring to? Which specific question is he referring to? I cannot see a question that's out of order.

Mr. Speaker, I would also point out that the Legislatures in this country and the Parliament of Canada have, actually, a long history, as you well know, of looking into scandals that have occurred and ethics violations that have occurred and having questions and free and open debate in the Chamber regarding several scandals. If you look back at your history – and I know you have, of course – the big one that kind of started it all was the Pacific Railway scandal. Go read the debates from those. Read them. They make what happened today look like absolute child's play. That's what happens. Yet it wasn't called out of order.

It's important because this is the people's Chamber. They need to understand that if there's an alleged ethical violation in government, the people need to be confident that their representatives can with open and free speech debate that issue in the people's Chamber. That's important. Not just the Pacific scandal had this, but the robocall issue, that we just went through, if you want to take it to a more modern context. That went back and forth. The Conservative Speaker of the House was not admonishing the NDP, the opposition, for carrying on with those questions even though it involved some very strong ethical charges of voter manipulation and all kinds of stuff like that.

We have, of course, the sponsorship scandal. How many questions did we watch there, Mr. Speaker, question after question asking the Liberal government of the time to account for their perceived ethical violations? Literally probably hundreds of questions. They were allowed to do so because this is the people's House, and they deserve it. You go through every Legislature in the land, and you will find illegal donations and such related scandals and members of the opposition asking the government, as is their right, to account for situations like that of perceived illegality.

3:10

Now, we all agree in this House that we have to keep the tone reasonable, Mr. Speaker, but if we're not allowed as the Official Opposition to question something that directly – we tabled the documents, and we'll talk about it more in the section 30 motion today. These documents have the signature of the Premier or her deputy minister on them and say exactly what is being alleged by the Leader of the Official Opposition, two specific letters before the Premier resigned to run for the leadership. It couldn't be clearer, and all this member of the opposition is doing is pointing these things out and saying, "Premier, will you please account for it?" and using the language.

I mean, no one takes it more seriously than the Official Opposition leader. How many times does she come and say: "Is the language too harsh? Is it too much? Is it over the line? Do I have to dial it back?" She's always concerned because she doesn't want to be cut off, and she wants to be seen as diplomatic because she feels that's her job as the Official Opposition leader, and she takes that very seriously. She asks us regularly: can you please make sure to reword something because that might cross the line, and the Speaker has ruled on that? So we've been trying to do that, Mr. Speaker.

But every time we allege something that makes the government uncomfortable, they scream, holler, yell, and essentially interject until we're just basically shouted down: that's a point of order. Ten points of order today. Well, it sure puts you in a difficult position, I agree, Mr. Speaker. The Government House Leader alleges 10 points of order. Good God Almighty, we'd better start giving a few of them to them. That's a tough job that you've got there, for sure.

I would say, Mr. Speaker, that there is no doubt that if the Official Opposition leader is called to account and told that she

cannot raise such questions in this House after she had so carefully prepared, after our caucus did everything we could – with one exception, one comment compared to, like, the 15 comments each of you have done in the last five minutes – to try to increase the tone as per your memo, then, honestly, at some point we may as well just pack it up and everyone go home because there's no point in being here. There is no point if we can't raise these questions in the House, in the people's House. There is no point.

The Speaker: Are there others? The hon. Leader of the New Democratic opposition.

Mr. Mason: Thank you very much, Mr. Speaker. I'd like to respond to the Government House Leader's consolidated points of order. First and foremost, points of order require specificity. They need to be about a specific statement, and they need to quote exactly what was said and be within the context of what was said. You can't make a generic, omnibus point of order in an attempt to shut down legitimate questions in the Assembly.

It is the role of the opposition, not just the Official Opposition, to hold the government to account. Now, the government has repeatedly attempted to define the role of the opposition, outside the long-established parameters in the British parliamentary system, as merely to ask questions about policy. In fact, Mr. Speaker, it is well established in this place and in other parliaments that it is the role of the opposition to hold the government to account not just for its policies but also for its administration of the government. It is an important role of the opposition to ensure that the government conducts itself in an above board fashion with competence and honesty. Unfortunately, this government has sometimes fallen short in some of those respects.

When you get into questions on officers of the government who may be involved in an alleged conflict of interest or a potential or the appearance of a conflict of interest, it's not often pleasant. It makes the government and all of us somewhat uncomfortable. When it, in fact, is the Premier's actions that are called into question, it is unpleasant. But the very fact that it is now the Premier rather than a minister or somebody who is on the board of directors of some college or something that did something wrong in a campaign donation, the fact that it's now the Premier, the highest office in the province, does not make it out of bounds, and the government seems to think that it does. You can raise a question about anyone else, but if you raise a question about the Premier, suddenly it's not allowed.

Mr. Speaker, I think that it is important for this House and for the freedom of speech we should enjoy in this House and for the opposition to do its job properly to be able to hold the government to account and ask hard questions about the conduct of government, ministers, and Premiers in their conduct of public business. That is, I think, something that's essential to our parliamentary system and something, quite frankly, that over many years in many countries has rooted out corruption, malfeasance, malpractice on the part of many governments. That role, I think, is very, very precious and needs to be very carefully preserved.

Mr. Speaker, I hope that you will find in this case and rule on and recognize what the Government House Leader's actual wish or hope is, and that is to shut down debate on this very sensitive subject. That's what the points of order amount to, in my view, an attempt to stifle debate and to stifle the Official Opposition from getting to the core of an issue that may in fact hurt the government

very seriously and, quite frankly, for which the government has no one to blame but itself.

Thank you, Mr. Speaker.

The Speaker: That concludes speakers on the point of order raised. I suspect that this particular point of order might apply to a number of other subsequent points of order that were raised, so I'm going to take a few moments here to address what has occurred.

I believe I have mentioned at least eight or 10 times that the principles that govern the procedures and practices of this House – the rules, the guidelines, and whatever else you might want to call them – are of great importance to all of us, and all we need to do is to refresh our memories from time to time as to what they are. I'm going to do that, hon. members.

For example, if we look at some of the principles that are included in *Erskine May*, we will note on page 445 that the text cites expressions which are unparliamentary and call for prompt interference by the chair. Basically, these pertain to the following:

- (1) the imputation of false or unavowed motives;
- (2) the misrepresentation of the language of another and the accusation of misrepresentation;
- (3) charges of uttering a deliberate falsehood;
- (4) abusive and insulting language of a nature likely to create disorder. The Speaker has said in this connection that whether a word should be regarded as unparliamentary depends on the context in which it is used.

I myself have referenced that on a number of occasions.

Now, in *Beauchesne* you'll find a lovely section on page 121, depending on which edition you're looking at, and it says:

- (7) A question must adhere to the proprieties of the House, in terms of inferences, imputing motives or casting aspersions upon persons within the House or out of it.

I would remind you of that one.

It goes on to state:

- (12) Questions should not be hypothetical.

Hypotheses are frequently what allegations may be based on, as we all know, and that is unfortunate.

As I go on through my notes, I note that with respect to page 444 of *Erskine May* it also states:

Good temper and moderation are the characteristics of parliamentary language. Parliamentary language is never more desirable than when a Member is canvassing the opinions and conduct of his opponents in debate.

It goes on to page 445 to talk about abusive and insulting language, which I'll bring to your attention for the second time.

3:20

Then we go on to the issue of personal attacks. Be they by direct name or by innuendo or by inference, the nature of them is always the same. In *House of Commons Procedure and Practice* on page 422 it says:

In presiding over the conduct of this daily activity, Speakers have been guided by a number of well-defined prohibitions. In 1983, when the procedure for Statements by Members was first put in place, Speaker Sauvé stated that . . .

- personal attacks are not permitted.

And the quote goes on. I'll save some time and not read it all.

Finally, you will know that our own standing orders, which I highly recommend all of you to please visit and visit often if you're ever in doubt, on page 14, for example, you're all familiar with because 23(h), (i), (j), (k), and (l) have been raised on a few occasions already, and you should be there. But let me just go through them quickly. Section 23 states:

A Member will be called to order by the Speaker if, in the Speaker's opinion, that Member . . .

- (h) makes allegations against another Member;
- (i) imputes false or unavowed motives to another Member;
- (j) uses abusive or insulting language of a nature likely to create disorder . . .
- (l) introduces any matter in debate that offends the practices and precedents of the Assembly.

Now, I have read those to you before in one version or form or another, so I ask you to please remember them not only during question period but otherwise as well.

Now, specifically to the matter at hand, I think we all know that there is a mechanism already in place that deals with or can deal with allegations that a member feels put another member into a conflict-of-interest position. For example, members can always refer such matters to the Ethics Commissioner. There is a process outlined, in fact, in the Conflicts of Interest Act, which I know you are all very familiar with. The reference to the Ethics Commissioner should of course be something that you are familiar with as a process and as a practice that has been used before, and you're certainly welcome to use it again as you feel should fit the occasion, if it does.

Now, I'm somewhat curious about a decision that was announced back on May 31, 2012, by the government and whether or not that matter has now been referred to the Ethics Commissioner. I think it would bode well if someone were to clear that up either today or perhaps tomorrow because this matter, that was frequently raised today, is something that you may want to visit and review in the context of that date.

Today's proceedings actually demonstrate a lot about the wisdom of leaving any such review to the proper channels and to the Conflicts of Interest Act, that I've just indicated should be visited. It should be left to an independent officer of the Legislature and not to the cut and thrust and the heat that often accompanies our question period.

That having been said, I would ask again that all of you please check your language very carefully and very closely, both before the questions are raised, on the one hand and on the one side of the House, and with the answers and the tone of the answers and the content of the answers given by government members who are replying. There has been a lot said here in the last several minutes that clarifies this issue quite succinctly.

As such, we're going to move on to the next point of order, assuming there is another point of order, and I'll ask the Government House Leader to please state his citation and what it is.

Point of Order

Reflections on a Nonmember

Mr. Hancock: Thank you, Mr. Speaker. In fact, two succinct points of order, and I will be very brief. The Member for Airdrie rose during question period today and specifically made an allegation against the president-elect of the Law Society and named him, and that offends the rules of the House and, specifically, *Beauchesne's* 409(7). It's a very inappropriate thing to do, and it was a very inappropriate question. Everybody clearly understood what he was alleging in that question. Everybody understood who he was alleging it against. I would just ask the hon. member to do the right thing and withdraw that allegation and the insinuation that somehow a person who's not in the House, who was described as being a senior member of the Law

Society of Alberta would somehow be compromised in carrying out his duties, somehow would be implicated in the process, somehow would be connected to any sort of ethical filing that was sent to the Law Society.

It's quite an inappropriate thing to raise in the House when the person who's named specifically, and clearly not only by name but by position, is unable to defend themselves, unable to clear the air. Again, if there's any question about that person, there are appropriate processes, and this member as a member of the Law Society knows what those processes are.

The Speaker: Before I go to the Member for Airdrie, I too am going to extend that courtesy to the hon. Member for Airdrie. I have the Blues here, and I'm prepared to get into them if you feel it's necessary.

Hon. Member for Airdrie, let's hear from you.

Mr. Anderson: Well, Mr. Speaker, I appreciate it. I also have the question. The question was very simple.

To the Premier. I have another problem [to ask you about]. If I need to make a complaint on behalf of Albertans to the Law Society of Alberta for what seems like an egregious violation of professional code of conduct, how can I feel comfortable doing so when the president-elect of the Law Society of Alberta . . .

That's the individual I'd have to complain to about this exact complaint, the complaint dealing with the stuff that we've been discussing.

. . . itself happens to be Carsten Jensen, senior partner in – you guessed it – the exact law firm that you awarded the tobacco contract to?

I'm going to clarify right now that I assumed that Mr. Jensen would be fair and impartial. Absolutely. I would assume that, but here's the problem, Mr. Speaker. I don't feel comfortable and I don't think anybody would feel comfortable to launch a complaint and draw it to the attention of this individual, whose law firm is directly the question of what I'm going to be launching the complaint about.

Now, I don't see how that is alleging any kind of allegation against Mr. Jensen. I'm sure he's a good person. I've never met him before. I'm sure he's a fine, upstanding individual. But it goes to what we're talking about here, Mr. Speaker. What avenue do I possibly have to launch this complaint against the Premier, who keeps saying – you heard her today – that if you've got a complaint, you go and complain to the Law Society? How can I do so?

To find that I've cast aspersions on this individual is simply not true. I'm just simply stating the point that he's in a conflict here. He's done nothing wrong, but he's in a conflict. If I don't give facts to the situation, the questions won't make sense. I don't even understand how this could even be a point of order on just simply asking a very legitimate question. I didn't say that Mr. Jensen did anything wrong. I didn't say that he was going to do anything wrong. I did imply there was a conflict of interest. Clearly, there's a conflict of interest, but that's no fault of Mr. Jensen. It's no fault of Mr. Jensen. I think that's clear.

The Speaker: Are there others?

Well, the hon. Government House Leader has risen on this point of order, citing that it is inappropriate, I'm sure, to raise names of individuals in a light that might be cast upon them somehow as an implication or as some other form of slurring or slandering or whatever it might be that it could be connected to. In this instance I quickly looked up *House of Commons Procedure and Practice* on pages 616, 617.

3:30

Let me just read you what it says, and then we'll get on to the point here.

Reference by Name to Members of the Public

Members are discouraged from referring by name to persons who are not Members of Parliament and who do not enjoy parliamentary immunity, except in extraordinary circumstances when the national interest calls for this. The Speaker has ruled that Members have a responsibility to protect the innocent, not only from outright slander, but from any slur directly or indirectly implied, and suggested that Members avoid as much as possible mentioning by name people from outside the House who are unable to reply in their own defence.

Now, I want to focus in on "directly or indirectly implied" because as I review this particular quote from *Hansard*, I am not only looking at the words, but I'm also remembering the tone, the context, the temper with which, the passion with which it may have been delivered. What I recall and what I am going to remind the Member for Airdrie of is that there was a certain tone of innuendo, in the Speaker's opinion, that I believe I picked up, but what I want to focus in on besides that is the fact that we have mentioned a person's name here in that context. I'm going to ask the hon. Member for Airdrie if you would like to please retract that statement wherein you mentioned the person's name.

Mr. Anderson: I will retract that statement.

The Speaker: Thank you very much. I appreciate it. That concludes that matter.

Are there other points of order, or have we covered them?

Point of Order Parliamentary Language

Mr. Hancock: I will leave aside all the other points of order but one, and that is when the Member for Edmonton-Beverly-Clareview rose to ask a question this afternoon, I believe, to the hon. Provincial Treasurer and used the words "intentionally mislead." I don't have the Blues, so I don't know whether it was Albertans. I think it was Albertans. He said it directly, he said it purposefully, and he intended to say it. He knew in doing so – you could tell from the tone of the voice – that he was doing so intentionally.

We've got to get past this. The budget is the budget. In the budget the Provincial Treasurer brought forward estimates with respect to the revenue, and those estimates were based on calculations as the Provincial Treasurer has said over and over again in this House. Members opposite are entitled to have their opinions as to whether they could do a better job of forecasting and whether or not there's something else.

I'm rising under 490 and 492 of *Beauchesne's*. In both circumstances the words "intentionally misled" or words very, very similar to those have been ruled unparliamentary in the past, and I would suggest, Mr. Speaker, that they should be ruled unparliamentary again today. The member should be asked to apologize and withdraw the statement.

That is an allegation also against a member under Standing Order 23(h) because it was specifically about the Provincial Treasurer. He's basically, through other words, calling the Provincial Treasurer a liar.

We have got to raise the level of discourse in this place. If we want the public to engage in important discussions of public

policy, if we want them to take those discussions seriously, we can't be calling each other names, and we can't be using that kind of invective. I appreciate it goes both ways sometimes, but today was particularly egregious. In fact, it was bilious, and it's got to stop.

The Speaker: The hon. leader of the New Democratic opposition.

Mr. Mason: Thank you very much, Mr. Speaker. I will ignore the last adjective that the Government House Leader used and will avoid making an opinion as to whether it was a deliberate slight or not to my hon. colleague and get on with the point of order.

The allegation by the Government House Leader that unparliamentary language was used, in my view, is not valid. Mr. Speaker, it is clear from the practice and the rulings that I have heard and from the standing orders as well as *Beauchesne's* that "deliberately misled" is, in fact, unparliamentary language when it is directed against another member. This is found on page 143 of *Beauchesne's*. Section 488 says this clearly: "It has been ruled unparliamentary to refer to a Member as . . ." and it goes on to give a long list.

The Government House Leader doesn't have the exact words that were used, but I do because I have the text that was used, and it was delivered verbatim. It said, "Mr. Speaker, given that this Conservative government intentionally misled Albertans by using a budget based on overly optimistic projections – in other words, rainbows and unicorns . . ." He is dealing with the actions of the government, not an individual member.

That will bring me to the second point made by the hon. Government House Leader, where he quoted Standing Order 23(h): "allegations against another Member." That, according to the Government House Leader, is directed against the Provincial Treasurer. This is absolutely false, Mr. Speaker. The member's statement in his preamble – and it was his first question, so it was actually a legitimate preamble – said that the government had misled Albertans, not another member but the government.

That is, in my view, a very accurate statement, and it is certainly the view of our caucus and our party that in the last election and in the last budget the government used projections for tax revenues, for royalty revenues, and so on that were artificially inflated so that they could in fact campaign on a platform of increasing services. They made a wide range of promises, Mr. Speaker, and the list went up very substantially as they found themselves in some difficulty in the campaign. Suddenly there was somewhere between \$3 billion and \$6 billion of campaign promises – they were going to eliminate child poverty, they were going to put 140 new public health clinics in place, they were going to put billions of dollars against the deficit, and they were going to clean up the deficit by next year, among many others – all based on the misleading projections that were used in the last budget by this government and repeated over and over by the leader of the Progressive Conservative Party in her campaign.

Now we're finding – and we learned today in the second-quarter update – that, in fact, those projections were way off and that we're still headed towards a \$2 billion to \$3 billion deficit in the next election. Mr. Speaker, I would suggest to you that an allegation that the government misled Albertans in the last election or that the Progressive Conservative Party misled Albertans in the last election is not only substantially true but is within the rules of order because it is not an allegation directed against a particular member of this Assembly. As such, I don't think it is protected by the rules.

Thank you.

The Speaker: Hon. members, we won't consume more time on this. We've dealt with a number of citations over the last half hour or so and in earlier discussions.

Hon. members, I want to raise to your attention again what was exactly said and what caused the Government House Leader to rise on a point of order. The Member for Edmonton-Beverly-Clareview, as the New Democratic leader just said, rose, and he said, "Mr. Speaker, given that this Conservative government intentionally misled Albertans," and it goes on. Now, we know that there's a long list of words that are parliamentary and unparliamentary. In this instance let me cite for you *Beauchesne's* section 492 again, where it says, "The following expressions are a partial listing of expressions which have caused intervention on the part of the Chair, as listed in the Index of the *Debates* between 1976 and 1987." They still stand today. To go on with the quote, it says, "deliberately misled," and it goes on further to say "deliberately misled," and "misleading" is in here somewhere as well. We've dealt with that issue before and those exact words before.

At issue now is whether this was directed at an individual member or not. Now, I think we all know what the word "government" means and that government essentially does mean people. You can interpret it either way. Having been an English teacher, I can stand by that. By extension you could say that it was directed not only against one member but against 20 or however many members might be in government because government is a living, human body of people.

3:40

I looked at this very carefully. I know that under Standing Order 23(j) it says that a member will be called to order by the Speaker if in the Speaker's opinion that member "uses abusive or insulting language of a nature likely to create disorder." In this particular case I think some disorder was created. So while it is technically parliamentary or unparliamentary, depending on how you interpret what I've just said, I would ask that you please, again, not use words or phrases that do cause that kind of disruption and disorder and result in points of order and, in turn, rulings by the chair, particularly if you're using them specifically during our well-known and well-televised question period to gain attention or to focus attention in, perhaps, a wrongful way, and that, in turn, causes disorder, as I just mentioned.

Hon. leader of the New Democratic opposition, I would ask you to review that with your hon. member so that we can avoid these circumstances going forward. I'm sure that there will be occasions again when something close to this will arise, but I would ask you to please mention this to your hon. colleague and ask him to please refrain from using phrases like that in the future, and I would remind all members here to do the same. Thank you for speaking on his behalf.

That concludes it for this afternoon unless there are other points of order.

Mr. Denis: Mr. Speaker, I did rise on a second point.

The Speaker: The hon. Minister of Justice.

Point of Order Parliamentary Language

Mr. Denis: Thank you very much. I'll be very brief, Mr. Speaker. The point of order I rose on was pursuant to Standing Order 23(h),

(i), (j), and (l), when the Member for Edmonton-Highlands-Norwood referred to the Minister of Justice, obviously being me, and then something about misleading. Now, he talked earlier about referring to a group of people, but this was directly against me. I'm not going to make big deal out of it. I just ask that he withdraw the remark. I refer you also to *Beauchesne's* section 489, which indicates that "mislead" or "misleading" are inappropriate terms, the same as 490.

Thank you.

The Speaker: Is there anyone else who wishes to speak to this matter? The hon. leader of the New Democratic opposition.

Mr. Mason: I'm at a disadvantage since the hon. Justice minister can't seem to recall what the words were or the context. It's very hard for me to respond. I'd be happy to do so if he could . . .

An Hon. Member: Just withdraw, then.

Mr. Mason: But I can't withdraw something that I don't even remember.

The Speaker: The hon. minister.

Mr. Oberle: Mr. Speaker, I would really, really, deeply appreciate the opportunity to make a point here, and that is that we stand in a Chamber modelled on a system where once members stood with swords, and that's the instrument that kept order in this Chamber. Now it's governed by rules of order, which might well be called rules of disorder because that's really what they're for, to manage disorder. This is an adversarial system. We're different parties. We come here to conflict with differing opinions. What allows the free discourse in this House is precisely those rules of order.

The hon. Member for Edmonton-Highlands-Norwood talked about the government trying to stifle the debate here. Quite the opposite, Mr. Speaker. We wish to allow the debate but within the rules. It's the rules of order that actually allow for the exchange of ideas in here without the acrimony and the waste of time. We've just wasted another hour and a half of legislative time here.

I sincerely hope, Mr. Speaker, that in the event that I were to use a term to slander or accuse somebody on that side of the House, I would be able to revisit the fact that all of those people there are duly elected by their constituents and deserving of my respect, and I would be able to withdraw the comment, and we could move on.

The Speaker: Hon. members, I believe what's being referred to here occurred at approximately 2:10 p.m., when the leader of the New Democratic opposition rose right after the Minister of Justice had risen and said the following: "Thank you very much, Mr. Speaker. Well, given that the current Justice minister is attempting to define this question in a way that completely misleads Albertans," and you went on.

We just dealt with this point earlier, and that is what you said according to the Blues. I can get into a long, lengthy ruling here if you wish, or I can ask you to just do the honourable thing and withdraw that comment. Clearly, Albertans are people, and they should not be maligned in any way. I'm sure you perhaps didn't mean to, but the cut and thrust of debate sometimes yields that result.

Hon. member, I'll recognize you for that purpose.

Mr. Mason: Thank you very much, Mr. Speaker. The hon. Justice minister is indeed a human being, and I did not mean to imply – in framing the question as he did, I meant to imply that he might lead people to the wrong conclusion. I'm sure that it would not be a deliberate attempt on his part to frame an issue in a way to protect the Premier if that wasn't warranted. So in that sense I am prepared to withdraw the use of "misleads."

The Speaker: Thank you, hon. members. That concludes that point of order.

Are there any others now that we haven't dealt with directly or indirectly as a result of previous points of order? Seeing none, we can move on.

Hon. Member for Airdrie, you have a Standing Order 30 you wish to bring forward. Please proceed.

Request for Emergency Debate

Tobacco Recovery Lawsuit

Mr. Anderson: Thank you, Mr. Speaker. I don't know. Perhaps if we can just in the future forward our questions somewhere to get them sanitized in advance, that would probably be a way to save some time since it seems unclear sometimes what we can and can't ask in here.

I rise today pursuant to Standing Order 30. It is:

Be it resolved that the ordinary business of the Legislative Assembly be adjourned to discuss a matter of urgent public importance; namely, the need for the government of Alberta to suspend all activities and proceedings related to any contracts it has with International Tobacco Recovery consortium, including Jensen Shawa Solomon Duguid Hawkes LLP, that are related to the tobacco recovery litigation until a full investigation has been completed by the Ethics Commissioner of Alberta and all results therefrom made public.

I first would like to address how I am terming this. Had we termed it in that we debate making sure that we compel the Ethics Commissioner to do an investigation into this, which, of course, we can't do, then we would have a problem. I realize that. We can't control what the Ethics Commissioner will or will not do, but we can control what we do, Mr. Speaker, and that is why what is within the government's control and what is a matter of urgent importance is with regard to the litigation. That cannot wait.

I could have brought something up that we need to help restore some of the reputation of the government on this issue and a whole bunch of other things, but instead the only thing that I think is relevant to a Standing Order 30 in this case is actually ceasing all activities being undertaken with regard to this consortium on behalf of this government.

The reason why it is urgent, first of all. I'll refer to Standing Order 30(7), which is:

A motion under this Standing Order is subject to the following conditions:

- (a) the matter proposed for discussion must relate to a genuine emergency, calling for immediate and urgent consideration;
- (b) not more than one such motion may be [made] on the same day . . .

And so forth. Now, the reason that this is so urgent, first off, is because what is happening right now is that the litigation is in its infancy. It is just starting. There are lawyers in law firms scrambling around, spending a lot of money, spending a lot of time on the government's behalf pursuing this matter. There's no doubt about that.

The amount of money involved here is astronomical. We are talking about a \$10 billion lawsuit. Now, we do not have access. We do not know what the contingency fee is or if there is a contingency fee. We don't know. But if it is a contingency fee, a lot of times that could be 5 per cent, 10 per cent, 20 per cent, 35 per cent. We don't know.

3:50

What we're talking about here could cost taxpayers, if there is a recovery, not just millions of dollars but billions of dollars, depending on the size of the settlement. That is how massive this litigation is. We're not talking about a few hundred dollars or a few thousand dollars in donations and so forth. We're talking about possibly billions of dollars, certainly hundreds of millions of dollars, that the taxpayers of Alberta will not have going into general revenues if this is continually pursued.

Now, the reason I say that is this. We don't know, Mr. Speaker, from the allegations and the proof that we have tabled – and we'll go over it very quickly – whether the taxpayers of Alberta are getting the best deal possible. We don't know whether we could get a 5 per cent contingency rather than, say, a 10 per cent contingency, if that's what it is, which is a difference of hundreds of millions of dollars. We don't know that. I don't think we can have confidence – and we need a debate on this – that the proper tendering process was gone through without undue influence. That's what the documents that we have submitted suggest. This will be a very expensive problem for us if we continue on with this litigation without sorting this out to make sure that, indeed, we did follow the proper practices.

The Finance minister today released their budget report, the second-quarter update. We have another massive deficit on our hands. If we do not take care of this issue now, this will probably be the last chance we have to put a stop to this before moving forward any further. The further it goes forward, the more work is done, the bigger the problem.

Now, I will try to keep this next point as succinct as possible.

The Speaker: Hon. member, let's talk about the urgency as required under 30(2). That's what we're arguing here, not the motion itself. We're arguing the urgency of the debate.

Mr. Anderson: No. I understand that.

The Speaker: Why must it be done now? That's what we're arguing, so please get on with that part, or we'll move to the next speaker.

Mr. Anderson: It's incredible, isn't it?

The Speaker: Hon. member, please have a seat.

Mr. Anderson: What?

The Speaker: Please have a seat. The chair is not immune to what you uttered before you started this Standing Order 30. Do you recall what you said?

Mr. Anderson: I said . . . Do you want me to recall?

The Speaker: Do you recall what you said?

Mr. Anderson: No? Okay.

The Speaker: Thank you. I'm not here to debate with you. I'm asking you if you recall.

Mr. Anderson: No, no. I'm just asking if you want me to answer your question.

The Speaker: Okay. Good. So you recall it. I'm going to review it in *Hansard* as well just to see exactly what the tone and intent of that comment was because it had absolutely nothing to do with the Standing Order 30, but I allowed you to proceed nonetheless just in the interest of being fair.

Now, I'm not prepared to sit here and debate or argue what the rules are with you, hon. member. I'm simply asking you to please get on with what Standing Order 30(2) calls for. You know this, so here it is. Under urgent public importance 30(2) says, "The Member may briefly state the arguments in favour of the request for leave and the Speaker may allow such debate as he or she considers relevant to the question of urgency of debate." Then we can define urgency of debate. All I'm asking you to do now is to please get on with the argument about urgency for debate, not the debate itself. Please.

Mr. Anderson: Okay, Mr. Speaker. To clarify, I was not directing those comments at you, but we can talk about that after if you'd like. It was not intended to be disrespectful.

It's difficult to present an argument for urgency without giving any kind of context, but I will try. I'm trying to say that the cost of it would be so large – and if we don't stop it now, this will be the last time we have to contain the cost – to the taxpayer in this regard if something untoward has occurred.

Now, I'm going to be referring to three documents and only three documents for the purposes of this just to create the context on the urgency argument or else it won't make any sense.

The first was tabled. It's regarding a memo coming from the then Minister of Justice, the current Premier, dated December 14, 2010, which says:

Considering the perceived conflicts of interest, actual conflicts of interest, the structure of the contingency arrangement and the importance of a "made in Alberta" litigation plan, the best choice for Alberta will be the International Tobacco Recovery Lawyers.

That's the first document, just one paragraph from it. Again, that was while she was Justice minister.

The second piece is from the Deputy Minister of Justice, who specifically says that on October 25, 2010, the now Premier, then Justice minister

announced that Alberta [will] initiate legal action to recover health care costs from the tobacco industry pursuant to the Crown's Right of Recovery Act," et cetera, et cetera, et cetera.

So – we'll shorten it up – they took in bids, et cetera.

The Review Committee's assessment of the three proposals was provided to the Minister of Justice . . . meaning the current Premier,

. . . in . . . December. All three consortiums were considered capable of adequately conducting the litigation, and no one consortium stood out above the others. Each had unique strengths and weaknesses.

Shortly before Christmas . . .

This is the Deputy Minister.

. . . [the Justice minister, the now Premier] selected the International Tobacco Recovery lawyers (the Jensen consortium).

The Speaker: Hon. member, with due respect please have a chair.

Let me just read for all members what this is all about just so that you would all know. *Beauchesne*'s 390 states:

"Urgency" within this rule does not apply to the matter itself, but means "urgency of debate", when the ordinary opportunities provided by the rules of the House do not permit the subject to

be brought on early enough and the public interest demands that discussion take place immediately.

So why is this of paramount importance and urgency at this time when no other opportunities might be available to you and words to that effect? That's what is being discussed now or should be discussed now.

I'm going to allow you one final time to wrap this up. Remember our own Standing Order 30(2), that says, "The Member may briefly state the arguments." So I invite you to please be brief and be conclusive. Proceed.

Mr. Anderson: Mr. Speaker, the reason it is urgent given the background – I won't give more, obviously – is very simple. This is the first opportunity we've had to debate it. If we do not debate it now, we will not have the opportunity in the future to stop the possible loss of money to the taxpayers that could be based on something that was untoward, which is the context I was trying to refer to.

As you've pointed out during question period and with your recent explanations in rulings, I'm more unsure than I've ever been about when else we're going to have an opportunity in this House to debate this issue. I don't know if we are even allowed to do it in question period anymore. I don't know when we're allowed to debate this anymore. It's completely up in the air. So if we don't debate it now, Mr. Speaker, while we have the opportunity, when else are we going to debate this issue?

The Speaker: Are there others? The hon. Minister of Justice, briefly.

Mr. Denis: Thank you very much, Mr. Speaker. I'll endeavour to be very brief further to your earlier ruling. Again, as you mentioned, pursuant to Beauchesne's 390 we're not reviewing the direct matter here; we're reviewing what constitutes and what's called urgent public importance.

Now, I would respectfully submit to you, sir, that there's nothing new on this story other than just some additional innuendo. Standing Order 30 is typically used for some very serious matters. It needs to be a matter of urgent public importance. I would submit to you, Mr. Speaker, that this matter first came to light with respect to a press release from my department at that time on May 30 of this year, and this is the first time this, in fact, has been raised.

There have been questions and answers on this throughout the entire day. I won't belabour the point on the issue, but I do want to mention that pursuant to section 1(5) of the Conflicts of Interest Act we know that a former spouse is not considered to be a direct associate under the act. We don't need additional debate or investigation under that in and of itself.

Now, I do want to turn your attention, Mr. Speaker, to the last two times this House has adjourned for Standing Order 30. It was February 23, 2012, Mr. Speaker, and March 14, 2011. Both of those matters dealt with matters to do with health care. I would agree that the matters of the health of Albertans could constitute a Standing Order 30. Obviously, it did in those particular cases. [interjections] I'll just ignore the boos and catcalls from across the way.

4:00

This litigation in Alberta, Mr. Speaker, is challenging and has to do with the conduct of tobacco companies years ago. Hiring outside counsel is entirely appropriate for a past Justice minister or, frankly, for the current one. We've indicated that if anyone wants to make a complaint, they can do so to the Ethics Commissioner, but again that does not involve a Standing Order

30 item. The ruling proposed today would also have the unintended consequence of perhaps even prejudicing the action. I also refer you to Standing Order 23(g), which prohibits any reference to matters of a civil nature that have been set down. The statement of claim already has been filed.

I also just wanted to mention as well that in the practice manual, page 674, it also talks about what constitutes an urgent nature, Mr. Speaker, and the first one that it mentions involves a matter dealing with Prime Minister Lester Pearson with respect to a Canadian peacekeeping force to Cyprus. That was a matter of urgent nature. This is not. It's been in the public since May 30, and this is the first time that this has been brought. I'm sure that the member that has brought Standing Order 30 does not do so solely for political gain – I'm sure he doesn't do that – but at the same time it does not meet the urgency test in Standing Order 30. I would ask that you respectfully decline the request.

Thank you.

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

Mr. Mason: Thank you very much, Mr. Speaker. I appreciate the opportunity to speak to this. First of all, I believe that this is the first opportunity to raise the issue. That's the first test. It's the first day that the House has been in session since the Premier's direct involvement in the awarding of this contract has been known. It has not, as the hon. Justice minister said, been in the public since May 30. The question relates to the former Justice minister's, now the Premier's, involvement in this question and her role, which was not known by the news release that he's referring to because – guess what? – the government didn't include those facts in its news release when it announced which firm had received the appointment.

Mr. Speaker, there is no other place in the agenda for this to be discussed, which is the second test. In the past we have accepted items for an emergency debate under Standing Order 30 notwithstanding the fact that question period was available to discuss the issue. Question period is not debate in the sense of attempting to come to some conclusion. There is no other place in the agenda, and it's clear that the government has no wish to discuss this matter. In fact, the Government House Leader was at pains today to try and cut off questions about it in question period, something that I and other opposition members will steadfastly oppose. So it is appropriate from that point of view.

Now, the question of urgent public importance. It's been suggested that this could be referred to the Ethics Commissioner, and perhaps it should be, but, Mr. Speaker, the inadequacy of our legislation around conflicts of interest is certainly well known, at least in some quarters, and the legislation may or may not cover this matter. It has really raised a question as to whether or not the common-sense ethics of the Premier recusing herself in this matter have been violated. It brings into question the integrity of the entire government. It is an urgent public matter that I think needs to be clearly addressed.

Secondly, it brings into question the conduct of the justice system in our province. The public needs to have full faith in the conduct of justice in this province, and they need to be assured that it is not affected by illegitimate considerations, which may or may not be the case here. It is clear to me that the public needs to know that the government has acted with integrity and that the justice system and the administration of justice in our province have not been compromised. Those are matters of urgent public importance. Given that our session may soon end, within a few days, and given the government's attempts to not have this matter

discussed and to dismiss the question, this may well be the only opportunity to have a thorough discussion around the issue.

You know, the government argument that the Premier, then the Justice minister, was not the Justice minister when the final decision was made is of no bearing as to whether or not a conflict of interest exists. If someone uses their influence to try and move a decision to a certain place when they're in a position of authority to do so, it matters not that they were the person who made the final decision as far as any test for conflict of interest may be concerned. In that matter, the government's attempt to deflect adds to the urgency of this particular case.

Mr. Speaker, just in conclusion, this is indeed the first opportunity to raise the issue. Secondly, there is no other place on our agenda for this to be addressed. Thirdly, it calls into question the administration of justice and the integrity of the government, and it is therefore of urgent public importance. So I would ask you to rule that, in fact, this is a legitimate question.

Thank you.

The Speaker: Hon. members, we've heard from spokespeople from each of three different parties. I'm wondering if there's someone from the third party that might wish to participate as well. That would allow one person each from each group to have spoken. The hon. Member for Calgary-McCall.

Mr. Kang: Thank you, Mr. Speaker. I heard the leader of the NDP and the member from Her Majesty's Loyal Opposition, and I've been thinking about this, too. There's too much at stake. There are a billion dollars and integrity. Maybe it's not the reality, but the perception is that, you know, some favour has been done in awarding this contract.

I don't think we will be able to address this issue in any other way, shape, or form, and I think it should come in the House here. We should be able to debate it and scrutinize it in a way that we clear the air that there were no favours done here. The matter is of ethics. That brings into question the honesty, the integrity. It may be the perception, but it brings into question the integrity and ethics of the government. I think this is an urgent matter that should be debated on the floor of the House so we can clear the air once and for all.

Thank you.

The Speaker: Hon. members, we've heard from one spokesperson each from each of the four caucuses. Now, I've got two other members who wish to still chime in. I'm inclined to allow them to chime in if they can be very brief. Perhaps then we can move on with the ruling. I have the Government House Leader, and I have the hon. Member for Rimbey-Rocky Mountain House-Sundre.

On that basis, hon. Government House Leader, briefly, please proceed.

Mr. Hancock: Thank you, Mr. Speaker. Yes. The allegation has been made that the Government House Leader was trying to curtail questions. Nothing could be further from the truth. Questions can be appropriately framed in the House on this topic. That is an opportunity.

To the point of urgency: there is no action allowed under our rules with respect to this. In fact, Standing Order 30(6) says, "An emergency debate does not entail any decision of the Assembly." So what, then, is the purpose of adjourning to debate this? Is it in the public interest to have a debate at this point in time?

You asked the question earlier. Has anybody asked the Ethics Commissioner to do an investigation? I haven't heard an answer.

I'm not sure if you've heard an answer. What I heard which came close to an answer was: no, we don't know whether the Ethics Commissioner is going to investigate this. I think the hon. Member for Airdrie indicated that. There's been no indication of a reference to the Ethics Commissioner, and therefore the concept of having a debate this afternoon is really about people who have, perhaps, small pieces of information, which may or may not be valid or reliable relative to the issue at hand, having a debate in the House about an issue that the person who can do the investigation has not investigated.

Clearly, if there ever is a time to have a debate about this matter in the House, it's not now. If there was a time, it would be when the facts were known and when the investigation had been concluded. Now, I would have an argument at that time as to whether or not it was in the public interest.

4:10

This essentially is a contract which has been awarded by the law firm of government, the Department of Justice, to deal with a matter. It's a matter that's under way. Suggesting that we should curtail that action now is sort of an application in the nature of an injunction. Injunctions are rarely granted unless somebody is to be harmed and the question of harm is something which can be compensated for monetarily.

There is no issue here of urgency. It may be the first time that they have the opportunity to raise it in the House, but as the hon. Minister of Justice said, the fact that the contract was awarded has been around for a long time. The fact that the Premier was the Minister of Justice during a period of time that this was being considered in has been around for a long time. There's nothing new here, and there's no result of an investigation which gives us something to actually talk about in a meaningful way.

It's not urgent, it's not at this point in time, at least, of public importance, and it's not appropriate to adjourn the normal business of the House, which is substantive matters and substantive progress for the House, whistle-blowing legislation scheduled for this afternoon, to deal with some things which are nebulous allegations at best.

The Speaker: The hon. Member for Rimbey-Rocky Mountain House-Sundre, briefly.

Mr. Anglin: Thank you, Mr. Speaker. This matter, in my opinion, is of the utmost urgency for one factor and one factor alone. A lawyer or a law firm needs confidence in the client in the case; a client needs confidence in the lawyer. Right now with this debate open, these people now know that this is now undermining, basically, that confidence. It has the potential to do that. If we don't settle this now, this debate remains open. As long as this debate remains open, they can constantly plague the process and, as the hon. member said earlier, cost us dearly.

The Speaker: I believe that concludes the speakers' list for the moment.

We've heard from about six different speakers on this matter. Clearly, some were adhering to the term "briefly" more than others. Nonetheless, the Speaker had to intervene a few times just to keep you on track with respect to what the rule is regarding SO 30s. I'm just going to remind you again because some people may have not heard it the first time.

Urgency deals with whether or not there are other opportunities available to raise the matter. Now, I want to clarify for you that there are several vehicles available to you to do a variety of things.

One of them is question period, where a well-crafted question that meets the rules and proprieties of this House and of Houses across the world that are part of the Commonwealth parliamentary system – that exists there as one of those vehicles.

Secondly, a carefully crafted motion for return might accomplish something very similar, or a carefully worded written question might accomplish something similar. There is room for some debate within some of these vehicles.

This particular case, obviously, is newsworthy, and we understand that, so the debate isn't about how important the subject matter of Standing Order 30 is. It's not about how much money might have been saved or spent. Those are important issues. Of course they are. It's not about what the ramifications might be if this or that doesn't happen. It's not about the seriousness of the matter at all. All matters that hon. members raise are serious. All of them have possible consequences, one way and the other. That is not what a Standing Order 30 is about when we talk about urgency of debate.

I do note again that there was an announcement in connection with this subject matter dating back to May 30, 2012, six months ago almost to the day. Six months ago. We are now in our second or third week of the fall session. So I don't see how this matter immediately suits the definition and meets the criteria and normal qualifications of urgency for debate. Perhaps even more importantly, as evidenced today in question period, there are ways that questions can be cleverly phrased, and perhaps we'll have some of them tomorrow. So I would invite you to visit that.

While I'm on the subject of question period and because it was raised at the very beginning of the Standing Order 30 debate, the hon. Member for Airdrie said the following when I recognized him for his Standing Order 30. According to the Blues it says:

Thank you, Mr. Speaker. I don't know. Perhaps if we can just in the future forward our questions somewhere to get them sanitized in advance, that would probably be a way to save some time since it seems unclear sometimes what we can and can't ask in here.

Now, had I received the latter part about clarity from a new member who was just elected, I might have granted some leeway for that last part of the sentence only because for some it can take a longer time than others to learn what the rules and proprieties are of the House and to experience some of them and to hear Speaker's rulings and so on, all of which are based on precedent by and large. But in this case, hon. Member for Airdrie, you are not a rookie member, you're not new to this House. This was delivered, I think, in an unprofessional way. When you say, "Thank you, Mr. Speaker," and then you go on talking to the Speaker, "I don't know," because you're supposed to be talking to and through the Speaker, and then you say that you want your questions to be "sanitized" because you are unclear, I think that is a pretty low standard for a veteran member of this Assembly.

I'm sure you didn't mean it. It might have been in the heat of the moment. So I'm going to let you off the hook subject to you withdrawing that question about sanitizing questions in advance. Being "unclear sometimes" I will let go for the moment, but the sanitization comment I am not prepared to let go. I'm prepared to have you stand and withdraw that comment, please. That would be an honourable way to proceed.

Mr. Anderson: I was not referring to you in that, Mr. Speaker, but I withdraw whatever you'd like me to withdraw in that regard. Sanitization. Sure. Fine. Whatever you'd like.

The Speaker: Well, I'm glad to hear you withdraw it, and I would ask you to visit *Hansard*, wherein you addressed the Speaker

directly, right in advance. Then, as you well know, subsequent matters are always delivered to and through the chair. Thank you for withdrawing it.

That concludes our matters under Standing Order 30. We will move on to Orders of the Day.

4:20

Orders of the Day

Government Bills and Orders Committee of the Whole

[Mrs. Jablonski in the chair]

The Deputy Chair: Good afternoon, hon. colleagues. I'd like to call the committee to order.

Bill 4 Public Interest Disclosure (Whistleblower Protection) Act

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill?

Mrs. Forsyth: Well, Madam Chair, how nice to see you in the chair again. I think we're on round 14. The boxing match continues, and I look forward to all of the amendments that we're going to bring forward. Having said that, I will be tabling another amendment, and I'll sit down until it's passed around.

The Deputy Chair: Thank you very much. We'll pause until we distribute the amendment to all the members.

I think we can continue now, hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Thank you, Madam Chair. It's a great honour, again, to rise on Bill 4, the Public Interest Disclosure (Whistleblower Protection) Act. As I indicated in my remarks earlier, we're on round 14. We have now brought our amendment . . .

The Deputy Chair: This will be known as amendment A14. Thank you.

Mrs. Forsyth: Thank you, Madam Chair. I have that. Can I say round A14 or amendment round A14?

Madam Chair, what that indicates to us is that we are now on our 14th amendment that we've brought forward in trying to bring some rationale and some conciseness and some rights to a very flawed bill. Thirteen times we have not done a very good job of convincing the government about accepting any of the amendments, which is unfortunate because these amendments that we're bringing forward are not the Official Opposition's amendments. They're actually amendments that we've worked hard on with probably some of the top experts in this country and, for that matter, North America on whistle-blower legislation.

In fact, when I got home late last night, I sent an e-mail to one of the people that have been watching us, what's happening in this government and what's happening with amendment after amendment that we're bringing forward being defeated. His comment was very interesting last night. He talked about that they've conclude that this is the most – and this is his quote. I'm going to be careful. If you think that I'm out of order, I'll withdraw that immediately. This is a quote from FAIR that they have. I will quote that because it was in the paper on November 5, so I am directly quoting from a news release that they put out. They've concluded that

this is a misleadingly-named piece of legislation which shields the government from damaging disclosures, may be used to protect government wrongdoers, and does not protect whistleblowers at all.

He goes on to say:

This bill is a backward step because it does the opposite of what it claims, effectively shielding the government from embarrassing publicity while doing nothing to protect whistleblowers or the public.

The Deputy Chair: Can you table that document? You said that it was a news release?

Mrs. Forsyth: I'm sorry. I can't hear you.

The Deputy Chair: Will you be able to table it tomorrow?

Mrs. Forsyth: Sure. It's all scratched up, but I'd be more than pleased. We'll bring you a clean copy. That's not a problem. It was a press release that went out Monday, November 5, called Whistleblower Charity's Analysis of Alberta Law. I'm sure we can get you another copy.

The Deputy Chair: Can you inform us who issued the press release as well, please?

Mrs. Forsyth: Sorry, Madam Chair. While I wanted to mention that, that brings me into amendment A14. They wanted me to bring that to your attention.

This amendment that we're bringing forward, which if anyone wants to know is on page 21 of Bill 4, is going to avoid the cabinet secrecy in the event of wrongdoing. As it stands in the bill, information or documents that would disclose cabinet deliberations or proceedings are private. If the government is found to have committed a wrongdoing and the whistle is blown, that information should be made public. Interesting, interesting amendment, Madam Chair, considering the chain of events that was happening in this Assembly today in regard to some serious allegations that have been made through the day in regard to some connections with the Premier.

What this amendment does, what it's suggesting it does, is add under section 29(2) another section. It talks about:

- (3) Subsection (1)(a) applies only if the Commissioner, upon completing an investigation, makes no findings of wrongdoing against Executive Council or a committee of the Executive Council, or the proceeding of any of them.

Our amendment is to add that under section (2). Cabinet will keep its rights of privacy, even if it's responsible for wrongdoing. But the cabinet should lose its privacy if – now this is important because you and I have both been at the cabinet table, and you and I have both had before us our briefing binders, and we have discussed around the cabinet table some things that should be considered private. No question. What this is saying is that if there has been a wrongdoing, you lose that privacy.

When I'm looking at these amendments and standing up here talking, I always kind of look through the eyes of Albertans, what they would see, what they think is right, what they think is wrong. A lot of things that we do in this Legislature, quite frankly, is gobbledegook to most Albertans. Some of them don't even know what we're doing in this Assembly. They don't even know we're here. They're just wondering why, when they're calling their MLA on Tuesday, the office is saying: no; I'm sorry; we can't schedule you in until Friday.

There are lots of things that it's important that our cabinet – your cabinet, the front-bench cabinet – has to keep private, and I understand that. But if this same cabinet is accused and found

guilty of wrongdoing, they lose that privacy. I think that's something standard that happens anywhere in this country.

I'm going to be sitting down very quickly because we have probably another, I think, 15 amendments ourselves to go through in regard to this. I would like to hear . . . [interjection] It's going to be a long day and a long night.

You know, it's funny you should say 15. We wouldn't be bringing this many amendments forward if the bill wasn't so flawed. We've even taken some out. We thought there was just, you know, you're getting so into the small dotting of i's and the crossing of the t's where we've added the word "or" or we've added the word "may." We have taken out what we consider our top priorities, that are sitting behind my desk, and prioritized them in order of how we're going to deal with them.

4:30

As I said last night when we were sitting late in this Legislature – and the same thing goes out again. I put the same thing back to the minister, the fact that, you know, the people that he's consulted with on his bill and the people that we have consulted with to bring these amendments forward have put on the table that they would be me and talk about any of the amendments that we are prepared to bring forward. Because after you've already lost on the other 13 amendments, it's very difficult. So I am going to sit down.

I would like to hear from the Associate Minister of Accountability, Transparency and Transformation on why he thinks this is an amendment that he can't support and why he thinks that cabinet, if found guilty of wrongdoing by the commissioner, of all people, should think that they can keep it private any different than any other person in this province that's found guilty of wrongdoing.

With that, I'll sit down and wait for the minister.

The Deputy Chair: The hon. Member for Lacombe-Ponoka.

Mr. Fox: Thank you, Madam Chair. I am very interested in reading this amendment. I support this amendment. Looking at it, the section of the bill that it pertains to is limits on disclosure.

- 29(1) Nothing in this Act authorizes the disclosure of
 - (a) information or documents that would disclose the deliberations of the Executive Council or a committee of the Executive Council, or the proceedings of any of them."

Now, in this bill we also see an area that talks about wrongdoings. Well, if a wrongdoing has occurred – I don't know if we would look back in other portions of the law – the investigator does have the ability to go in and find the information. By excluding certain classes of people in this case, we may never get to the bottom of a wrongdoing. The whistleblower commissioner may never get to the bottom of a wrongdoing. I mean, how is it that cabinet can keep its right to privacy but no other individual can? If there is a wrongdoing, just like the individual they should be losing their right to privacy. The Alberta public deserves to know what went wrong, where it went wrong, and how it was corrected.

The way that this exemption reads, this won't exist within this whistleblower legislation. This exemption will apply. Nobody ever need know that there was a wrongdoing. Nobody ever need know if it was corrected, the way that this was written. I think that is a travesty, an absolute travesty. I'm flabbergasted. I know that Albertans deserve better. I challenge you to accept that Albertans deserve better, and I challenge you to pass this amendment so that Albertans will receive better.

I'm a little taken aback by the events today and just wonder – I really wonder – that if this bill, this act, was in force with this amendment, would we be able to get to the bottom of the allegations that were brought forward in the Legislature today? Well, I can tell you that had a whistle-blower come forward with it, it would have been dealt with promptly. It would have been dealt with quickly, and Albertans would know and would have confidence in this system.

That's really what whistle-blower legislation is about. It's about protecting those who come forward to protect the confidence in our institutions. Here we are at amendment A14, I believe. We're 14 amendments in, trying to help create a piece of legislation that will promote confidence in our government institutions.

I would ask the associate minister to stand up and give us some answers on this. We're asking why. We're asking: why was this excluded, or why was this immunity given? So let's hear it. I think we all deserve to know, and when I say "we," I mean all Albertans. We all deserve to know why there are certain classes that are afforded special protections that other classes are not. Please, I ask you to rise and answer that one simple question.

Thank you.

The Deputy Chair: Thank you, hon. member. Are there any others who wish to speak on amendment A14?

Seeing none, I'll call the question.

[The voice vote indicated that the motion on amendment A14 lost]

Mr. Campbell: Madam Chair, I'd ask that we have one-minute bells.

The Deputy Chair: The hon. Deputy Government House Leader has requested that we have one-minute bells. We need unanimous consent for that. Are there any opposed to going to a one-minute bell?

[Unanimous consent granted]

[Several members rose calling for a division. The division bell was rung at 4:36 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Jablonski in the chair]

For the motion:

Anglin	Kang	Saskiw
Forsyth	Pedersen	Wilson
Fox	Rowe	

4:40

Against the motion:

Allen	Fraser	Lukaszuk
Amery	Griffiths	McIver
Bhardwaj	Hancock	Oberle
Brown	Horner	Olesen
Calahasen	Jansen	Pastoor
Campbell	Johnson, J.	Quest
Cao	Johnson, L.	Rodney
Cusanelli	Kennedy-Glans	Scott
DeLong	Klimchuk	Weadick
Fawcett	Kubinec	Webber
Fenske	Lemke	Woo-Paw
Totals:	For – 8	Against – 33

[Motion on amendment A14 lost]

The Deputy Chair: We're back to Bill 4. Are there any other members who wish to comment? The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Madam Chair, thank you very much. I believe that we are going on to my next amendment, which I am assuming you are going to say is A15.

The Deputy Chair: That's correct. We'll pause for a moment while we distribute that amendment.

Mrs. Forsyth: Perfect.

The Deputy Chair: Hon. members, we are ready to proceed. This is amendment A15 to Bill 4, Public Interest Disclosure (Whistleblower Protection) Act.

Hon. Member for Calgary-Fish Creek, you may proceed.

Mrs. Forsyth: Thank you, Madam Chair. Again, I'm pleased to rise on Bill 4, the Public Interest Disclosure (Whistleblower Protection) Act, at yet another attempt to try and straighten out a very flawed piece of legislation. I want to put it on the record at this particular time, just so I can go back next spring when we come here, to see how long it is before we start getting amendments that come forward on this particular piece of legislation. We've seen it with bills 19, 36, and 50.

In the short time I've been a member of the opposition, I can't tell you how many pieces of legislation that were passed have come back amended or, for that matter, not even amended; they haven't even gotten proclaimed. I mentioned that last night in regard to all of the bills that are sitting somewhere in proclamation land, waiting to get proclaimed. I'm not sure when they're going to be proclaimed. We actually went down to the library just to see how many bills hadn't been proclaimed that had been passed in this Legislature. I was actually floored. After being here for as long as I have, it's not very often that I get floored.

Speaking to amendment A15, if anyone is interested – actually, it was quite interesting. The Associate Minister of Accountability, Transparency and Transformation made a comment I think yesterday. He was wondering if I knew about the bill or had maybe even read the bill. I informed the minister that I had read the bill probably more often than he had and had talked to more people about this particular bill than he had and had been working on this particular bill probably before he even was elected, to be very honest with you. The experience that he brings to the table in regard to why he decided to put this 41-page bill together is fascinating to me.

I went through some of the clippings in regard to their press conference. It was quite fascinating to see some of the words that they used in regard to the whistle-blower bill: groundbreaking, earth-shattering, many other words. All of a sudden all of the comments came back from the experts.

What this amendment does is that it would not allow former MLAs to be the public interest commissioner. If you go to that section, it says very clearly in 38(4) that the commissioner may – now, that's "may," so that means maybe. I've learned from sitting on the Leg. Review Committee when I was with the government, that in law when you want to make something definite, it's "must." I've also learned that from my lawyer friends. I'm not a lawyer, so I always like to listen to my lawyer friends in regard to the fascination that they have with words when they're drafting legislation.

It was an interesting experience, sitting on the Leg. Review Committee, when I was with the Conservatives, for I think three years. I don't know, Madam Chair, if you've had the opportunity

to sit on that committee. It's not one of the most exciting committees, but I'll tell you that it's probably one of the most important committees of this government when they're reviewing their legislation.

In its current state it says: "The Commissioner may not be a member of the Legislative Assembly." This amendment that we're providing would not allow even former MLAs to be a public interest commissioner.

Now, the government steps up, and they think: oh, gee; you're stepping on the government, and you're not allowing us, whether we have credibility or not. We've seen many members – and I can remember at least four that I've had the opportunity to sit with – end up with the judiciary in this province. We had one just recently, probably a couple of years ago, that set off a by-election. Having said that, that includes any MLA.

Obviously, like any Official Opposition – and I don't want the government to crack up on this – our goal as the Official Opposition is to form government in 2016. So this particular amendment wipes us out. As the Member for Calgary-Fish Creek heads off into the sunset in 2016 and her colleagues do an incredible job and end up in government, that precludes me and it precludes every other single person in this Assembly, whether they're a currently sitting MLA. We've had MLAs leave in by-elections to seek the judiciary. I can think of a couple of other times that MLAs have left this Assembly, some for personal reasons, some for other jobs. This excludes everybody.

4:50

It will be interesting, yet again, for the minister to explain to the Assembly why he doesn't like this amendment. We've tried to bring several amendments forward. I keep wanting to tell people – and I know we've got some new people in this Legislature that weren't sitting till late last night – that these amendments did not come from the Wildrose.

It goes to what the member from the southeast has spoken about in the past. He's reaching out, talking to the stakeholders, talking to the people that are important, and he's emphasized that over and over and over again in this Legislature. Well, we reached out. We talked to the experts in the field of whistle-blower legislation. Some of the stuff that he had to say we didn't like. We as a party might not agree with some of the things that he's bringing forward, but we have been awfully lucky to be able to work with other opposition parties. We said, you know: "You bring this forward. I'll bring this forward. You agree with this. We disagree on this." They might not like some of the things that we're bringing forward in this legislation.

Madam Chair, this is a very, very simple amendment. It's very easy for the members to vote for. All we're saying is that the public interest commissioner cannot be an MLA sitting now or before. With that, I'll sit down, and if anyone else wants to speak, I'd be more than happy to hear from them.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair.

The Deputy Chair: On the amendment.

Mr. Anglin: On the amendment. I wouldn't think of anything else. No.

It's almost good that it's going to be voted down because I may be looking for a job as a commissioner some day, and I don't want to be excluded by the law.

I do want to talk about the integrity of the whole process because this is really nothing about whistle-blower protection whatsoever, in my mind. I won't argue with the intent, but as each amendment and this one in particular comes along, at least the public deserves some sort of explanation why it's unacceptable to be adopted. We're not even getting that.

If there's supposed to be integrity to the process, clearly having a member of the Legislature, particularly a former member of the Legislature, who would presumably have been a member of the governing party – I don't see the party across the floor actually hiring me as a commissioner, but crazier things have happened sometimes. I won't exclude that. It's possible; I just won't hold my breath. But it should not happen, and putting that into the act, putting it into the legislation ensures that it won't happen. To me, that's not a large price to pay.

There are certainly lots of people who would be qualified as commissioners and lots of people who can act in a fair and objective manner. We talked about this in a number of venues even today, about the objectivity, about the integrity of the system. Here what we want to do is increase or enhance the integrity of this act so that it has some sort of perception of – I don't want to overuse the word "integrity" – unbiased application. If a former member were to be appointed as a commissioner, it's hard for the public – I mean, we can argue this here in this Chamber, but it's the public perception that matters the most and only the public's perception, in my mind. They're the ones that are going to look at this, and it's the employees who are expected to come forward under this process and have some sort of idea that they're going to be protected. To me, it's a simple motion that sort of secures the independence in the sense of keeping it separate from political.

With the greatest respect, it's hard for a former MLA to not be political or not have some sort of political allegiance. I'm not saying that it's impossible, but in the public's perception I would say that it's just not going to sell. It's not going to pass the smell test. It doesn't mean that the hon. members can't do it. They can do it. I mean, there are lots of things that have been done in the past that have been objectionable to the public.

In this case here I'm just curious. It's a simple motion in many aspects, in many regards, and the whole purpose of the amendment is to enhance the integrity of the process. I think the public deserves some sort of comment on how it doesn't and why it would possibly take away from the integrity of this act if we were to accept this motion.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

Are there any others who wish to comment? The hon. Member for Calgary-McCall.

Mr. Kang: Thank you. I'm also standing up in support of this amendment. When we were briefed on Bill 4, Public Interest Disclosure (Whistleblower Protection) Act, we were all supportive of this bill. We didn't think there would be that many holes in it that we would have to plug with amendments.

You know, all from the opposition are bringing these amendments. We are trying to strengthen this bill. We are trying to take away the perception of conflict because the government always talks about openness and transparency. By leaving these little loopholes in here, I don't think it's going to do the job it is intended to do. We were supporting the bill because the intent was there to clean things up. I think that by adding this, in the public's eye at least, it will take away the perception that: oh, you know, these guys just scratch each other's backs. I think this is a good

amendment. I think we should add that in there to strengthen this bill.

We can talk about drinking and driving, and we can talk about all the other bills. That bill is challenged, and in the quotes we were saying that. I think on the government side they seem to think that they know everything and they are right, but I don't think so. Any good idea coming from anywhere should be accepted, and this is a good amendment. I think we should accept this amendment in order to close this loophole.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Fort McMurray-Wood Buffalo.

Mr. Allen: Thank you, Madam Chair. It's my pleasure to rise today and speak to this amendment. I find myself fascinated by this process. It's only the second time I've stood to speak in debate to any of the bills that we've had coming forward. I'm learning, and I really do understand the intent that the hon. Member for Calgary-Fish Creek is trying to bring forward here, particularly considering all of the question and debate we've had since this House has been sitting.

One of the things that fascinates me is that a lot of the motions for amendments that we have coming forward are things that really are not necessarily necessary or appropriate to be embedded in legislation, from my perspective, because they either already exist in other legislation or they belong more in the regulations that we're going to create after the act is passed.

5:00

In this particular case – and it's actually timely that this is coming up because we have just recently struck the Conflicts of Interest Act Review Committee, as the Member for Calgary-Shaw so aptly spoke to this afternoon – it's understood that former Members of the Legislative Assembly really should not be restricted in their pursuit of further employment in the public service, and that's provided they have met all applicable requirements under the Conflicts of Interest Act. To change this amendment the way you're wording it would actually restrict in this particular case, just for the commissioner. Really, it is already governed and guided by the Conflicts of Interest Act.

Madam Chair, this bill, as all others, also continues in the same tradition as other independent officers of this Legislature. It is the Legislative Assembly which has the mandate to appoint who that commissioner is going to be. The public interest commissioner, the Ethics Commissioner: they are officers of this Assembly, not of the government. So, you know, when the Member for Rimbev-Rocky Mountain House-Sundre spoke to integrity and independence, I believe that the Members of this Legislative Assembly will in fact be able to protect that integrity and independence of this office.

From my perspective, I believe it's more appropriate that we don't embed it in yet another act but leave it where it already is. Currently the Conflicts of Interest Act also has a mandate to be reviewed every five years. If this Assembly decides that it is appropriate to make changes, that is the place to make them. For that reason I just cannot support this particular amendment.

Thank you.

The Deputy Chair: Thank you, hon. member.

Mrs. Forsyth: Well, Madam Chair, you know what? I'm actually pleased to stand up. The Member for Fort McMurray-Wood Buffalo: I can't tell you how much I appreciate him standing up and rationalizing in this House why he can't support it. Actually,

you know, I can appreciate the fact that his knowledge is what we've been asking for for the last I don't know how many hours that we have been debating why the government can't support a particular amendment. So it would be extremely beneficial. I appreciate your comments in regard to the Conflicts of Interest Act. I certainly may not agree with you, but, boy, I'll tell you that certainly my respect for you to stand up and speak on why you can't support this has gone up 10-fold.

My colleagues – we have free votes on this side – may stand up and support you because it makes you think. I guess that for me it's always: if it isn't in the legislation, then there's always a way around it. For that, I want to thank you very much. I know that you've got some of my colleagues thinking at this particular time. It's too bad that your minister, the minister responsible, can't get up and so eloquently speak about why he can't support the bill.

I just want to have on the record, Madam Chair, how much we appreciate the new Member for Fort McMurray-Wood Buffalo standing up and saying from his heart, quite frankly, why he can't support this legislation. It's greatly appreciated.

The Deputy Chair: The hon. Associate Minister of Services for Persons with Disabilities.

Mr. Oberle: Thank you, Madam Chair. I just want to join my voice with that of my colleague across the way in opposition to this amendment. The hon. Member for Calgary-Fish Creek, a long-serving member in this House, was once a cabinet minister and in that role and in a number of cabinet positions was responsible for appointing people to committees. Now, I don't know – I don't have the information in front of me – but it occurs to me that it's entirely possible that that member would have at some point in her career in cabinet appointed a former MLA to a committee. I don't know that to be the case. I only say that it's entirely possible. If she had done that, it would have followed a long-standing tradition in that there are a number of former members of this House that have gone on to serve the political process, to serve this Legislature, and serve other public roles with deep, deep honour.

Our own Ethics Commissioner is a former MLA. I believe the past Ethics Commissioner was. Others that have served in this Chamber have gone on to serve the process with honour. I don't think we should start by ruling people out as to what their future role may be. Certainly, at the time that we fill a role, whether a particular person, including a particular former member, is appropriate or not is certainly up for discussion, as when they are in any other role. But I certainly don't think we should be excluding current or past members of this House from future employment.

There's also the legal aspect, Madam Chair. We come here to serve, and we all do so, presumably, honourably. We give up things to be here. We can't give up our lives after we leave this Chamber. We should be equally employable – hopefully, we haven't lost too many skill sets while we've been here – beyond our time here because we don't leave here with a pension, and usually we don't leave here upon retirement age. The average MLA serves about four to six years. I believe that is the number. I don't think we should preclude in legislation that a former member can have a position.

The other thing – and I will revert to what the hon. Government House Leader was talking about yesterday and that sort of came out a bit in points of order today – is that we have to assume that all members here come here to serve honourably and are honourable people. It matters not what party they were elected by or what constituency they represent or what their points of view

are. They are honourable, and they have the right to be respected. As such, they have the right to be considered for future employment.

I won't be supporting the amendment. I understand the sentiment, understand what the member is getting at, but I can't support this amendment. Thanks.

The Deputy Chair: Thank you, hon. member.

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

Mr. Saskiw: Thank you, Madam Chair. I guess I can take the hon. member's points in general. In general MLAs should have the ability to seek further employment. The material difference in this case is that this is an appointment of an independent person. It's supposed to be completely independent. Of course, we have to assume that members are going to be honourable in fulfilling their duties and obligations, but there also cannot be a perception of bias. In this case you have whistle-blower legislation, where someone speaking out could be potentially very fearful for their occupation or something else. I think there is a potential perception that if they whistle-blow to a former MLA or a former cabinet minister or whatnot, that information may somehow jeopardize them.

I take the hon. member's points that in the vast majority of circumstances MLAs should have the ability for further employment with the government, but there are only a select few independent folks. It's the Ethics Commissioner and a few other members. I think that this is an exception to that rule that he outlined.

Mr. Oberle: I get the hon. member's point entirely, but I will point out that the need to manage one's impartiality is evident through our chair. Our Speaker of this House, though a member of a party, is required to be impartial. A judge, despite their past life and their past legal experience, is required and respected and understood to be impartial. It comes down to the individual, not the office. All I'm saying is that I can't support enshrining it in legislation. I certainly would be understanding of the discussion, should it come up, with respect to any individual being considered for appointment.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any others who wish to speak? The hon. Associate Minister of Accountability, Transparency and Transformation.

5:10

Mr. Scott: Thank you, Madam Chair. I just want to assure my colleagues that this was an issue that we looked at. The reason that I can't support this amendment is that I do believe it's properly housed and properly dealt with as part of a review of the conflict-of-interest legislation, which my friend has already spoken to. That's the proper venue. Where these kinds of issues are dealt with is in that act, which is going to be reviewed.

The other thing I wanted to point out to my colleagues is section 38(1) of the act. The bill continues the tradition of all the other independent officers of the Legislature in that it is the Legislative Assembly that has the mandate to appoint the public interest disclosure commissioner, and that's in section 38(1).

For those reasons I cannot support this amendment, Madam Chair.

The Deputy Chair: Thank you, hon. minister.

Are there any others?

Seeing no others, we will ask the question.

[The voice vote indicated that the motion on amendment A15 lost]

[Several members rose calling for a division. The division bell was rung at 5:11 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Jablonski in the chair]

For the motion:

Anglin	Kang	Stier
Bikman	Pedersen	Strankman
Forsyth	Rowe	Wilson
Fox	Saskiw	

Against the motion:

Allen	Fraser	Lemke
Amery	Griffiths	McIver
Bhardwaj	Horner	Oberle
Brown	Hughes	Olesen
Calahasen	Jansen	Pastoor
Campbell	Johnson, J.	Quest
Cao	Johnson, L.	Scott
Cusanelli	Kennedy-Glans	Weadick
DeLong	Klimchuk	Webber
Fawcett	Kubinec	Woo-Paw
Fenske		

Totals: For – 11 Against – 31

[Motion on amendment A15 lost]

The Deputy Chair: We'll move back to Bill 4. Are there any members who would like to speak?

Mrs. Forsyth: Well, Madam Chair, is this A16?

The Deputy Chair: That's correct. Can we just take a moment to distribute it, please? We'll pause.

Mrs. Forsyth: I'd be pleased to pass this around.

The Deputy Chair: Thank you.

Hon. member, we can now proceed. This will be known as amendment A16.

Mrs. Forsyth: Madam Chair, thank you. I guess we're now on our 16th amendment. We only have another 15 to go, and that doesn't include what the opposition is bringing forward tonight. So I expect that our members are going to have a long night tonight.

I'm going to talk about our next amendment, which everybody has in front of them. I'm going to refer people to page 12 on their bill, and that's disclosure to the designated officer under section 11. This amendment would delete section 11. I want people to understand that we had brought in an amendment yesterday. What's important about this section – and I want to again read into the record.

I'm going to bring forward a quote about what the Premier had talked about when she released her democratic renewal strategy in May, when she was running. I guess this is what we would consider yet another broken promise to Albertans and why it's important for us to get it on the record and also to get all of the votes on the record, because this is going completely against everything that she has talked about on her democratic reform. You'll see where this flows into amendment A16. I don't want you to say, "Well, to the amendment, Member," but you'll understand. I can't tell you how much we've worked on this bill.

She said that she would pass a law that protects whistle-blowers no matter what manner they choose to expose wrongdoing. She goes on to say that when you start saying that a whistle-blower must report to the Ombudsman, you're being prescriptive again about the structure that is in place in an effort to manage the information. I think that defeats the purpose, she said. I think they need to be protected if they go public with it, she said.

5:20

The Premier proposed to protect whistle-blowers, who can go to opposition politicians, media, or the courts as well as the Ombudsman and internal managers. Now, you will look under section 11, where we're talking about disclosure to designated officers. She called them internal managers; the bill calls them designated officers. She said that political leaders need to send a message that allegations of wrongdoing will be examined in full no matter how they come to light. You either have open government or you don't, the Premier said.

This open government's accountability, transparency, and transformation: we even have a separate minister. I have yet to see that accountability, transformation, or transparency, to be quite frank with you, and I haven't yet seen that bar that was supposed to be raised on how we're going to treat people and how we're going to do things differently in the Legislature, other than the fact that we were working till – what? – 12:30 last night. I can't even guess to what time the night will go tonight.

In this amendment we have decided that we're going to delete section 11. It says right now:

As soon as reasonably practicable after a disclosure is made under section 10(1)(f)...

So then you have to go to 10(1)(f), which lays out disclosure to a commissioner.

... the employee must also make a disclosure about the matter...

"Must." There we go with that "may" and "must" again.

... to the employee's designated officer.

Well, what happens if that designated officer happens to be the person that you want to blow the whistle on? What happens if that designated officer is the same person that you've been pleading with and begging and have gone to on numerous occasions? I cited in this House yesterday that Dr. Magliocco is a prime example from Calgary. Dr. Parks went through all the processes when he was bringing the issue of emergency to the Assembly. Those would have been your designated officers.

Madam Chair, in case of an emergency I think it's important that they can blow the whistle directly to the commissioner. The government has decided, when we brought forward two amendments last night in regard to the ability to blow the whistle to their MLA or, for that matter, blow the whistle to the media, that they didn't like that.

This amendment would delete section 11. Section 11 makes it mandatory for an employee who has blown the whistle to the commissioner about an imminent danger to report their disclosure to their supervisor in their department. If there is imminent danger that has been brought to the commissioner, an employee shouldn't have to go back to the supervisor to disclose their disclosure.

Once again, we want to get it on the record. Once again, the people to whom we have spoken, who, I have told you, were probably North American experts, have broken down a detailed analysis of all the things in the bill that they absolutely find – as they said before, the government claims that it's leading the way, and they want to know where they're leading the government to. The only way they see this government leading the way on whistle-blower legislation is to a black hole. They talked about,

again on the record, how this bill is arguably the worst in Canada, which is bad. They talk about how it's so deeply flawed that they were trying to find something that they could say. They didn't even like the title, for goodness' sake, because it protects the government.

With that, I think this is another one of those major amendments that I look forward to the Associate Minister of Accountability, Transparency and Transformation getting up and speaking on, or maybe we'll just let his colleague from Fort McMurray-Wood Buffalo get up and speak on his behalf. I look forward to any of my other colleagues standing up and speaking to it.

The Deputy Chair: Thank you, hon. member.

Are there any others who would speak on amendment A16? The hon. Member for Lacombe-Ponoka.

Mr. Fox: Thank you, Madam Chair. I rise in support of this amendment. Now, let's read what's in the bill here.

Disclosure to designated officer

11 As soon as reasonably practicable after a disclosure is made under section 10(1)(f), the employee must also make a disclosure about the matter to the employee's designated officer.

We're told that if the employee doesn't like the process or is not comfortable going to their designated officer, they can go to the commissioner. That's what we've been hearing here in the Chamber. Well, this clearly states that no matter what, when you come up to the commissioner looking to disclose a wrongdoing, you have to come back to your designated officer. What if you're not comfortable with that? What if you have concerns about that? There's no protection for you in that.

I thought that the idea of having the commissioner was to bypass the need to go through the designated officer if you weren't comfortable coming forward to or going through the designated officer. The key – the absolute key – to whistle-blower legislation is to protect the whistle-blower. It's for them to feel comfortable coming forward with their issues and their concerns in a manner which they choose. We're taking choice away. They're being told: no matter what, when you come forward, even if you have an issue with the department, with the designated officer, you still have to disclose to them.

I thought the spirit of this legislation was to protect the employee who needed to come forward, to protect our front-line services. I can tell you we need to protect our front-line services. They're the ones that deal with what we do in here every day. They implement the will of this Legislature. They look after the services that the government oversees. They disperse those to Albertans. These people are the backbone of government service. They deserve – they absolutely deserve – to be protected. With this, they're not being protected. These people do wonderful work, and a lot of times they come home stressed. They come home upset and not happy with processes or procedures. They live with it. They do their jobs because they love their jobs. They love what they do. They love that they get to help Albertans.

When there is something that is egregious that they need to come forward with and blow the whistle, they may not be comfortable coming through their supervisor, through their designated officer, yet the legislation that we're debating is going to force them to do that. I think this is egregious. I think this is absolutely egregious. These people, these employees, these public-sector employees work hard, and they care. We know they care. I think it behooves us to make sure that when they do have an issue, they have choice in how they move forward with that issue, that they're not just shoehorned and pigeonholed into one

route, into one kind of black hole where they're not comfortable. They're not going to come forward.

I certainly wouldn't come forward myself if I was not comfortable with the process. I'd probably leave the service and go and work somewhere else. When that happens, not only do we lose an employee, but we might be losing somebody who is integral because they did not have the ability to step forward in a way to bring reconciliation to an issue that they had. Let's make sure – let's absolutely make sure – that our employees, who work very hard for all Albertans, are protected by this piece of legislation.

5:30

Let's pass this amendment. This is a very good amendment. I don't understand any reason for us not to pass this amendment. I mean, if the employee wants to go to the commissioner and have the commissioner investigate it, they should be allowed to do that. We were told they were allowed to do that, but then we ran across this in the bill. I'm going to read it again because it just flabbergasts me. "As soon as reasonably practicable after a disclosure is made under section 10(1)(f), the employee must also make a disclosure about the matter to the employee's designated officer." I don't believe that this fosters an environment that would make the employee comfortable coming forward. They need – they absolutely need – to have choice in how they do this and when they do this and in choosing whom they disclose to and not be forced to come back and disclose to somebody they may not be comfortable disclosing to.

With that, I would invite the other members of the Legislature to speak on this amendment.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Calgary-South East.

Mr. Fraser: Thank you, Madam Chair. You look fantastic, but that's par for the course for you.

You know, I'd like to speak to this amendment. When I represented the Calgary paramedics, one of the best things that could ever happen was when we were dealing with employee issues and with the employer. The employer quite often would skip steps in the process. When they did that, it always worked in favour of the employee. That's not always best in cases where the employee absolutely needed to be reprimanded in terms of maybe their attitude or their work performance, but because that process was never followed, the work never got done. Therefore, it was not always of benefit to Albertans.

This issue is exactly the same thing. There is a process that needs to be in place, and I understand where the members are coming from. I know that they shake their head, but we have a labour code in this province. We have contracts with public-sector employees. When those processes are broken down based on one thing – and I understand where the members are coming from. There are avenues where that person doesn't feel comfortable going to the supervisor or where the issue is related directly to that supervisor. I've been involved in that, too. Quite honestly, when the process is followed and there is a good dialogue, more often than not it works. I've been there. I've been on that front line that they talk about. I've represented those people on the front line.

I'll continue to do my best in this Legislature to work across all party lines to make sure that we bolster our processes in the sense of making sure that this province always works for the benefit of Albertans.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Madam Chair, this member is charming. I just sometimes wonder. We briefly talked yesterday, and I truly wonder if he's read the legislation. He told me he did when we were leaving the Legislature yesterday, and I said: all of the things that you're talking about are included in the bill under frivolous complaints. He looked at me as if he wasn't sure if it was in there or wasn't in there.

He spoke again yesterday, late yesterday afternoon about the same time, about how he's got the backs of the paramedics, and I appreciate that. I know he had the backs of the paramedics before he decided to run. I asked him yesterday in the House if he has the backs of the paramedics, if he is going through the process that he talks about, which would be the concerns that the paramedics have brought forward to the Minister of Health. I look forward to him sharing that with me. I'm sure that if he's listened to the paramedics, he knows what the concerns are.

I sent a message to the paramedics last night that the minister has assured me that he's going to get back to them on their issues. They're going to keep me posted because I said that he's got this process, and he's talked about how it's important for employees to go through the process. We're going to give him that. I'm in close touch with him as the Health critic, so I will look forward to what he has to tell them. I know they're looking forward to telling me what he has to tell them in regard to their complaints.

What I would like to suggest to this minister: this isn't jumping the queue. It's not jumping a process. It's just simply talking about: the amendment would delete section 11. Now, Member, I want to bring to your attention – and it's in *Hansard* – that the amendment that you voted down yesterday on the record was about the ability for a whistle-blower to come to you as an MLA or to go to the media. You said: "Oh, no, no. I've been dealing with these paramedics for a long time, and the last thing you want to do is go to the media because, well, the damned media are not all very good." It's in *Hansard*. That's why we're getting recorded votes on everything that we're bringing forward, because we believe it's important that your constituents, my constituents, and, quite frankly, every MLA's constituents know the record of how you voted on the whistle-blower legislation. That's why we're spending an incredible amount of time getting the standing votes on all of this.

This amendment would delete section 11. That's on page 12. Like the Member for Edmonton-Centre said last night, it's like a book. It has a beginning, it has a middle, and it has an end. So when you walk through the legislation, it puts it in order. It's like footsteps. The table of contents, and then it goes to the wrongdoings. Then it goes to the procedures for the disclosure, the investigation. It's not just willy-nilly, jumping and going to section 11 of the act. It's reading the process that's involved in getting to that.

What this says is that this amendment would delete section 11. Section 11 makes it mandatory – mandatory – for an employee who has already blown the whistle to the commissioner about an imminent danger to report their disclosure to their supervisor and their department. So he's already gone to the commissioner. If there is an imminent danger that has been brought to the commissioner, an employee shouldn't have to go back to the supervisor to disclose the disclosure. There's a reason why he's jumping that process.

I have explained on several occasions in this House some really good examples that have been brought forward in this Legislature. I mean, I can give you five of them. I can even just give you one.

It was serious. I know you're a paramedic, so I know you must know some of the doctors. I know you know Dr. Maybaum in emergency. I know you know Dr. Parks. Madam Chair, they're all on the record. Dr. Parks along with Dr. Felix Soibelman were so concerned – and you were here – about what was happening in our emergency wards. They started in 2009. They started through the process that was outlined to them without whistle-blower legislation. Alberta Health Services has a code of conduct that they claim they have, but they really don't have, but they do have because all the employees know about the code of conduct. Both of those fine gentlemen went through the process, what was designated to them. Nothing. They went to their MLA. Nothing. They went to the Premier. Nothing.

It was in 2012, with their frustration, that they went to the member of the opposition. We brought it to the Legislature. It was brought up in the House today in regard to when we were talking about emergency debate. The Justice minister talks about this. This is about missing the designated officer – so the member totally understands – when there are situations where your designated officer isn't exactly the right cat or dog to go to, whatever you want to call it.

5:40

I appreciate what this member is trying to do, and I appreciate right now what he's saying that his paramedics are trying to do. They're going to go through the process, and they are going through the process. They're putting a lot of weight on you, Member, to go to your minister and get some changes, but they're not going to wait forever. But they're going through the process that you talk about.

Having said that, I know the Member for Edmonton-Gold Bar is anxious to get up and speak, and it will be interesting to hear what he has to say on this particular amendment. I appreciate the debate more than anything from members of the opposition because it adds a little excitement to the Assembly, and at least it certainly lets people that are watching it – we know they're watching it. The member is an avid tweeter, so he knows people are watching this. I look forward to him standing up and debating.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Edmonton-Gold Bar.

Mr. Dorward: Thank you very much, Madam Chair. I did have a question, but that enlightened conversation actually hit the issue I wanted to say. Thank you very much.

The Deputy Chair: You're welcome. Thank you.

The hon. Member for Rimbey-Rocky Mountain House-Sundre on the amendment.

Mr. Anglin: Thank you, Madam Chair. I'm going to be short. I'm not even sure what the relevance of section 11 is other than that it imposes upon the employee that's reporting. There's nothing in the act that prevents the designated officer from finding out information from the commissioner or the release of the information within the chain of command from the top down. This doesn't bypass anything.

The employee has the ability to go directly to the commissioner under section 10(1)(f), so that reporting is done. What concerns me is this. Knowing how some employees act, some are very intimidated about coming forward, and what we want to do is to make sure people do come forward, particularly in matters of safety or imminent threat. That's what this section actually refers to. We want that information to come forward.

There are certain people that have no problem coming forward, but there are people who are intimidated, and it's very difficult. If the issue is with the designated officer, you know, which would be probably highly unlikely in terms of percentage, this would prevent that. As I stated earlier, there's nothing in the act that prevents the designated officer from getting that information from another source within the chain of command. It's available. All we're doing is making an imposition on the employee reporting it and nothing more.

That's all I have to say.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Drumheller-Stettler.

Mr. Strankman: Yes. I'd also like to speak to this amendment because I have a personal experience relating to our constituency and to myself. In the case of the hon. member speaking across, he has paramedic experience. In our constituency the guy on-site was of an arrogant nature. At one location that I attended, it was a foggy evening, and they blocked the road by use of the ambulance to supposedly extricate people from the vehicle involved in the accident. Well, there was no one front or rear of that site to block traffic. In this case out there we have oil field traffic that maintains – you may or may not be familiar with the term "super-B." It's 125,000 pounds going down the road at 50 to 60 miles an hour.

Well, there was no blocking of the road, so the volunteers on-site wanted this gentleman to move the ambulance to the side. It would have been as easy and as safe to extricate the people, but the gentleman in charge of the process was of an arrogant nature and said that he was in charge of the situation, which they abided by. So that situation occurred, and nothing came of it because there was no traffic. It's in a sparsely populated area. We live in a sparsely populated region.

Those volunteers were afraid to come forward to this gentleman's superiors or his controlling officers simply out of fear of reprisal from this, could I say, person or, I might even say, character because of the fact that he may have to also deal with another situation on the same site and create problems. There needs to be freedom for people to go to different people to bring their concerns forward. In this case they didn't have that freedom, and there could have been a situation of danger or concern. I just wanted to bring to the hon. member's attention that there are situations that happen.

The Deputy Chair: Thank you, hon. member.

Mr. Fraser: Again let me speak to the amendment and to what the gentleman was saying. There is no doubt – there is no doubt – that people in authority and people who wear a uniform can sometimes bring some uncomfortable feelings to a situation, particularly in the volunteer situation. However, that being said, at the end of the day, when we go through a process and we have a complaint of a critical nature, that absolutely should bypass the person that you're talking about if it's a supervisor, and I think that's what this commissioner provides. You bypass that. At the end of the day, at some point, when you think about the legal proceedings, the person that's being accused will always have to be informed. Now, nobody and nowhere in this legislation suggests that that person is going to do a one-off face to face in a room where they're being bullied or whatever the situation might be. Clearly, there would be somebody that's mediating that, the commissioner, but that person would need to be informed so that they can defend themselves. When I talked about that process before, when that process is bypassed, 9 times out of 10 the justice that should be served never does get served.

Further to that, what this member is saying is that this Legislature, the people that are in this House that are elected members, always needs to remain vigilant to go out and be the face, be the protectors of their constituents. I'm prepared to do that. I'm prepared to stand behind this legislation. If this legislation falls down, I'll be prepared to stand in this Legislature, admit that failure, and correct that behaviour because it's not about Rick Fraser being re-elected. It is about us doing our job for the betterment of Alberta, and the minute we carry that forward, the better off we will be. I don't stand here out of my own vanity. I stand here because the constituents of Calgary-South East put their faith in me to do the right thing. I will continue to pursue that with all my effort not just for those constituents but to make my children proud because they will have to stand and live by the laws that we create in this Legislature.

I will do that, Madam Chair.

The Deputy Chair: The hon. Member for Calgary-McCall.

Mr. Kang: Thanks, Madam Chair. I beg to differ with the Member for Calgary-South East. The whole purpose of all these amendments coming forward is to do what's right in the first place, not to come back next year or two years down the road.

On the amendment itself I think that by putting this mandatory requirement on the whistle-blower that he or she has to go to their designated officer is just like putting a gag order on somebody. I think that by putting this section 11 in here, we are making lots of whistle-blowers quiet. They won't come forward. Maybe the whistleblower is working with their designated officer, and maybe they don't see eye to eye and don't get along. They don't want to be bullied after they come forward. Maybe they don't feel comfortable going to their designated officer in the first place; otherwise, they would go to him or her. So by going to the commissioner, I don't think there should be any requirement on the part of the whistleblower to go to their designated officer.

By taking section 11 out, I think this will further strengthen this bill so that we won't have to go back to the legislation again to correct it. For that reason, I'm going to support this amendment, Madam Chair.

The Deputy Chair: Thank you, hon. member.

The hon. Associate Minister of Accountability, Transparency and Transformation.

Mr. Scott: Thanks very much, Madam Chair. The one point I want to make to my colleagues – I've listened very carefully to everything that's been said – one of the points that's being missed, is that we want to make sure that the imminent risk is dealt with right away, and that's what this section is designed to deal with. We want to make sure that the organization that is facing the imminent risk has the information so that they can deal with it right away. That's the purpose of this section.

For that reason, Madam Chair, I cannot support the amendment. We want to make sure organizations have the power to deal with things effectively and quickly.

The Deputy Chair: Thank you, hon. minister.

We will now call the question.

[The voice vote indicated that the motion on amendment A16 lost]

[Several members rose calling for a division. The division bell was rung at 5:50 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Jablonski in the chair]

For the motion:

Anglin	Kang	Saskiw
Forsyth	Pedersen	Strankman
Fox	Rowe	Wilson

Against the motion:

Allen	Fenske	Lemke
Amery	Fraser	McIver
Bhardwaj	Griffiths	Oberle
Brown	Hancock	Olesen
Calahasan	Horner	Pastoor
Campbell	Jansen	Quest
Cao	Johnson, J.	Scott
Cusanelli	Kennedy-Glans	Weadick
DeLong	Khan	Webber
Dorward	Klimchuk	Woo-Paw
Fawcett	Kubinec	

Totals: For – 9 Against – 32

[Motion on amendment A16 lost]

The Deputy Chair: We will go back to the bill. The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Thank you, Madam Chair. I am again going to – I believe this will be A17. We will pass this around.

The Deputy Chair: That amendment needs to be distributed.

Mrs. Forsyth: Our time is limited, obviously.

The Deputy Chair: We have all night.

Mrs. Forsyth: You betcha.

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

Mr. Campbell: Madam Chair, being as they're handing out the amendments now, I would suggest that we adjourn and come back at 7:30 p.m.

The Deputy Chair: Hon. Deputy Government House Leader, according to committee rules we have to stay until 6.

Mr. Campbell: Okay. We'll stay till 6, then. That's fine.

The Deputy Chair: Thank you.

Okay. This will be known as amendment A17.

The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Thank you. It's like trying to bust out of school early, I guess, and getting caught by the teacher. That's something I honestly didn't know, that if you're in committee, you have to go right till 6. I guess I really haven't paid that much attention. Madam Chair, I have learned something new today. I honestly didn't know that. That's something new for everybody here.

We're on our 17th amendment, going strong. We're down to, I think, 14 more, which will keep everybody on their toes tonight, obviously. It's been interesting watching the Twitter world as we're tweeting people about having amendment after amendment defeated.

What this amendment does is make sure that this act applies to any organization that receives government funding. The current act says that cabinet may – now, there's that may and must – make regulations related to organizations that receive "all or a

substantial part of its operating funding from the government." I guess for us this amendment would make sure that any organization that receives public dollars would be covered under this act. That, I think, is a fair amendment and maybe one that the minister will consider, you know, pick and choose, as I would consider, winners or losers.

The other thing is: what is considered substantial? I mean, our agencies today, the agencies that I work very hard for, I think, would probably think that their consideration of substantial versus one of the major organizations like the Cancer Society would be two different things.

What we want to do in this particular amendment is include all organizations, so that if someone in their organization – and we had a good example of that just happen. I think it was in Toronto – I can't remember which organization – where \$10,000 worth of toys disappeared from a charity fundraiser. If those people have an opportunity as they see somebody marching out the door . . .

The Deputy Chair: Hon. member, I hesitate to interrupt, but it is now 6 p.m. According to Standing Order 4(4) the committee is now recessed until 7:30.

[The committee adjourned at 6 p.m.]

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