



Province of Alberta

The 28th Legislature  
First Session

# Alberta Hansard

Wednesday evening, May 8, 2013

Issue 56e

The Honourable Gene Zwozdesky, Speaker

## Legislative Assembly of Alberta The 28th Legislature

First Session

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Goudreau, Hector G., Dunvegan-Central Peace-Notley (PC)  
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Wilson, Jeff, Calgary-Shaw (W)  
Woo-Paw, Hon. Teresa, Calgary-Northern Hills (PC)  
Xiao, David H., Edmonton-McClung (PC)  
Young, Steve, Edmonton-Riverview (PC),  
    Government Whip

### Party standings:

Progressive Conservative: 61

Wildrose: 17

Alberta Liberal: 5

New Democrat: 4

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

Chair: Mr. Khan  
Deputy Chair: Mrs. Jablonski

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Casey
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Kubinec
Sandhu
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**Select Special Chief Electoral Officer Search Committee**

Chair: Mr. Rogers  
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Blakeman	Leskiw
Eggen	McDonald
Goudreau	Saskiw
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**Select Special Conflicts of Interest Act Review Committee**

Chair: Mr. Allen  
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Bikman	Khan
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Casey	Stier
Fenske	Webber

## Legislative Assembly of Alberta

7:30 p.m.

Wednesday, May 8, 2013

[The Deputy Speaker in the chair]

**The Deputy Speaker:** Please be seated.

### Government Bills and Orders

#### Second Reading

#### Bill 25

#### Children First Act

Mr. Wilson moved that the motion for second reading be amended to read that Bill 25, Children First Act, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Families and Communities in accordance with Standing Order 74.2.

[Debate adjourned May 8: Mr. Hancock speaking]

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

**Mr. Hancock:** Thank you, Mr. Speaker. I believe that when we left, I was in the middle of a bit of a tirade. I don't think I need to repeat it, but I would like to say this. I mean, there's some discussion in this amendment about sending the bill off to the legislative policy committee just to reframe the debate a little bit. I was in the process, I think, of saying that I am a big believer in the legislative policy committees, standing committees, as they're now called. I think there's some very good work that those committees can do, and I think in some circumstances it's great to send a bill from the House.

There are a couple of stages that you can send a bill from the House to the committee. One of them would be after first reading so that you can debate the principles at the committee and come back recommending whether a bill is needed or not, whether or not people agree that the principles that are espoused in the bill should be proceeded with. That's why you would send a bill to committee after first reading or, quite frankly, before you've passed it on a second reading.

But if you agree that the principles of a bill are correct, the principles being in this case the support for children, the concept of a children's charter, the concept of a review, the concept of information sharing in appropriate ways between professionals who are working collaboratively together on the benefit of children, if you believe that the Alberta Centre for Child, Family and Community Research should have access to the data which is necessary to do the research so they can provide information for us with respect to the longitudinal effect of programs on children, if you believe in those principles, then this wouldn't be the time to send the bill to committee because we wouldn't be asking the committee to talk about the principles of the bill. We would agree with those principles.

Now, if there are more principles that people think should be in the bill, if there are things that people think are not covered by that or if they think that the wording is not sufficient, then the next stage of the bill, obviously, is Committee of the Whole. The bill can be sent to a committee after second reading and before Committee of the Whole if you want to look at what's in the bill and whether or not the provisions for creating a children's charter are fulsome enough or the provisions for the review process are fulsome enough, whether the protections around privacy and

information sharing are fulsome enough. All of those things can be dealt with as a result of that.

My point is that this motion should fail on the basis that it's not at the right point. This is at the principle stage of the bill, and I would hope that members in the House would agree in principle with the bill.

The second reason why I wouldn't send it to committee. This speaks to the question that my critic from Calgary-Shaw just shouted across, and that is: would you support it at that stage? The honest answer is: no, I would not. That's because I think we can in committee deal with some of the issues, if we want to, that I've heard so far relative to the children's charter and how the House gets to look at that. I think we can look at some of those things in Committee of the Whole. We don't need a study, and we don't need, quite frankly, further input to deal with some of those particular issues that have come up.

With respect to the privacy issues that have been raised, sometimes we'll just have to agree to disagree. We've done a lot of work, I think, between the department and the Privacy Commissioner's office to try and deal with those issues. But for me the paramount issue here is: do the people working on behalf of children have the opportunity to share information together to achieve it? We saw it with people here yesterday, whether it was the chief of police from Calgary, whether it was the executive director of the Calgary Sheldon Kennedy Child Advocacy Centre, or some of the others. The single biggest problem we have, in my view, with respect to helping kids is the people who don't think they can share information for the benefit of those kids. So no, I don't think that that's a principle that I'm prepared to bend on as the sponsor of the bill, and I don't think this House should bend on it.

I think you can always improve things. Nothing's ever perfect, and quite frankly sometimes things are just wrong, but I don't think the process to improve this bill is by sending it to the committee. I think the process to improve this bill is to pass this bill with whatever amendments we might want around those other pieces. I'm happy to look at amendments if people want to raise them.

I'm very pleased that my critic from the Wildrose Party took the time to come up from Calgary and attend, I thought, a fairly thorough briefing in which I also provided what I would call a table of concordance as to where in the three-column document the pieces fit into the act. In the drafting of the act people called it a 78-page act, but it's very clear that one single amendment, the change from director to child intervention worker, occupies about 60 or maybe 70 of those 78 pages. It's all just changes in various sections of the act. I directed the attention of the opposition critic to the specific sections and the specific columns.

Quite frankly, if the third and fourth parties had cared to attend, they would have got the same thing, a completely open and transparent discussion about what the principles were.

**Ms Notley:** Point of order.

**The Deputy Speaker:** Hon. Member for Edmonton-Strathcona, you've got a point of order. Citation, please.

#### Point of Order Provocative Language

**Ms Notley:** Yes. Standing Order 23(h), (i), and (j). The minister suggested that members of our caucus or that representatives from our caucus, quote, could not care to attend a briefing. In fact, we did send representatives from our caucus, who spent a great deal

of time speaking with the minister and his staff getting the information and providing us with all the information that was available on this bill.

The suggestion by the minister that somehow we don't care about this bill or that we did not engage in the briefing process is exactly the type of language under 23(h), (i), and (j) which is intended to provoke and to create disorder within this House, Mr. Speaker, and also to impute motives. We care a great deal about this bill. We are a very small caucus. We asked our staff to go and get briefed. They got briefed, and I believe that we are quite as well informed as anyone could be who hadn't had the exact piece of legislation given to us. Of course, nobody did until yesterday, all 71 pages, notwithstanding the assurances of the minister that we should just trust him that most of it isn't really that complicated.

So I suggest that the minister should withdraw the comment that suggests or is designed to suggest that we were not caring enough to become informed about the substance of this bill.

**The Deputy Speaker:** The hon. minister, to respond to the point of order.

**Mr. Hancock:** Certainly, Mr. Speaker. I am sorry if I offended the hon. member. I'm actually delighted that she has acknowledged that their researchers had well in advance of the introduction of the bill a very thorough briefing and a full understanding of what was going to be in the bill. I appreciate her putting that on the record. I apologize for saying that she didn't care enough to show up. I'm glad that they at least sent caucus representatives, and I'm glad their researchers thoroughly understood the bill and thoroughly briefed her on the bill before she came to the House.

**The Deputy Speaker:** The minister has apologized, hon. member.

**Mr. Mason:** Why did he say what he said, Mr. Speaker? [interjections]

**The Deputy Speaker:** Hon. members, please. I heard the minister make an apology, and I think that I'm quite willing to accept that apology on behalf of the House and invite the minister to continue.

Thank you.

**Mr. Hancock:** Thank you, Mr. Speaker. I know the point of order is over and I am speaking to the bill, but I heard the leader of the fourth party say, "Why did he say what he said?" Well, I think it is important. You know, we try and alert the opposition as early as possible. There are protocols in the House that say that we can't share a bill before it's tabled in the House. I try and do everything I can to meet that protocol while making sure that opposition members have access to an understanding of bills because we often don't have a great deal of time.

It's been my practice as House leader to try and introduce bills as early as possible so that they can sit during a budget process and then be debated afterwards. We didn't have the luxury of that this session, so I've encouraged all of my colleagues who have bills to make sure that briefings happen, and I think that's important. I think it's important for the opposition critic to actually show up, and I really appreciate the fact that Calgary-Shaw did show up, you know, at a time when it was very inconvenient to him, I'm sure. That I appreciate, and I would have appreciated it if the others had, but I understand that they have other things to do, and they have their caucus researchers. I really

do appreciate an acknowledgement that they were thoroughly briefed on the technical aspects of the bill.

### Debate Continued

**Mr. Hancock:** I just want to go on to say that in preparing this bill, I met with a lot of stakeholders personally. Departmental people did as well, but I personally attended a number of roundtables that we had with stakeholders, including family violence prevention and intervention people, sexual assault centres, child and youth support services, the nonprofit and voluntary sector, police, Alberta Health Services, school boards and educators, information-sharing and protection of privacy people, and people in the mental health field, many of them. I can assure you that over January, February, and March I was doing a lot of that in addition to all the other things we were doing in preparation for understanding what the next steps were.

7:40

One of the next steps that was very clear was that we needed to frame the discussion, which is what the Children First Act does, and that there were some early things that we could do. But this is very clearly the start of a process, not the end of a process, the start of a process which will involve a public discussion about how a children's charter should be framed and what should be in it and then how we bring that back to life.

I have no intention of going home and writing a children's charter. That's not the way I do things. That's not the way we did the social policy framework. That's not the way we did the Education Act. That's not the way we do any of the stuff. We're not going to go home and write this because the benefit of a charter of any sort is in the process used to develop it in which the community gains ownership.

That was one of the other things that was raised, community ownership. A community has to own its own social issues. Government, of course, is a partner in that process, but we're not advocating government's responsibility. We're not farming it out to the private sector. We are working with the community to understand our social issues and help develop solutions for those social issues because they're societal issues. There's no magic wand and there's no pot of money that's going to make them right, and legislation isn't going to make them right. Legislation is a framework that you can do things under. That's what this is.

I would encourage us to pass this legislation now. There will be opportunity – and I'll put it on the record here – to have a fulsome discussion on family violence issues and a renewal of the family violence strategy. There will be opportunity for discussion on child poverty because we have a number of communities that are publishing their reports on child poverty. In the next few weeks, actually, we'll see Calgary publish theirs. We'll see Edmonton publish theirs in the next month or so. I think there are 10 other communities that are developing them, so the work has started on that. We're not starting from scratch.

There's a lot of work, a lot of consultation, a lot of things happening. We promise in this legislation a review of policies, programs, and that would include, in my view, legislation because legislations, after all, are policy. There will be lots of consultation. There will maybe even be some pieces that we will all agree should go to a legislative policy committee, but I would ask that we move ahead with this act if for no other reason than because the NDP opposition thinks that no action has been taken. My gosh, there's been a lot of action, and I think we should continue that action, and we should get this done.

**The Deputy Speaker:** Standing Order 29(2)(a) is available. The hon. Member for Calgary-Shaw.

**Mr. Wilson:** Thank you, Mr. Speaker. Yes, I am on 29(2)(a). I appreciate the minister holding the briefing last week. I understand that he's not mandated to do so. It was a very good discussion, so thank you for that. But I would like to ask the minister. He speaks of the urgency to pass this legislation, and we've been here sitting now for over two months. We delayed the start of session by weeks on end, so I'm wondering if he could address: why wait until the last few days of this session to drop this bill and have debate happen? I would appreciate the minister answering that question as opposed to the Associate Minister of Wellness.

Thank you.

**Mr. Hancock:** I'd be happy to. Despite what people think, legislation doesn't get created overnight. Good legislation certainly doesn't get created overnight. There are times when you can do emergency legislation, but most legislation actually goes through a considerable process.

Now, in this one we started the process, and some of the stuff that's coming into this actually comes from the discussions we had around the social policy framework. Then we had to sort of say: "Okay. Well, what does that mean for our next steps?" Then we took that and went out and talked to all of these stakeholder groups to say: "Did we hear right from what people were saying on the social policy framework discussions? Does this map onto what you're saying we need to do?" One of the big issues – and it's part of that conversation – one of the questions I asked was: if we could bring forward a piece of legislation, what would you want to have in it? That wasn't a promise of legislation. It was saying that that could be one of the tools.

The development process, quite frankly, has been truncated a little bit because in this life you only have so much life, and I've discovered that if you don't get things done in two years, you might be moved to another portfolio. In 15 years in this business I think I'm in my seventh, so there's a little bit of urgency in everything I do these days because, you know, I started an education process which three ministers after me had to finish off, and I don't like to leave my messes around for other people to clean up. I want to get this stuff done.

I think we've talked with people. We've heard back from people that were here in person because they cared about it being introduced. They wanted to support it. They're excited about the information-sharing pieces, even if the Privacy Commissioner is not. They are excited about the things that are in here. Yeah, we could take another month to debate it if the House is around for another month.

I would have dearly loved to have introduced this at the beginning of session, but it wasn't ready. It wasn't done. I do have other duties in terms of a House leader and budget processes and all that sort of thing, so I can't spend all day every day on it, but I try. Yeah, it would have been nice to be able to introduce this earlier, but I just got it done. It got done. We got it through the processes.

We needed then to get caucus approval because we have to do that. I can't bring it by myself. I don't own this bill. This is a government bill, so I have to get approvals. Then having gotten those approvals, I have to get people to draft it, and then we have to make sure that the drafting meets the policy approvals, that process which colleagues who have been in government know a little bit about and can inform you about. So it's not a short process; it's not an easy process.

This is outside the normal bounds in that normally as House leader I ask my colleagues to give me their legislative plans, a three-year plan ahead of time and a one-year plan by last June. This one was not on the one-year plan last June because we were in the social policy framework discussions, and I didn't want to presume what was going to come out of that. What did come out of that is that Albertans think the strongest priority we have in social policy is getting children a good start, and I'm going to follow through on that.

**The Deputy Speaker:** Are there others under 29(2)(a)?

Seeing none, I'll recognize the Member for Edmonton-Strathcona on the amendment.

**Ms Notley:** On the amendment. Thank you, Mr. Speaker. I am pleased to rise to speak to this amendment. I want to thank the Member for Calgary-Shaw for putting forward this amendment because I do believe that it represents a good conciliatory opportunity for us to address in a more fulsome way a number of the very significant policy elements that appear in this legislation, and it gives us an opportunity to understand their consequences and to ensure that we don't go bowling forward simply because the Premier wants to have some deliverable that she can talk about on a campaign trail this summer. As a result, I think that the Member for Calgary-Shaw has come forward with a very good proposal.

That being said, though, Mr. Speaker, I do want to just briefly speak to an issue that arose in the exchange between the Member for Edmonton-Highlands-Norwood and the Government House Leader and just put it on the record in relation to the propensity of this government to move things forward at breakneck speeds and to display an increasing level of disrespect for each of the opposition parties and in particular for the opposition House leaders.

In particular, the Member for Edmonton-Highlands-Norwood brought up the fact that we had anticipated having the opportunity to put in amendments to Bill 21, which is a number of amendments around the ministry of environment related to water monitoring. The House leader suggested in his comments that, in fact, it was always on the Order Paper that Bill 21 would be considered in Committee of the Whole last evening, on Tuesday. I just need to be clear that, first of all, in fact, I have the Order Paper from that day that was printed on Tuesday, May 7, presumably on the advice of the Government House Leader because certainly the opposition gets no input into these things. It states very clearly, simply, that Bill 21 would be in second reading and that it would not be in Committee of the Whole.

Now, Mr. Speaker, in addition to that there has been a practice in this House that every day – typically, depending on the level of functionality, it would be by 9 or 10 o'clock in the morning; as things have become decreasingly functional, it's now more like 11:30 or noon or 12:30 – we get a note from the Government House Leader's office that puts forward the proposed schedule for government business for Orders of the Day for that day. That is something that's a tradition that's been in play as long as I've been House leader, since 2008. Every now and then that might change as a result of negotiations between all House leaders, but it certainly doesn't change without notice to House leaders.

Of course, that proposed order of business also did not suggest that Bill 21 would even be in Committee of the Whole yesterday evening, nor, certainly, did it suggest that it would be voted through. Now, sometimes those things happen accidentally, and indeed those things have happened accidentally.

7:50

**The Deputy Speaker:** Hon. member, the Minister of Human Services has risen on a point of order.

The hon. minister.

**Point of Order  
Scheduling Government Business**

**Mr. Hancock:** Thank you, Mr. Speaker. Under 23(h), (i), and (j) the hon. member is clearly imputing false motives to me as House leader and challenging what I said. Now, we are supposed to be debating the Children First Act, which I think is a very important act. If they want to deal with what happened last night on Bill 21, 21 will come up later tonight, and you can raise all the issues you want on 21 tonight when it comes up.

But the hon. member protests that the Order Paper says that Bill 21 will be in second reading on Tuesday, May 7, “and as per the Order Paper,” which is always there because one of the things we know about this House is that business is fluid and that things happen that you don’t expect to happen. Did I expect that we would move 10 stages of bills yesterday? Absolutely not, but we did, and we went home by about quarter after, 20 after 9. Did I anticipate that happening? No. But here I was, having made a commitment to the Liberal opposition House leader, because she asked, with respect to holding Bill 17 until she could come back at 9 o’clock because she had an amendment she wanted to speak to, and we did that. We had then to desperately find business to fill in.

That’s why it always says on the Order Paper – and the hon. member has been here long enough to know – “as per the Order Paper.” That means that this is our intended business for the day, but it’s fluid. She knows that. She’s seen these circumstances happen before. So to impute that I’m somehow making a commitment in an e-mail, if that’s the case, one of two things can happen. Either we don’t send her an e-mail saying what’s coming up in the day, which I don’t think she’d like, or we will put in that e-mail that she should understand that this is our intended business for the day, but if things change, things change.

I mean, we don’t do that on an intentional basis. I didn’t intentionally rearrange life, but we actually ran out of business last night, Mr. Speaker. We couldn’t get unanimous consent to proceed, to take another step on a stage. We’d made a commitment not to move Bill 24 because somebody wanted to speak to it the next day and made a commitment not to deal with Bill 17, but I hadn’t made any commitment not to deal with Bill 21. Nobody had asked me to make a commitment on Bill 21.

**Mr. Mason:** Point of order, Mr. Speaker.

**Mr. Hancock:** You can’t do a point of order on a point of order. Don’t be silly.

**The Deputy Speaker:** Hon. member, I will rule on the point of order. You’ll have a chance to speak to it if you like.

Proceed.

**Mr. Hancock:** The point is that she’s making allegations against me as House leader which are totally wrong. If she wants to, we can sit down, and I can give her a briefing on how this House works if she hasn’t been around long enough.

**An Hon. Member:** Don’t be patronizing.

**Mr. Hancock:** Well, you’re the one who raised the question of integrity in this House.

Mr. Speaker, I would suggest that we get back to the business of the Children First Act. If the hon. member wants to talk about Bill 21, Bill 21 will come up soon enough.

**The Deputy Speaker:** Thank you.

Hon. Member for Edmonton-Highlands-Norwood, did you wish to speak to the point of order?

**Mr. Mason:** No. I will let my House leader go.

**Ms Notley:** Well, since this point of order has turned into a debate on this particular issue, I’m perfectly happy to go on with that.

There is an Order Paper here for yesterday, which outlines very clearly that as of yesterday Bill 21 was going to be dealt with in second reading. Now, several times the House leader has talked about how he was being so accommodating to the Member for Edmonton-Centre for her ability to come back and debate Bill 17 and put an amendment forward. The critical component, Mr. Speaker, which is fundamental to having this House operate in a remotely productive way, is that she was told that Bill 17 was going to be coming up that night. Now, you know that in general during debate not every member of the House is here at every given time. That is the way it is for the government side, heaven knows, and also for the opposition.

Now, when you take into account, Mr. Speaker, that in this sitting this government has started scheduling committee meetings in the morning over the objection of opposition members, that this government has put night sittings in unnecessarily over the objections of opposition members, that this government has scheduled committee meetings between the afternoon and the evening sitting over the objection of opposition members, for this House leader to suggest that that’s the way it works and that there is no precedent and no history of the House leaders working together to make sure that members are able to be there when their critical areas come up at critical times is absolutely ridiculous. That is the way that it has always been done.

It is particularly necessary to respect the rights of the minority, Mr. Speaker, when you have a small opposition, and they cannot simply be here for 18 hours a day because they can’t trust the House leader to tell them what’s coming up at any given time.

Now, the fact of the matter is that the history has always been that the House leader advises the other House leaders at least on that given day what the schedule is. On this particular day the Order Paper did not say that Bill 21 was coming up in Committee of the Whole. The subsequent e-mail that goes out to all House leaders every morning from his office did not say that it was going to go to Committee of the Whole. It did say that Bill 17 would, which is why the Member for Edmonton-Centre then made arrangements, but it did not say that Bill 21 would. Moreover, the House leader was then contacted by me, and he responded to it. When he still had the time, he was provided a note by the Member for Edmonton-Highlands-Norwood in the midst of debate on Bill 21 in Committee of the Whole, and he still insisted on voting it through.

**Mr. Mason:** He didn’t respond.

**Ms Notley:** He did not.

**Mr. Hancock:** After the fact.

**Ms Notley:** No. It was done while it was still on.

The fact of the matter is, Mr. Speaker, that the House leader can either respect all of the opposition House leaders in this House, or we can have this place descend into acrimony much like we are



doing now, and we can have debates go on much longer than perhaps necessary. It's a decision that needs to be made.

This is not a point of order, Mr. Speaker. The reason I am raising this is simply to recount the history and to recount the practice in this House and to set the record straight. It is under no circumstances a point of order under 23(h), (i), and (j). Simply recounting the facts of a situation is not in any way, shape, or form a breach of 23(h), (i), or (j).

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

Hon. members, it's very obvious that we have a disagreement in the House, whether it's between the House leaders or the different sides of the House. We've heard this throughout the spring sitting about the scheduling of estimates and other schedules and so on. I have a hard time trying to find a point of order here. It's very obvious – and I think both sides can agree – that we do have a disagreement in terms of the scheduling, how the House has been scheduled through the spring. It is my hope that after this session is over, some accommodations that may be more amenable to both sides will be found, that this does not continue into the fall session.

Hon. members, I would encourage both sides of the House to stay on topic. We're discussing an amendment to second reading of Bill 25. If both sides would confine their arguments and the rhetoric to the topic at hand, I'm hoping that we might get out of here at some reasonable time tonight.

I find no point of order, and I would ask that we proceed.

We were on the Member for Edmonton-Strathcona. Please continue, and please try to stay on topic.

#### Debate Continued

**Ms Notley:** Absolutely. Mr. Speaker, I'm very pleased to confine my arguments and, indeed, my rhetoric to the motion around referring Bill 25, and I will do that at this point. Thank you very much.

The motion on Bill 25 is to refer it to committee in order to give us the opportunity to review it in greater detail. Now, the Minister of Human Services said that, well, this is not necessarily the best time for it to be referred to committee because presumably we all agree with the principles underlying this bill. But, Mr. Speaker, I think once you get past the name of Bill 25, we're running into some difficulty with our agreement with the principles. The reason for that is because, as the minister himself said, this bill is one legislative extension from the social policy framework that the minister introduced. I think it was in January or so when he announced it.

8:00

**Mr. Hancock:** February.

**Ms Notley:** February, the minister advises.

This is an extension of that social policy framework. Mr. Speaker, I have to say that we do not agree in principle with the components of that social policy framework. That social policy framework does not talk about economic equality. It does not talk about the meat and the potatoes and the rent required to eliminate child poverty in this wealthy province. What that social policy framework talks about is taking the incredibly historically damaging decisions of, in fact, the Klein government to privatize almost 50 per cent of poverty reduction strategies that were undertaken by the government at that time and downloading them onto the community and downloading them onto volunteers and downloading them onto charities and creating a patchwork, unconnected system.

That is what the government did in the mid-90s. That created huge pain and suffering in the lives of vulnerable Albertans and contributed directly to the massive growth in child poverty that we see in Alberta now. The social policy framework that this minister, with the absolute approval and cheerleading of his Premier, introduced this February is essentially premised on the same model. It's talking about the government becoming a partner and sitting beside private corporations and volunteer groups and nonprofit groups and employers and facilitating their whatever it is that's going to somehow deal with child poverty in Alberta.

Now, Mr. Speaker, we don't think you can deal with child poverty in Alberta, for instance, when the wealthiest people in Alberta pay the least amount of tax in the country and the gap between the wealthy and poor in this province is the largest in the country. When \$10 billion a year is left on the table because we don't want to ask wealthy Albertans to pay their fair share, that is the kind of issue you need to get to to start dealing with real economic equality. This minister instead wants us to adopt an act which flows from a framework which is about getting a bunch of charities together to collaborate in a very unco-ordinated way, with the government being very clear in that document that they want to move away from their role as funder, which means those tax dollars will not go to eliminating child poverty, and we can potentially free up more tax dollars to give even more tax breaks to the wealthiest Albertans and corporations in the province.

The reason I am talking about this, Mr. Speaker, is because this goes to the principle of the bill. Because I have some significant concerns about that principle, I do believe that this is the right time to refer the bill to a committee, not afterwards. That's the first point.

The second point, of course, is that we need to talk about some significant issues that have already been raised. The bill was introduced yesterday, and we already have an officer of this Legislature identifying serious concerns about components of this bill.

Now, it's really interesting, you know, Mr. Speaker. The bill talks about giving service providers almost unfettered access to the private information of children and their parents. I would just like to take a moment to give you the actual reading of who service providers are under this legislation. The organizations include

- (i) a corporation,
  - (ii) an unincorporated association,
  - (iii) a trade union as defined under the Labour Relations Code,
  - (iv) a partnership as defined under the Partnership Act, and
  - (v) an individual acting in a commercial capacity,
- but does not include an individual acting in a personal or domestic capacity.

That is the definition of a service provider which is referred to in this legislation.

What in heaven's name are we doing talking about giving any of those organizations the ability to share the medical information of parents of children at risk if they in whatever capacity decide that it's in the best interests of the child? That is a huge, Orwellian change, and it is outrageous that this government would come to us at this point and ask us to approve the legislation.

I'm just reading from your legislation, Mr. Minister. This is what your legislation says. You may have a different objective. You may have talked about different objectives when you introduced this legislation, but our job is to actually read the legislation and make sure that the language that you're asking us to approve meets your objective, and this does not meet that. That is why this piece of legislation needs to go to a committee so that it can be properly evaluated over the proper amount of time.

We may well have had a briefing a week ago, but we did not have the legislation in front of us. We did not have this definition of service provider in front of us, and that's just one section in 71 pages of the act that I've just had a chance to look at right now. I can't imagine what other little gems we will find with more time, but I can imagine that this issue is so important to Albertans, it is so important to our most vulnerable citizens, it is so important to the children of Alberta that it deserves time and attention. It deserves to be given full debate over time, with genuine consultation in an open and transparent fashion, where we can all see what everybody has to say about the components of this. Passing this in second reading tonight, running it through committee on Monday, and trying to wrap it up on Tuesday does not meet that objective, Mr. Speaker. It is disrespectful to the very people we are suggesting we are here to help and support.

For that reason, I completely support the amendment put forward by the Member for Calgary-Shaw. This piece of legislation requires far more consideration and far more deliberation than this House leader is currently prepared to allow members of this Assembly. I urge all members of this Assembly to support this motion. Do it to put the children first.

**The Deputy Speaker:** Thank you.

Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Calder.

**Mr. Eggen:** Thanks, Mr. Speaker. I certainly concur with my colleague. [interjections] I know it's a shock, a horror. Lightning strikes twice. Well, you know, the more you listen, right? She's got a lot of experience and wisdom, for sure, that I've learned from. I have to ask her a question that I think all of you might find interesting. I mean, this is substantive legislation. It's not dissimilar, at least in scope, to the Education Act. I know that was a long and winding road, three ministers and so forth. We don't necessarily need that.

Again, it's this question of conferring with stakeholders that I would like to go back to. I heard the hon. minister talking about some of the examples of people that he met, but something just popped into my head. Why didn't he confer with the Privacy Commissioner, who now comes a few hours later and says that this has serious problems and concerns? Can you think of some other ones that maybe we could talk to besides the Privacy Commissioner that would give us good stakeholder advice that would help to make this legislation something good?

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

**Ms Notley:** Well, thank you, Mr. Speaker. I will say that I haven't yet had the opportunity to confer with all the stakeholders to find out who was consulted and who was not. I have some questions about whether the College of Social Workers has been conferred with about this fundamental change in the relationship between social workers and the statutory authority prescribed under the act and the director and the delegation of that authority to people who are not social workers. I don't know if they have been consulted with, but it would strike me as absolutely mind-bogglingly foolish to have not consulted with the College of Social Workers as they are the professional body that delivers the service which we are now talking about having a different group of people deliver or an expanded group of people deliver.

I would also question whether there was consultation with the union that represents social workers. They, too, have insight in terms of what the work process is and how that is working. You know, you always hear what the managers tell you is happening in the department, and then you talk to the front-line workers or their

representatives, and you find out what's really happening in the department. Were they consulted with? I don't know. Those are people that need to be consulted with. Moreover, even amongst the groups of people that minister says that he's consulted with – he said that he consulted with the Privacy Commissioner, but then the Privacy Commissioner came out with a press release saying: well, I kind of disagree with what's going on here.

**8:10**

The question then becomes: how many of the other organizations might welcome the opportunity to openly discuss some of their supports and misgivings about this legislation? Not everybody is an officer of the Legislature, feeling that they're okay to come out with a press release outlining some of their concerns about the legislation. If one of the people that the minister consulted with then was able within 24 hours to put out a two-page press release outlining her concerns about his act, I worry about what some of those other organizations, which happen to be financially reliant on the government in many cases for operating funds and grants, would say if they were invited to an open forum and asked specific questions about this element of the act or that element of the act and how we can do this better.

If we care enough about this issue, that is why we would do that in an open forum, that is why we'd refer it to the Legislative Offices Committee, and that is why we would have all those consultations in public, on the record, in *Hansard*, so that we could really evaluate whether we're making the best choices here.

You know, the Member for Edmonton-Calder talks about the Education Act history. The minister himself talks about the Education Act history. Now, that was an interesting one because although there were two years of consultation, the consultation was so high level that many people who were involved in much of the consultation were still surprised when they saw the legislation. I actually think that when you're making substantive changes to legislation, there's actually, you know, a big piece where you're really changing how you do the work. There's a lot to be said for taking that legislation and then putting that legislation on the road and consulting on that. That's when people really see what it means. They see what the high-level language and communications spin actually looks like when it comes into law.

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

I recognize the Member for Edmonton-Beverly-Clareview.

**Mr. Bilous:** Great. Thank you very much, Mr. Speaker. It's my pleasure to rise and speak in favour of this motion for referral. I'll get into some specifics.

I think, you know, part of the issue and why this motion is very, very appropriate is because our democratic process is really contingent upon ensuring that voices are represented, that opinions are expressed, and that we debate and look at all different sides of an issue. I mean, it's interesting that the minister claims that there were many different groups that were consulted. I'm reluctant to use the word "consulted" because of the formal definition of consultation. But they were engaged in a discussion.

The minister, when he rose this evening, talked about how this has been a process going on for I believe he had said a couple of years, a significant amount of time, let's say. I think that that is positive, that any amendments or large changes to an act or to processes need an adequate amount of time in discussion with different stakeholders, both those that are going to be affected directly and indirectly. However, the second piece to that, Mr. Speaker, is ensuring that all Members of this Legislative Assembly, representing the roughly 3.7 million Albertans, have

adequate time to debate, to create amendments, to thoroughly go through legislation or bills before they become legislation.

You know, I'd like to remind the Assembly that this bill is no small bill. There are quite a number of changes being proposed. This was only given to the opposition 24 hours ago or in that area, so it's challenging. All members, I believe, of the Legislative Assembly, both on the government side and the opposition side, want to ensure that they're doing their job to the best of their abilities and have the resources and tools available at their disposal to ensure that they can work to the best of their abilities and serve Albertans in the capacity that we were all put here to do.

It's very challenging to first of all go through a piece of hefty legislation in a very short period of time and to do it justice. Now, I will commend members of my caucus, the NDP caucus, and our staff for the amount of work that they've done in a very short period of time, trying to disseminate this bill and look at the repercussions.

I honestly think, Mr. Speaker, that part of the reason why this motion is so applicable is that I see this as, "If we're going to do something, let's do it right the first time" as opposed to the minister's idea of: "Let's just pass it through haphazardly. It's good enough for the moment. We can always go back to it." I disagree with that line of thinking. You know, when we're affecting the lives of tens of thousands of children, numerous families and workers within Alberta, it's very important that we take the time to debate, to go over, to contemplate, and to go through a bill line by line with our glasses on to scrutinize but also to come up with ways to improve and ensure that the legislation that we're going to pass is really in the best interests of all of those Albertans that it will affect.

You know, I can appreciate the minister feeling that his ministry and likely himself have consulted with quite a number of groups. I'd like to take back that word. They've discussed with quite a few different stakeholders and individuals this bill before it was written. However, I think it's important to note that that opportunity is also one of high priority for opposition parties, that we have the ability and the time as well to discuss and to talk with the front-line workers, families, service providers, and stakeholders that that legislation is going to affect. I think it's important, Mr. Speaker.

I'll just draw a very brief analogy. For the members who have children, I think that if one of their children, for example, was writing a letter to their grandparent, they may write in a certain way and include certain details that are appropriate for their audience, appropriate for their grandparent whereas if they were to write a letter to their close friend, there might be a different use of vernacular. There may be different words that are used, there might be a different tone, and they might reveal different details or tell different stories.

My point is that those folks who have been in discussions with the government may have a bit of a different story or points that they would raise or feel more comfortable raising with nongovernment members of the House. Maybe they're more willing to share certain details with others. My point, Mr. Speaker, is that it's important that all parties in this House have an opportunity to engage with Albertans before legislation is passed through. If the other opposition parties work as diligently as the Alberta New Democrats, then I know that in the very short amount of time that we're given to consult and to discuss poignant issues with all of the different stakeholders, that's a priority. You know, it's important that we do that.

You know, I applaud the Member for Edmonton-Strathcona for raising the issue that different stakeholders need to be consulted. I'm unsure. It's unclear whether the College of Social Workers,

who have a great stake in this bill and piece of legislation, have been thoroughly consulted, if there's been an adequate level of discussion. It's extremely challenging in a very short time frame, less than 24 hours, for opposition parties to try to engage with many of the different groups to get, well, for lack of a better way of putting it, Mr. Speaker, their interpretation of the bill and the effects that it's going to have on their clients, on their staff, on their families, which I think is very important.

8:20

This motion, Mr. Speaker, is very timely in the fact that we want to ensure that a bill goes through due process, that we as members participate in our due diligence to go through and ensure that the intention of a bill is actually going to be carried through according to the wording of the bill. I know that if intentions always equalled words, then we probably would have very little use for lawyers. I think it's important that we're as clear as possible and that the bill outline its consequences, intentional and unintentional, and that we really think things through. I think this motion is extremely timely.

The other thing, Mr. Speaker, that my colleague from Edmonton-Strathcona had spoken of. She was illustrating the point, but I want to use the term. This is something that I taught in social studies when I was teaching high school. You know, we all have a duty to ensure that we're not contributing to tyranny of the majority, and that's to ensure that minority voices are heard and are given the time to raise their point. The challenge that my colleague was illustrating is that when you have a smaller caucus, it's at times challenging to ensure, well, first and foremost, that we participate in all of the discussions. We just want to ensure that legislation and bills are given their adequate amount of time to ensure that we're passing the best legislation possible for Albertans. I mean, really, that's what it comes down to here. We are all representatives of our constituencies, and when we speak, we're not just speaking on behalf of ourselves but the 30,000 to 50,000 Albertans that we represent.

Mr. Speaker, this motion for referral is especially relevant, and I'd like to touch on a couple of points here if I may. You know, first and foremost, for a bill that is, I believe, over 70 pages long, I'm a little dumbfounded as to how a child intervention worker is not defined in this bill. I can tell you that sometimes titles sound wonderful, but we need to dig a little deeper to find out what the criteria are for one to have achieved such a title. Is there a body that is a designator or a creditor of that term? I can appreciate that a child intervention worker does include social workers, for example. However, with social workers there is a body, the College of Social Workers, a licensed body, and any individual cannot just claim that they are one without having the proper credentials.

For myself, Mr. Speaker, it is a little disconcerting, in fact more than a little, that a child intervention worker is not defined. I'm happy to enlighten some of the members in the House if they're unsure what exactly that means. I have worked with organizations who have youth workers on their staff. You know, these folks do some fantastic work. However, there is no governing body. There is no set of accepted standards that qualify a person to be a youth worker. In other words, any person who happens to work with any person who is defined as a youth is essentially a youth worker. That can be problematic because, you know, when we're putting a high level of trust in individuals working especially with minors as well as some of the most vulnerable individuals and citizens in our society, we need to ensure for a myriad of reasons that these folks are qualified, are trusted, have the ability, have the credentials, have the experience to work with youth, with young

people, with children. The fact that this bill refers to that is problematic.

Mr. Speaker, I turn to section (62) and 129.1(1). “A director may designate persons as child intervention workers for the purposes of this Act.” That places a significant amount of authority and power in a director, that they can proclaim an individual to be a child intervention worker. I’m not sure about the rest of my colleagues, but I can definitely see some potential issues with that.

Moving from that to another concern that I have and the reason that I’m standing before you, Mr. Speaker, speaking in favour of this motion that was put forward by the Member for Calgary-Shaw as raised earlier in the House, public hearings are, I think, a very effective tool for democratic institutions.

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

Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, I would like to thank the awesome Member for Edmonton-Beverly-Clareview for his great speech. He’s very awesome. I noticed that he wasn’t quite finished, so I’d like him just to have a chance to conclude his remarks.

**Mr. Bilous:** I’d like to thank the hon. Member for Edmonton-Highlands-Norwood. Thank you. I’m sure that you’re very interested in hearing more about our democratic processes.

As I was saying, Mr. Speaker, public hearings, I think, are a great way to engage Albertans and our citizens directly, again, to truly live up to this spirit of consultation and ensure that not only are members of our province engaged – and when I say “members,” I’m referring to Albertans, our citizens and constituents we represent – but that they’re informed, that they’re educated, and that they have the ability to share their thoughts and ideas on legislation that this body is thinking of passing.

Mr. Speaker, that brings me full circle back to the point that governments should take their responsibility seriously in ensuring that opposition MLAs and members of this Assembly and, I would say, even nongovernment MLAs have the time to engage with their constituents and to get feedback from their constituents on a bill before it becomes law. I know that the hon. minister has spoken at length about passing this piece of legislation and then worrying about improving it later. However, that’s, in my mind, problematic for various reasons.

I mean, the Lord only knows – well, in fact most Albertans know – that this Legislative Assembly doesn’t exactly sit the most number of days in a year. In fact, it’s quite interesting that we’re the opposite. But my point, Mr. Speaker, is that we need to ensure that we follow a process, that we give opposition parties and all MLAs an adequate amount of time to engage with Albertans to get their feedback and their ideas and their comments on legislation before it passes.

**8:30**

This motion for referral, I think, is not only very timely, but it’s very appropriate for this bill. You know, Mr. Speaker, although I am a newer member of this Assembly, I do agree with the Member for Edmonton-Strathcona that it feels, especially this week, that we are moving very quickly through various pieces of legislation. I know that the members that were here on Monday last enjoyed hearing many of my comments and ideas on a myriad of pieces of legislation. It was my great pleasure to do so, and I think it’s also one of my responsibilities. I think it’s important that members have that time.

You know, there are many other reasons why this motion is very applicable, why it’s timely, why I urge members of the Assembly to seriously consider and vote in favour of this motion. We know that this act is going to affect many, many Albertans, from children to families to many of the hard-working Albertans that work with children and families throughout the province. I think it’s important that not only do we show them the respect that we want to get this right the first time but that we do get it right the first time, Mr. Speaker.

I think there is absolutely no rush. As the minister has indicated, this has been in process for a significant number of months. So it begs the question, then, Mr. Speaker. If it’s already been in process for a number of months, let’s take another month or two. Let’s take the summer. Let’s engage with Albertans and ensure that we are bringing forward the best piece of legislation possible.

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

Hon. members, before I recognize the next speaker, I just want to remind you that the purpose of 29(2)(a) is to make a comment on or get some clarifications on what was said by the previous speaker, not to extend debate.

The hon. Member for Calgary-Mountain View.

**Dr. Swann:** Thank you very much, Mr. Speaker. A pleasure to rise and speak to this amendment to Bill 25. I must say that I have a lot of sympathy for this referral amendment. It raises a lot of questions, this bill, a large bill that’s been dumped on us in the last day with lots of questions, not least of which from staff who say that it’s unprecedented that they have not even been consulted on this major bill. Maybe I’ll repeat that in case anybody missed it: a message from staff that it’s unprecedented that they within Human Services have never seen this bill in process, have never been consulted. “Unprecedented” was the comment that I’ve heard from some of the staff, Mr. Minister. They’ve never seen such a significant bill that has never had any reasonable consultation with the people that are actually going to be implementing it.

There is a real sense, even on this side of the House, that there’s a haste to this. Within a couple of days of wanting this passed, he’s pushing this into third reading. It’s very clear to me that there are some uncertainties about roles and responsibilities and authorities. There are legal implications. There are communications, information, privacy issues. There are serious questions around, as I say and I’ve said in the media, talk about poverty, about children’s development, about putting children first, investing in children and their families. But where’s the action?

Over so many decades we have the lowest investment in social supports in this country per capita. I mean, the talk is there: the values, the process, the principles, the consultation. Albertans are tired of this, especially those who are suffering. Where is the action? Where’s the money? Put your money where your mouth is.

Once again we’re talking about great, great, grand ideas with no money: sorry; we’re in a deficit position, but we’re going to talk about it, philosophize, and put forward a great document that people are supposed to swallow whole in a couple of days when serious questions have been raised about it.

I myself have raised questions about child labour on farms, on large industrial operations. For 10 years they’ve been raised, and this minister himself has said: “Yes, yes, yes. It’s important. We’re looking into it. Children are first. We invest in people in this province. Blah, blah, blah.” No action. No action. How can we believe that this big document, without any consultations with us, with the very people that are being affected, and with your own staff, is going anywhere but your own ego? Your own ego.

Mr. Speaker, I think there's a real gap between words and action, between talk and credibility here, decades of talk about child poverty. Where is the action? Children still hungry, children still sleeping in a different church every night in this province, children still on the street, farm labour still depending on Mexican Mennonite kids because there are no standards. This government doesn't have the guts to put in new laws because their main voter base is out there in the rural areas. There's a huge credibility gap. I'm sorry.

This is a wonderful, philosophical, interesting bill to look at and read. It has no substance as far as the people in the front lines are concerned and a lot of questions about whose agenda is being served here. It doesn't look like it's the children of this province that are necessarily being served, apart from large philosophical frameworks and processes and great values and principles.

We have among the highest rates, Mr. Speaker, of mental illness, stress, early childhood mental illness that's not being addressed.

**The Deputy Speaker:** Hon. member, I realize that you probably have some disagreements with parts of the bill and what have you, but if you can try to frame your arguments around the amendment, I think it would help the process. Thank you.

**Dr. Swann:** Very succinctly, Mr. Speaker, that's why it has to go to committee. There is no way we can pass this bill in this House with so little time, so little consultation, so little addressing of the key questions that we have about this bill. It needs thought. It needs consultation. We need to do this right.

It's been said before, and I'm saying that this government lacks credibility. We have lost trust in a government that talks, talks, consults, and puts forward more and more and more paper and wants us to push it through in a very untimely way. There's just no credibility here. This 70-page bill, a couple of days before they want it through, simply begs the same question. Where is your head at if you think this is a democratic process and you want real debate and you want the best bill for the best outcome for staff, for foster parents, for children, for outcomes in this province? Where's your head at if you think you're going to do this in two or three days? It's just not credible.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Standing Order 29(2)(a) is available. The hon. Minister of Human Services.

**Mr. Hancock:** Thank you, Mr. Speaker. I'm wondering if this hon. member would be good enough to acknowledge, as the Member for Edmonton-Strathcona did, that although he wasn't able to show up for a briefing, a very thorough briefing on the bill, the researchers from his caucus did show up and hopefully translated to him what was going to be in the bill, exactly what sections related to the pieces of import, the fact that a substantial amount of the bill is about one amendment, and that's really the child intervention worker having the authority to make decisions on the front line. I wonder if, first of all, he would be able to acknowledge that they didn't just get this bill yesterday as a surprise but that, in fact, they had a thorough briefing on it. He didn't take the time to come, but they did send researchers. Edmonton-Strathcona was good enough to acknowledge that. I hope he would be.

The second thing I would wonder is if he really thinks that we brought together a bill like this without talking to some of the 7,000 people that work in Human Services, if he really actually thinks that. In fact, we've spent the last 18 months bringing together Human Services and talking to front-line workers and

everybody in the department about how a change in service delivery was necessary and how we're responding to what they've asked for, and that is some authority and some respect on the front lines for people who are appropriately trained to make appropriate decisions and not to have to go through the bureaucratic maze to get decisions made all the time on things that are very important to children and things that are very important in terms of the service delivery model.

If he actually thinks that because we didn't take this act, which we couldn't, out to say, "We have a Children First Act, and this is what we're going to do in it," that we didn't actually talk to some of the 7,000 workers, many of whom are social workers, many of whom are members of the union that was mentioned earlier, many of whom are members of the professional organization that was mentioned earlier – he actually thinks we didn't talk to them and that this isn't responsive to what they've been telling us for the last 18 months, the tools that they need? Does he actually think that?

8:40

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

**Dr. Swann:** Well, thank you, Mr. Speaker. I appreciate the minister's comments. Do you think I should believe you or the people on the front lines? I've grown very, very distrustful of the comments that come from this government about consultation, for sure. I've certainly experienced a lot of different interpretations of consultation with First Nations, and I've now seen very different interpretations of consultation with your own staff. Some members of the union itself say that they have not seen any dimension of this bill before this week. They were taken completely by surprise.

**Mr. Hancock:** They talked all year.

**Dr. Swann:** Well, okay. They may have talked about principles and values. Where the rubber hits the road is on who gets delegated authority for making tough decisions on children. The question is whether you really respect social workers, whether you really respect front-line workers and allow them to make the decisions and they're going to take the responsibility or you're going to relieve them completely of that responsibility. This ambiguity is clearly causing tremendous consternation.

Mr. Minister, if you had done a proper consultation on this, I don't think the anxiety and the fear would be there and the expression of complete surprise that this is what came out of whatever consultations you may have had. I don't doubt that you're talking all the time, that you're listening to some extent. What has come out of that result is not what people expected in this document is all I can say.

The ambiguity that's there with respect to legal liability, to roles and responsibilities, freedom of information, and whose interests are being protected: obviously, the Privacy Commissioner has deep concerns about that. Frankly, as I've said before, the lack of action of this government, real action, to address children first is so blatant. After 42 years of talk it's pretty hard to believe that this is going to solve the inaction.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Are there others under 29(2)(a)?

Seeing none, I'll recognize the Member for Edmonton-Calder.

**Mr. Eggen:** Well, thank you, Mr. Speaker. I appreciate the opportunity to speak on this amendment most succinctly and in a

very focused manner. I appreciate the Member for Calgary-Shaw bringing this forward. You know, just the process that we see unfolding before us in regard to Bill 25 over these last few hours I think breathes even more life into the importance of this amendment and the necessity of this amendment. Even as we move along here and buy time, so to speak, to have more insight into the bill, we are learning things from hon. members who have thoughtful and intelligent opinions to discuss. It also gives us time for our researchers to do more work. As we speak, we have a battery of researchers in the Annex that are working their fingers off to ensure that we have more information that gives us a better understanding of certain aspects of this bill.

I know that the minister is feeling a little defensive, and that's fair enough. I mean, I guess that's part of the process of bringing forward these bills. But, you know, we're trying to make something that can work, right? We're not trying to destroy constructive engagements and improvements to our Ministry of Human Services. But just the very act of combining all of these ministries together: no one knows better than the minister himself what a giant task that really is. When we try to formalize some aspects of that into law, there's never a better time to actually go through each piece and see where we can make improvements.

As I said just in the last few hours, as we go through more carefully what the Privacy Commissioner has brought forward, again, I think the minister did make some indication that he did speak to the Privacy Commissioner, which is fine. But then for us to get information back, upon careful deliberation, is proof of why this amendment is so relevant and important. There was time for thoughtful consideration, and then we received some very valuable information that we've been deliberating on even further. This is an illustration, Mr. Speaker, of the importance of this amendment to make a referral to spend some more time, considered time, and to work through a committee to build a better bill. For example, this Bill 25 makes it much easier to share information between service providers, and that's what the Privacy Commissioner was bringing forward. Again, in a matter of a few hours we've thought about this one carefully, right?

It tells us a lot. It tells us about the definition of a service provider. On page 2 of the bill, section 1(g), it defines the service provider, talking about it as a department, educational body, police service, organization, right? An organization could be a corporation, an unincorporated association, and so forth.

You know, again, this is a constructive engagement, an example of why we should pass this to committee. It's very similar to the privacy concerns that we've seen around health care and the privatization of health care over these last number of years. Mr. Speaker, if I've learned one thing following that process, analyzing it, and being constructively critical of that process, it's that you cannot mix private and public services together and expect that the information that you're sharing, the private information about individuals, is not put in jeopardy.

What happens, Mr. Speaker, is that when you have people that are serving either as a nonprofit society or organization or as a for-profit corporation, you know, they are trying to run a business. That business necessitates making a profit, turning some advantage from that health care service or, in this case, potentially, that social service. In doing so, that private information on individuals will be traded and potentially bought and sold.

The implications of that are dire. We know that especially with persons in a compromised situation, children in need and so forth, families in crisis – right? – this information is very sensitive. By definition that information is compromised if you're running through a private provider or through a contracting-out

circumstance in terms of dealing with Human Services, children's services in particular.

Again, taking a sober second look at why we should refer this bill to committee, this is a perfect example that we learned through the triangulation between the Privacy Commissioner, through our researchers, and through reflection and debate here right now as we speak. I see no reason why we can't take a sober step back to referring this bill to committee. It's, again, as I said before, a substantive bill that is very much similar to the Education Act and other sort of landmark bills that change the way we deliver services. I really do think, Mr. Speaker, that this is not unreasonable in the least.

We know that there's principle behind people making decisions and creating laws and bills, and we often draw back to ideology. What sort of vision do we have for our society? The application of those visions and ideology, bearing fruit in actual legislation, is what the purpose of this House is.

If we're not looking seriously at the root causes or building into legislation the root causes of child poverty and the root causes of the disruptions in our families that require intervention through social services, then we never really will make substantive change. If we don't look at a way by which to put money and a more reasonable sharing of resources, a modest sharing of resources, to the people of Alberta, then we will always exceed and multiply our rates of child poverty in this province. It doesn't matter how many billions of dollars pass through. If those billions of dollars don't hit the ground to look after the persons most in need, then those numbers of children living in poverty, having to be dealt with through social services, interventions, foster care, crime, school dropout rates, and all the other, will never change. They will only increase.

**8:50**

It's the disparity of wealth in this province that has to be addressed, and we can address it through legislation. We can address it through something like Bill 25, on page 3, in the children's charter. The children's charter made some direct address to equality and social justice. If it spoke about building an edifice that would include the fact that no child should live in poverty and be wanting for food and shelter and clothing and education, then that would build a substantive charter that could anchor Bill 25 and actually address the issues that we see before us today in regard to child poverty.

It was fine and dandy to run on the elimination of child poverty in this province but only if you address it with the money that is required to make a more equal and just society. If you don't do that, then you are being worse than dishonest; you are contributing to the problem. You can write bills that are 72 pages long, or you can write bills that are 5,072 pages long. Nothing will change until we address the root cause of this issue, which is an inequality of wealth.

Thank you.

**The Deputy Speaker:** Standing Order 29(2)(a). The hon. Minister of Human Services.

**Mr. Hancock:** Thank you, Mr. Speaker. I just want to ask the hon. member why it is that he and his colleagues and, it appears, the critic who spoke from the Alberta Liberal caucus always seem to think that nothing is being done unless the budget is being increased significantly? Why do they not understand that sometimes you've got resources invested and that redeploying those resources in a more appropriate way can also achieve results?

I mean, I seem to always be running up against this thing: we're doing nothing because there's not more money being poured in. Sometimes you need to have the frameworks in place. Sometimes you need to have good, solid policies in place. You don't always need to pour money in the top to get results out the bottom. That's one of the things that needs to be understood in this process, that there's a significant amount of investment in social policy in this province. One of the questions we ought to ask is: are we getting the results out of that that we should be getting?

**Mr. Eggen:** Absolutely. I certainly do not preclude the importance of building a framework by which you can ensure that efficiencies are to be had and that people can speak to each other in a reasonable way so that these different ministries can work together in a more constructive way. But there's no way, Mr. Speaker, that those things can be achieved – right? – without having the adequate funds available by which each of the services can do their job, execute their job, and reach down to that same root cause that I described previously.

You cannot bring someone out of poverty, which is the root of so many of the issues that we're talking about – lack of school completion rate, nutrition issues, crime, broken families, and so forth – without the money that is lacking. That's how we define what poverty is. Poverty is the absence of adequate money in order to raise a family and to raise a child here in this province. We know that those numbers aren't going down. They are only going up. And they're going up despite the increase in our economy, the increase in our population, and our position as the wealthiest place producing the healthiest GDP in Canada. Until we address those discrepancies – we cannot feed or clothe or look after people in poverty with words. We have to ensure that those words are backed up by the substance of the money that we have available in this province to ensure that our children are looked after.

We're not talking about something that we probably don't all have some belief in. It's not as though we are butting heads against some ideological forces that would preclude us from looking after people. Sometimes I think we need to just give our heads a shake and look for practical solutions. You can't create something from nothing, nor can you raise a child and a family out of poverty without the very thing that's missing. By definition, poverty is a lack of money available to those people. We're not talking about millions. We're not talking about reaching into the pockets and stealing something from somebody else. We're looking at the resources, the things that we have available to us now to have a reasonable, modest opportunity to raise a family and the security and the health and the peace of mind that comes with those things, right?

We don't disagree. I know we don't. We share a similar first name, and we share a similar job. The minister and I probably feel in our hearts, you know, that we know what's to be done. I'm just pointing out something here that is, I think, the first principle that we should strive to achieve here in the Legislature in the fullness of time through this notice of amendment to refer it to committee and to build something that is complete.

Respectfully, that's my reaction to that. Thank you.

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

The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thank you very much, Mr. Speaker.

**The Deputy Speaker:** On 29(2)(a).

**Mr. Mason:** Yes, on 29(2)(a), just a brief comment. Poverty is defined as not enough money to meet the basic needs that a person

needs in life. It is strictly about the amount of money that's available. And I cannot understand how this minister can ask people to come out of poverty without changing their financial circumstances, without ensuring that they actually have more money.

Those kinds of questions, those kinds of rhetorical rejoinders about throwing money at it, are simply ridiculous in this case. If people have two-thirds of the amount of money that they need, then it's important that you make up the other third. That takes money, Mr. Speaker. It happens to be the one problem that you can solve with money.

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

If there are no other speakers, I'll invite the Member for Calgary-Shaw to close debate.

**Mr. Wilson:** Well, thank you, Mr. Speaker, and thank you to the hon. members who have all spoken in support of this. I think that we have touched on a number of reasons why it makes sense for this to be referred to committee. I think there is a lot of fruitful discussion that could happen, and at the end of the day it's only going to strengthen this bill.

I do appreciate the minister standing up and engaging with the reasons why he doesn't feel it's necessary. I do accept that he has put some time into this and that he feels strongly that the bill is where it needs to be. I don't necessarily feel the same level of comfort with him admitting there could be errors, there could be mistakes, there could be omissions, and we can just come back and fix it. I think that with something that is this important, Mr. Speaker, we should get it right the first time.

**The Deputy Speaker:** Hon. member, my mistake. I believe you've spoken already.

We'll call the question, then, on amendment RA1.

[The voice vote indicated that the motion on amendment RA1 lost]

[Several members rose calling for a division. The division bell was rung at 8:58 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Anglin	Hale	Saskiw
Bikman	Kang	Smith
Bilous	Mason	Swann
Eggen	Notley	Wilson
Fox		

**9:10**

Against the motion:

Allen	Griffiths	Luan
Amery	Hancock	McIver
Bhullar	Hughes	Olesen
Brown	Jansen	Olson
Cao	Jeneroux	Quadri
Cusanelli	Johnson, L.	Quest
DeLong	Kennedy-Glans	Rodney
Dorward	Khan	Sarich
Fawcett	Klimchuk	Starke
Fenske	Lemke	Xiao
Fraser		

Totals:	For – 13	Against – 31
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[Motion on amendment to second reading of Bill 25 lost]

**The Deputy Speaker:** Back to the bill. I'll recognize the next speaker, the Member for Edmonton-Beverly-Clareview.

**Mr. Bilous:** Well, thank you very much, Mr. Speaker. You know, I take very seriously my responsibility to speak to such a comprehensive – well, comprehensive is probably not the right term – such a heavy piece of legislation that's going to affect so many Albertans. I'll launch right into it.

You know, first and foremost, Mr. Speaker, is the question surrounding definitions. I think the choice of diction that is used and the intentional and unintentional consequences of language are, as you know, extremely important and do affect and have effects that are often more far reaching than we initially think. It's for that reason and several others that it is our responsibility to ensure that we choose our wording very carefully, especially when we're drafting legislation, and consider it very methodically and put a significant amount of thought into our intentions.

I'll begin by talking about, again, Mr. Speaker, the definition of child intervention workers. Now, you know, I can appreciate the minister's intention of giving more, as the minister has said, responsibility or authority to child intervention workers. My issue is on that definition. Now, within that category there are folks who are included like social workers, who, again, are licensed, who have a governing body. They have standards. There's certification and criteria that must be met before an individual has the designation of social worker. Yet with the child intervention worker, the terms that are used in this bill are not defined, and that is cause for concern.

As well, Mr. Speaker, it appears that this bill is downloading certain responsibilities onto front-line staff. I think that, you know, most members of the House would agree that there is a reason why some positions have more responsibility, maybe are compensated more than others. It's because they do have more responsibility, more authority. What's interesting is that what was the director's responsibility as far as statutory authority for children in care has now been passed on to front-line workers. Now, although the minister may argue that this means we can expedite a process, whether it's signing waivers or whichever else – and that may have a good intention – we need to look at the possible ramifications that aren't as positive or that are negative by doing this.

Again, it leads me back to my first point, Mr. Speaker, where, you know, if we're giving statutory authority to individuals who may not have the education, the experience, the certification, or the judgment to make such decisions, that's something of grave concern. I mean, when we're talking about, especially, removing children from a home or placing them in care or placing them with a family, that has implications that will go for the whole life of the child and have far-reaching consequences. I mean, the lives that are going to be affected by the changes in this legislation are significant, are monumental, actually. I think it's for those reasons that we as responsible Members of this Legislative Assembly need to take the time to significantly contemplate and evaluate what effects this is going to have. You know, that's one of the first reasons why I have concerns with this.

Next, Mr. Speaker, we're talking about restructuring the entire system. From conversations I've had and my caucus colleagues have had with front-line workers, I'm not sure that's necessarily the route that we need to go. Again, you know, the restructuring that's being proposed in this is riddled with certain problems. The Premier herself talked about contracting out more services, whether it's to private, for-profit agencies or to volunteer organizations, and the challenge with downloading these responsibilities onto these entities is that we're downloading liability or taking it

and putting it into the hands of those individuals who may not have the same – whether we're talking about codes of conduct or we're talking about the same set of ethical standards that they must adhere to. So that's an issue in itself.

I mean, one solution that I'm not sure the minister has contemplated is just looking at our reporting mechanisms within the department and ensuring that the communication that should be happening is happening as opposed to suddenly changing responsibilities, shifting them, downloading them onto folks who maybe shouldn't have those responsibilities or the ability to make certain decisions, who don't have the same qualifications or standards that are acceptable.

Mr. Speaker, another issue is information that is going to be shared. As my caucus colleagues have raised, the fact that the Privacy Commissioner already has listed several issues and concerns that she has with this bill speaks volumes, especially in light of the fact that this bill has only been made public in the last 25 hours. The concern is, again, as the Member for Edmonton-Strathcona so eloquently stated, that there's information that's going to be shared between agencies.

At the onset it sounds like it's a pretty good thing that there's information that's going to be shared. However, when there's information not only about a child in care but about their parents or foster parents that is going to be shared with other organizations, they may not have the same standards. We're sharing it with other service providers, and the concern here is not so much in that term but in the definition of a service provider. Again, my colleagues went through and outlined the different definitions of service provider. It could be anything from a department, an educational body, a police service, or an organization that provides programs or services.

Now, I'm not going to question the intentions of organizations or service providers in the work that they're trying to do. The challenge, Mr. Speaker, is that we do have privacy laws in this province to protect individuals and families and especially children and the most vulnerable. This bill really calls into question those laws and raises grave concerns over who will have access to what information and how it'll be used. Again, you know, the concern isn't with the 9 out of 10 organizations that even if they're given sensitive information will do the right thing and ensure that it's not shared or passed on or taken advantage of.

9:20

The concern, Mr. Speaker, is that we have a duty in this House to ensure that Albertans are protected and that they are not placed in a position of jeopardy or in a position where they could be in jeopardy, and this bill does that. I mean, that on its own is reason enough for the members of this Assembly to send this bill back, to vote it down. Let's write it correctly the first time as opposed to passing legislation which could have far-reaching implications. Let's see here. I mean, I'll come back to this, but passing this bill I think is dangerous and irresponsible.

I want to talk a little bit, Mr. Speaker, about downloading responsibility onto front-line workers. Again, you know, many front-line workers, especially social workers, those folks who work with Alberta's most vulnerable, have ridiculous caseloads. Many of them are overworked and are trying to do the best job that they can. By suddenly thrusting them into a position where they're having to make certain decisions, where they are on the front line – I mean, this is again a reason that there are positions like directors, where they're not dealing with and working with the day to day, where their head is down, and they're working hard. They have the ability to sit back and take in the larger



picture and to weigh their decisions a little more closely and with a little more time.

I'm concerned that there are some workers who because of their caseload, because of their workload, because of the demands that their jobs place on them – that there may be hastily made decisions. Again, when we're talking about deciding whether or not to remove a child from a home, there are innumerable consequences that will come with that decision and will affect a child for the rest of their life.

Mr. Speaker, as you're probably aware, when I taught for six years, I taught at an inner-city school and worked with some of the most vulnerable young people in the province, and I can tell you that many of them had experienced this system. Many of them had been moved from house to house, had been pulled in or out. You know, it makes me just wonder how many of those young people who have experienced the system, now in their 20s, have been consulted on this bill and if they've been talked to as far as the decisions that were made on their behalf, possibly with the best of intentions, but that doesn't negate the fact that some of those decisions might have been incorrect decisions. I'm sure that they would very much love to give their input and feedback on legislation that is going to affect many young people, some of whom come from similar positions and backgrounds.

I'll move on, Mr. Speaker, to the children's charter. Gosh. That sounds wonderful. A children's charter. I'd love to be enthusiastic and to get behind it. However, the first time I went through this bill, I flipped the page after I read the five points in the children's charter, thinking: okay; let's get into this. Then I realized that was it. It was more than a little disappointing. As has been raised by other members in this House, a charter should be and needs to be meaningful and have some substance to it as opposed to some great values and high-level ideologies. This sounds wonderful. What does it do? Is it enforceable? How does this apply to young people? How is this going to ensure their livelihoods and that decisions being made on their behalf are not just wishful or hopeful but that they actually have measurable outcomes or targets and standards to ensure that we are doing what's in the best interest of Alberta's children and youth?

When I look at this charter, there's a lot of fluff and not a lot of content going on here. You know, I can appreciate the minister's thought that the charter will be banged out at a later time. However – I'm sorry – if it's in this bill and it's going to be legislated, let's bang out these details right now. It should be in here. In fact, it's unfortunate that our previous motion was defeated because that would have given an opportunity to define and to clearly articulate this charter, Mr. Speaker.

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

Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Strathcona.

**Ms Notley:** Yes. The Member for Edmonton-Beverley-Clareview had not actually finished his comments about the charter and a specific comment that he was about to make. I just wanted to hear the very end about, specifically, how he thinks we can improve the language around the charter and how that would make this bill, were it amended, much more effective.

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

**Mr. Bilous:** Thank you, Mr. Speaker, and I thank the hon. Member for Edmonton-Strathcona. It's with great pleasure. I mean, you know, I think it's important for members of the opposition to make comments on things that we feel the government has done well and things that we feel haven't been

done well and then to put forward our suggestions in the form of amendments or speak to what should be included.

So it's my pleasure to go back to the issue of the charter. You know, I would love to see in this charter some achievable targets. Let's talk about things like housing. Let's talk about ensuring that children are in safe housing, that there is an adequate amount of housing versus the number of children in this province that are still living in poverty. Let's talk about ensuring that every child has food in their belly and that they are well nourished. This charter, in my opinion, Mr. Speaker, should have tangible targets or actionable items that we will ensure happen to make sure that children are protected.

You know, it's with frustration, Mr. Speaker, that I hear the Premier talk about her commitment to end child poverty, yet we look at the actions. You know the expression: actions speak louder than words. I look at whether this province has moved forward significantly in ending child poverty in this province, and we are a far cry from that. As my colleagues have stated, in a province as wealthy as ours it is quite shameful. I believe the statistic is that around 70,000 children in this province are living in poverty. When we're putting forward legislation, especially legislation that says "children first," we should be addressing these issues. I mean, words are lovely, but you're not going to fill a belly with empty rhetoric or hot air. So I'd like to see the charter be a lot more specific.

The other thing I find interesting, Mr. Speaker, is under the children's charter, subsection (3). The government is passing or would like to pass a piece of legislation that gives the minister some far-reaching powers that I find a little bit concerning, where the minister may from time to time, which is completely ambiguous, amend or repeal or replace the children's charter. Now, on the one hand, because this one doesn't actually have anything of substance, well, then, maybe that's a positive, but at the same time the fact that the charter can be interchanged is a little disconcerting. Like I said, I think it's important that hard targets, actionables are included in this charter.

You know, the other thing that I touched on a little earlier, Mr. Speaker, is again looking at the service provider. What are the qualifications for service providers? What is the training afforded? What is the standard? What body is overseeing a service provider?

**9:30**

The issue that I have, Mr. Speaker, is that, again, if we've got some workers who maybe aren't certified or aren't held up to a certain code and they are of the opinion that either disclosing information to other service providers or removing a child from a home is the best action or idea or solution to a problem, that's problematic. I mean, we need to ensure that workers are supported, but again decisions that could be made in the moment under a high amount of stress when a person is emotional are dangerous.

**The Deputy Speaker:** On the bill, the hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Well, thank you very much, Mr. Speaker. I wasn't actually going to speak at this point, but if there are no other speakers, I will do that. I am prepared to speak to it nevertheless.

I want to take up where my hon. colleague left off, on the children's charter. You know, I don't think there's anything wrong in principle with a children's charter, but I do agree with my colleague from Edmonton-Beverly-Clareview that vague principles are not going to overcome the financial barriers that children have if their parents aren't able to provide them with the

basics of life. It doesn't really address it except in the most indirect and vague way, open to the greatest possible interpretation.

Of course children should be "treated with dignity and respect," but what does that mean, and who interprets that? What does it mean in practice? We don't know.

The "familial, cultural, social and religious heritage is to be recognized and respected." That's good, too.

"That the needs of children are a central focus in the design and delivery of programs and services affecting children": well, they could be designed that way. The programs could be designed that way so that the needs of children are a central focus, but then the government could still cut the funding, as it has done, so what does that really mean, Mr. Speaker?

"Prevention and early intervention are fundamental." We agree with that, too.

It is a good principle and one we agree with that "individuals, families, communities and governments have a shared responsibility for the well-being, safety, security, education and health of children." I'm actually pleasantly surprised that that statement is present here given the dogmatic assertions of many members on both the Official Opposition side and the government side that parental rights are the only thing that counts with respect to children. But the point is that it's just words, Mr. Speaker. It's high-sounding principles, and those principles have not been backed up by action on the part of this government.

This government, of course, talked about ending child poverty in five years in this province in the election. A lot of people liked that. A lot of people voted for them because the Premier said that in the campaign, but then the very first Speech from the Throne omitted all reference to eliminating child poverty. It wasn't even in the Speech from the Throne. It should have been Bill 1, Mr. Speaker, but it was ignored. Then we saw the budget, and there are millions of dollars of cuts to children who are most at risk across a range of programs.

Now, the minister says that only the NDP thinks that you can solve a problem by throwing money at it. Well, Mr. Speaker, we don't believe that you can solve most problems by throwing money at them. That's actually been the practice of this government. Whenever they run into trouble, they've had lots of royalty money to throw at it, and it hasn't produced the results that they claimed it would.

But this is one issue where money does make a difference. If you're going to raise people out of poverty, you have to put more money in their pocket. Now, how can you do that if you are withdrawing as a funder for programs for those children and those families? Who's going to step up, Mr. Speaker? Private companies? I don't know. Can you make it into a business so that they can make money giving money away to poor people? Are underfunded private agencies or not-for-profit agencies going to be able to do it? Are they expecting the municipalities to do it? How is the government planning to resolve the question of children's poverty? We don't know, and the charter doesn't even address it.

It could be strengthened if we had some clear language and clear goals and some clear requirements that have to be there. Now, I know that the charter hasn't been written yet, but these are the principles that it's supposed to include, and I sincerely doubt that when we do see the final charter, it's going to say that the government has a responsibility, legally enforceable in the courts, to make sure that no child lives in poverty in this province. It won't say that, not from this government, Mr. Speaker. It's going to be more words, but it's going to be following this particular set of principles. It will just be more principles, and we know that the

government doesn't stick to them, that it would rather keep taxes low for corporations, maintain the flat tax, maintain some of the lowest royalties in the world than actually fix child poverty.

I wanted to talk a little bit about some of the problems with this act. It provides statutory authority for children in care to child intervention workers. Now, other of my colleagues have talked about the child intervention worker, which is not defined – it's not a profession; it doesn't have standards – as being anybody that calls himself a child intervention worker. It shouldn't be here. It shouldn't be in the act. A completely undefined profession, a completely undefined position in the delivery of programs to children should not be included in an act and should not be given any authority. Only those people who are professionally trained and accountable for their professional behaviour, in our view, should be specified in an act and given authority in an act of this Legislature.

I see this as very closely related to the decision to download responsibility for children's services to underfunded community organizations, including profitable organizations, corporations, companies, and so forth. It is a delegation, it is a downloading, it is an off-loading of responsibility for children. That's what the act is really about, Mr. Speaker, and that's why we take such exception to it. It's part of the social policy framework, that reduces the priority of providing social services for those in need in our society. It reduces it by saying: "It's no longer government's responsibility. We'll toss it down to the community, and we'll let them sort it out. By the way, we're going to cut the funding while we're at it, and we're going to end child poverty in five years." Good luck with that.

The same thing is happening here. Skilled, qualified, caring, compassionate, professional staff are going to be replaced with anyone that a not-for-profit organization wants to call a child intervention worker. So it is, again, a devaluation of the work and the priority that this government gives to children and children's services.

**9:40**

Now, we said earlier that Bill 25 was a clear response to a particular case in which the ruling was made by Justice Jean Côté, and we think it's a clear response to that 2009 case. It's a restructuring of the entire system. Now front-line staff will have the statutory authority that was formerly vested in the most senior officials. It means that front-line staff, not necessarily qualified, professional staff but front-line staff, will be held responsible for everything even though many decisions are made by more senior people in the department and the front-line staff have no power to access the necessary funds to deal with the cases in front of them. The government is transferring their statutory authority and their responsibility for child protection away from the director to any front-line service provider.

The Premier talked about contracting out more services, and there's certainly lots of potential for that in this bill. There's potential for the government to contract out to for-profit agencies the responsibility for custodial decisions and thereby contract out their own liability, Mr. Speaker. The definition of child intervention workers in section 9(62) does nothing to prevent that, but it's clear that a complete restructuring of the system is not needed. What we think is needed are clear reporting mechanisms within the department.

Secondly, Mr. Speaker, the bill makes it much easier to share information between service providers, which raises immense concerns about privacy, and this issue has been raised by the Privacy Commissioner. First of all, how does the bill define a

service provider? On page 2, section 1, the new Children First Act defines service provider as follows:

- (g) “service provider” means
  - (i) a department;
  - (ii) an educational body as defined in the Freedom of Information and Protection of Privacy Act;
  - (iii) a police service as defined in the Police Act;
  - (iv) an organization as defined in section 1(1)(i) of the Personal Information Protection Act that provides programs or services for children.

If we look at that, we see that under the Personal Information Protection Act

- (i) “organization” includes
  - (i) a corporation,
  - (ii) an unincorporated association,
  - (iii) a trade union . . .
  - (iv) a partnership as defined in the Partnership Act, and
  - (v) an individual acting in a commercial capacity.

So they’re commercializing child poverty, Mr. Speaker. They’re commercializing the care of children and the services that are currently provided by the government.

In short, Mr. Speaker, this bill will permit government agencies not only to share information amongst themselves but the children’s personal information with corporations and individuals acting in a commercial capacity. This is the provision that opens the door to privatization in the child intervention system, exactly what the Premier promised to do when she said that she would review all government services to see which ones can be privatized. Clearly, she thinks that corporations can be allowed to make money off the most vulnerable kids.

In addition, the Privacy Commissioner has stated that she’s very concerned about the privacy implications of Bill 25, and she goes on to say that

Bill 25 erodes individuals’ ability to control what happens to their own personal and health information by broadening the ability to share information without consent. The ability to say yes or no to the sharing of one’s own information is, fundamentally, what privacy laws are intended to provide – control.

Under Bill 25

individuals will not necessarily know what information has been collected about them, by whom, or for what specific purpose. This is contrary to fundamental privacy principles of transparency, openness and accountability, and reduces individuals’ ability to exercise their rights to complain or ask for a review under existing privacy laws.

In effect, Mr. Speaker, what the Privacy Commissioner is saying is that this secretive PC government has introduced legislation that undermines transparency, openness, and accountability.

This is, again, the Privacy Commissioner.

Bill 25 may authorize information sharing with non-profit organizations that are, for the most part, not regulated by privacy legislation and not subject to any independent privacy oversight body.

Bill 25 provides legislative authority for sharing information “for the purposes of enabling or planning for the provision of services or benefits.” This is a very broad purpose that could include any number of activities undertaken by a service provider.

Finally, she says that

Bill 25 authorizes information sharing that in many ways is already permissible under existing . . . privacy laws. The Freedom of Information and Protection of Privacy (FOIP) Act, the Health Information Act (HIA) and the Personal Information Protection Act (PIPA) allow disclosures with the consent of the individual the information is about, or without consent in certain circumstances.

Mr. Speaker, the commissioner has recommended that “Bill 25 should, at the very least, be amended to include: mandatory requirements for privacy impact assessments; a duty to record disclosures . . .”

**The Deputy Speaker:** Standing Order 29(2)(a) is available for questions or comments. The hon. Member for Edmonton-Strathcona.

**Ms Notley:** Yes. I do believe that the member had been making some comments about what he believes the commissioner was putting forward as some proposed changes that would be helpful and would improve this legislation. I’m wondering if he could continue talking to us because I’m curious about his view on what those proposed changes were and whether they would be advisable.

**Mr. Mason:** I thank the hon. member for that question. The commissioner recommends that

Bill 25 should, at the very least, be amended to include: mandatory requirements for privacy impact assessments; a duty to record disclosures, including disclosures via information systems; and a duty to report privacy breaches to the Commissioner’s Office.

That’s what she says.

I want to just conclude, though, Mr. Speaker, and say that there are some basic flaws in this piece of legislation, privacy being one of them, but the degradation, the lowering of priorities of children’s services in this province by dispersing it among not-for-profit and for-profit organizations that don’t have the capacity to deal with it as well as reducing the standards in terms of staffing to an undefined group of front-line service providers and giving them authority for things but without the resources to do the job that they need to are all fatal flaws, in our view, in this piece of legislation.

A children’s charter could be something that would be valuable and useful, but it needs to be really concrete and very specific, and it needs to address real economic issues affecting children. It’s not good enough to have high-sounding principles about how we value children and value their rights to education and so on. We need to have clear and very positive language in a children’s charter that requires government to make sure that child poverty does come to an end. That’s what we think should happen. That’s what voters thought that the government was going to do, but it’s something that needs to be done.

I think we should all reject this bill as it currently stands. We should fix it before we pass it. We’ve seen too many examples of what the minister is saying: let’s pass it; it could be wrong, but we’ll fix it. That’s a very irresponsible approach to take to legislation, Mr. Speaker. Look at Bill 50. Look at what they did with Bill 19. Look at what they did with Bill 36 and what they did with Bill 50. They made a total mess, passed rotten legislation, and then had to go back and fix it. That’s not what Albertans expect of their government. They expect a government that gets it right the first time at least most of the time. But now the minister is saying: “No. That’s our standard way of operating. We’ll pass flawed legislation. If it doesn’t work, we’ll change it.” Not good enough, in my view.

Thank you.

**The Deputy Speaker:** Hon. Government House Leader, did you want to respond under 29(2)(a) as well?

**Mr. Hancock:** Yes. Mr. Speaker, I want to make sure that it’s clear on the record . . .

**Mr. Mason:** He can respond?

**The Deputy Speaker:** Well, he can ask a question. My apologies, hon. member. Question or comment.

**Mr. Hancock:** First of all, Mr. Speaker, I appreciate the opportunity because it is supposed to be a question-or-comment period. It's not supposed to be monopolized by one person talking for five minutes if more people have indicated that they want to speak. We do need to actually enforce that.

The other piece I want to make perfectly clear, that the hon. member should know, is that, first of all, the provision for a children's charter in here is not the children's charter itself, and developing a children's charter or the process of developing a children's charter in itself is a very important process involving Albertans in developing that children's charter. So to suggest that this is not comprehensive enough when the whole process about developing a children's charter is to make it a comprehensive charter is really quite misleading in terms of a reading of the process.

9:50

More importantly, I want to make clear for the record that I did not say that one should pass flawed legislation and fix it later. What I said in response to a comment that was made by Cardston-Taber-Warner is that nothing is ever perfect and that one should never assume it's perfect. One should always be prepared to assess what they do and learn from it, learn from their experiences and do better. That's a far cry from saying that we should start with flawed stuff and fix it later. That's not what I said, and I want to make it clear on the record that it's not what I said because this hon. member is very fond of misinterpreting what I say.

**Mr. Mason:** Can I respond?

**The Deputy Speaker:** Well, somebody has to ask you a question, hon. member.

**Mr. Mason:** I heard a question.

**The Deputy Speaker:** I didn't hear a question, but go ahead, hon. member.

**Mr. Mason:** Thank you very much. I think it's worth while . . .

**The Deputy Speaker:** Thank you, hon. member. That time has expired.

Are there other speakers at this time?

Seeing none, I'll give the minister the chance to close second reading. The hon. Minister of Human Services.

**Mr. Hancock:** Thank you, Mr. Speaker. I would like to have the opportunity not to prolong the debate on this but to say thank you. With all the rhetoric that was happening, there were actually some very wonderful contributions to the discussion, and I thank members for doing that. I mean, we do get carried away sometimes. I, quite frankly, get emotional about this myself. What we need to do in this House is have good debates on good public policy issues.

What we need to do in this House, in my view, is ensure that we take the time to read the legislation and to understand it and respond to it. That does take time. I actually want to apologize that there isn't more time sometimes to introduce a bill and let it sit there long enough for people to actually go out and consult. Most of the time as House Leader that's what I have encouraged, that we get the legislation on the agenda early, we then go off and do the budget, and then when we come back, people have had lots of time to get it out there. But that's not always the case.

This is, I think, important legislation to deal with now. I'm surprised at the speed with which some of the legislation has happened and how quickly we've come to this. Nonetheless, we are where we are. It's important to put everything into a context. This legislation is legislation that people have asked for but not specifically. They didn't say: I want a children first act. Quite frankly, I was surprised when we got to call it the Children First Act, but I'm pleased with that.

What we did over the last 18 months is that we've talked with people inside the department and outside the department. Yes, we have talked with social workers and others in the department about what we could do to make the job better so that they could use their innovation, use their talents, use their abilities at the coal face, so to speak, to actually get the job done. Yes, we need bureaucracy, and yes, we need rules, but we shouldn't design it so that that bureaucracy and those rules get in the way of the outcomes we want to achieve. Rather, enhancing the ability to get to those outcomes: that's what we're striving for. That's what we want to build.

There were a number of comments in second reading about a child intervention worker. Somehow there was a suggestion that just anybody would be designated as a child intervention worker. Well, that's not the case. There's clearly a provision in the act, which the hon. member has obviously read, that they got to because they quoted some of the sections about the ability to designate somebody as a child intervention worker and regulation-making authority that's outlined in regulation of what might constitute a child intervention worker. Obviously, you want to have well-qualified people making these types of decisions. Obviously, you want to do that. Can you write it all in legislation? No, you can't write it all in legislation.

Legislation is very prescriptive, it's very unyielding, it's very unchanging, and it doesn't actually react to the things that you need to do on an ongoing basis when you're dealing with complex issues and people. You can't write rules for every situation that families have or people have. You can't do that. That makes it impossible. What we've built up over time – and I'm not just talking about this government; I'm talking about governments generally. We've built up bureaucracies.

Bureaucracy is not a dirty word. Bureaucracy is a description of what you try to do for equitable access to public resources. How do you make sure that people are treated equitably? You build up structures to do that, but sometimes the structures get overbuilt. Then you put in accountability structures on top of that because you want to be publicly accountable, and you want to be accountable for the public dollar. Then people start adhering to the accountability structures, then the bureaucracy, and pretty soon nothing gets done. Sometimes you have to go back and sweep that away and say: what we actually want to do is achieve the outcomes, and what we actually want to do is empower well-qualified people to make appropriate decisions at appropriate times to achieve those outcomes.

Yes, government has to be accountable. We're not going to delegate that authority willy-nilly. We're going to delegate that authority to people who are qualified to make those decisions, who are reasonably well trained to make those decisions, who have experience in those decisions, and who are working with other well-qualified people in the area. Obviously, that's going to have to happen. There's no way government is just going to pick somebody off the street and say: you do it, and we'll be accountable for your actions. That would be absurd. That's the type of interpretation that the hon. Member for Edmonton-Highlands-Norwood and his colleague from Edmonton-Strathcona would want to put out. Well, that's just an absurdity.

With respect to the privacy issues there are fundamental disagreements sometimes about how much we keep private and how much we share, but one thing should be perfectly clear. There's nothing in this act which is going to allow some unqualified person who has no association with it and is not accountable – in fact, there's nothing in this act which says that it supersedes FOIP. The FOIP Act actually has a provision that says that it's paramount to every other statute. So there's nothing that takes this out of FOIP. Nothing. They're still bound by FOIP.

We're talking about professionals who understand their obligations sharing information with each other with respect to helping a child. That's what we're talking about. Do we want to make sure that in every one of those situations where they're sitting down in a meeting and sharing information, the child has a privacy assessment? With respect, I'd disagree with the Privacy Commissioner on that. That would be more bureaucracy and more rules and binding more things together, which won't work. So I'll have to have a respectful disagreement on that particular point. What we want to do is not throw people's personal information out into the street or put it on the Net. What we want to have are professionals, working together in the best interests of children, being able to share the information that they need to share so that they can protect children who are at risk, so they can assist children and families who are going through difficult times and do it in an appropriate way. That's a very important objective. That's what this act is about. That's what this act will accomplish. Yes, there's a lot more work to do.

I keep hearing from people: you aren't taking any action. Then when you take some action, when you deal with issues that people are saying are the most important barriers to success in terms of them carrying out their jobs, they say: "Oh, you can't do that. You'd better wait." I'm sorry, which is it? Do we take action, or do we wait? I vote for taking action. I hope you will, and I'd ask you to support this in second reading.

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

[Several members rose calling for a division. The division bell was rung at 9:58 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Allen	Fraser	McIver
Amery	Griffiths	Olesen
Anglin	Hale	Olson
Bhullar	Hancock	Quadri
Bikman	Hughes	Quest
Brown	Jansen	Rodney
Cao	Jeneroux	Sarich
Cusanelli	Johnson, L.	Saskiw
DeLong	Kennedy-Glans	Smith
Dorward	Khan	Starke
Fawcett	Klimchuk	Wilson
Fenske	Lemke	Xiao
Fox	Luan	

**10:10**

Against the motion:

Bilous	Kang	Notley
Eggen	Mason	
Totals:	For – 38	Against – 5

[Motion carried; Bill 25 read a second time]

## Government Bills and Orders

### Third Reading

#### Bill 21

### Environmental Protection and Enhancement Amendment Act, 2013

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

**Ms Jansen:** Thank you very much, Mr. Speaker. It is indeed my pleasure to rise and move third reading of Bill 21, the Environmental Protection and Enhancement Amendment Act, 2013.

On behalf of my colleague the Minister of Environment and Sustainable Resource Development I would like to thank this House for the support shown for this bill and what it is designed to accomplish. Through second reading and Committee of the Whole we better examined what this act could achieve for Alberta. We discussed the importance of creating a funding mechanism between industry and government to support the joint Canada-Alberta implementation plan for oil sands monitoring. The funding arrangement will enable Alberta to collect, hold, and disburse funds and to continue to implement the joint plan. This funding mechanism is a perfect example of how government and industry can work together on a common goal, and that goal is to promote an open and transparent system for environmental monitoring. The funding proposal was put forward by the Canadian Association of Petroleum Producers and is fully supported by all of the players in the oil sands.

The goal of Environment and Sustainable Resource Development is also full integration of all hazardous waste management systems in the province. With this in mind Bill 21 will remove the requirement for personal identification numbers, or PINs, for hazardous waste management to support implementation of the regulatory enhancement project. The next step is passing Bill 21 so that we can establish a funding mechanism as we move forward on a provincial monitoring system and also fully integrate all hazardous waste management in the province.

Thank you, Mr. Speaker.

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

**Ms Smith:** Thank you, Mr. Speaker. Do you know how much time I have?

**The Deputy Speaker:** Ninety minutes.

**Ms Smith:** I do. Well, I was expecting that I was going to be called by my deputy House leader to speak to this around 5 o'clock this afternoon. Being that we've had a few more hours to work on it, I won't use my full 90 minutes, but my comments are going to be more voluminous than I had originally intended. Sorry to the members opposite, but you'll be happy to know that I am speaking in favour of Bill 21.

I will go through a couple of the reasons why I'm in support of Bill 21, the Environmental Protection and Enhancement Amendment Act, 2013. I congratulate the government on being able to work collaboratively with our federal counterparts. I've been watching with great interest as the federal Environment minister and the provincial Environment minister have rolled out joint initiatives over the course of the last year. I think this is a very positive step in the right direction. I think it does show that there is a real appetite on the part of both our federal and provincial counterparts to find ways to be able to improve not only

our environmental monitoring for the sake of that but also to improve our environmental performance for the sake of being able to make the case to our international partners in the United States, to our future international customers around the world that Alberta can develop its resources in a way that has less and less impact on the environment. The first step towards making that international case is, of course, having sound monitoring.

I reflect back on my own leadership campaign. When I decided to run for the Wildrose back in 2009, I had a number of different platform planks. Two of them were energy and environment and the nexus between the two. I have mentioned in this Chamber before that I have coauthored three studies on the environment. This is an area of particular interest for me. One study was on species at risk. Another one was when I was at the Canadian Federation of Independent Business, called ecoprosperty. I'll make mention of that one a little bit later. The other was environmental indicators for Canada and the United States. My very first foray into public policy was going at this very important task of looking at what the environmental indicators actually say and looking at our progress, measuring that progress, and seeing how much incredible progress North America and Canada in particular have made on a number of different measures since the first Earth Day, back in the 1970s.

One of the things that you will notice as well with our party in the supporters that we have had and the members who are represented here today is that we have a large number of landowners who support our party. The reason for that is because we recognize and I think landowners as well recognize that landowners have been the original environmentalists, the original stewards of the environment. The incredible amount of work that our landowners have done to be able to steward the resources not only benefits their business but also benefits the environment, increases biodiversity, ensures that we've got sound management practices for not only land but also air and water. I think that you will find that that is an ethic that runs through all Albertans from the north to the south and certainly nowhere more strongly than in our landowner community.

I would say that many of the issues that we have faced over the last number of years, the friction that we've had between our landowner community and our energy industry, have centred around an absence of monitoring or insufficient monitoring. Establishing baseline measures for a whole range of factors, whether it's water quality measures, air quality measures, land-use measures, species at risk measures, is vitally important, I think, to being able to continue to have a very positive working relationship between those who are developing our energy resources and those who are most impacted by it, the surface users and our landowners. I think this is an incredibly important step in the right direction, and I'm looking forward to seeing how it develops.

I was also very interested in reading through the *Hansard* debate on the amendments put forward by my colleague from Rimbeay-Rocky Mountain House-Sundre. I was interested to see how that debate unfolded. I would say that I am convinced by the environment minister's arguments on one of the issues that was raised, about whether or not this should have been narrowed to be more specifically on oil sands or whether there was some advantage in having it more broad so that the act gives the authority to the government to establish monitoring on a whole range of environmental indicators.

I have to say that I am persuaded that it is more broad and that that is a good idea because I think that even though oil sands really is the area where we have our most acute challenges in communicating to the world the progress that we're making on the environmental front, the success that we will make in monitoring

oil sands can also lead to success more broadly across all indicators all over Alberta.

I'm glad that there is this greater latitude to be able to bring in monitoring programs not just for the oil sands but also more broadly, and I'll explain a little bit why I feel that way. First of all, I do think that in the oil sands area we have significant opportunities for improvements, significant opportunities to make incredible progress and to develop incredible new technologies that will allow us to be able to develop the resources that have less impact on those three: water, air, and land. As those technologies are developed, they'll be able to not only assist in cleaning up the environment in the rest of the province but also become export technologies for the world. That is something that Alberta is well known for.

Again, it all goes back to being able to monitor. Once you've established the baseline, you can start developing methods to be able to reduce the level of pollutants and impact on the environment and make incredible progress. We've already seen what is happening with our oil sands companies and the work that they're doing collaboratively to be able to eliminate tailings ponds. I think that they will have a breakthrough, and we'll be able to see in very short order how we will be able to eliminate tailings ponds and, in doing so, use that technology for broader environmental cleanup, especially in the area of oil spills, which, as we know, is an increasing issue for us internationally in getting our pipelines approved.

I think as well, on the issue of air quality emissions, that as we start doing more emissions monitoring and more ambient air quality monitoring, we're going to be able to use the progress there to be able to establish new measures and new technologies elsewhere.

Then, of course, the fact that we're going to be able to have less and less impact on the land: we're already seeing that with SAGD operations. These large mining operations have been an incredible source of prosperity for Alberta, but I think we do recognize that moving to different, less invasive, and smaller-footprint development projects also offers us an opportunity to demonstrate to the world that we're developing the resource in a way that has less impact on the environment.

I think that being able to do all of that monitoring up in the oil sands is fantastic. It offers us significant opportunities to be able to make that case to the world. But the reason why I think it's very important for us to make sure that we're taking a very broad approach – and I encourage the minister to be as broad as possible in establishing these programs – is because we have to recognize and be honest about how difficult it is going to be to reduce our oil sands greenhouse gas emissions as we're looking at increasing our oil sands output by double over the next 20 years or so. I think that if you just narrowly focus and just try to continue to have energy intensity targets on oil sands that are unrealistic, we'll never be able to make the case to the world that we're actually going to be able to reduce our overall emissions targets.

#### 10:20

I've talked to a number of people who are invested in oil sands, and part of the problem that we face in being able to reduce our greenhouse gas emissions, especially in the area where we have mining, is that as they start mining out further and further, they are having to use more and more trucks. One of the operations that I spoke with is now using twice as many trucks to be able to mine the product and take it to the upgrader so that it can be upgraded and transported to market. It just stands to reason that as these large mining operations end up getting more established, they are actually going to be more energy intensive because of the transportation vehicles that they need to use.

We're also seeing this in the issue of SAGD. As SAGD continues to develop, we're going to see more and more natural gas used to be able to create the steam. The fact of the matter is that in developing these resources, we are going to be using more hydrocarbon fuels, and as a result we are going to see an increase in greenhouse gases. The way we're going to be able to demonstrate to the world that we're going to make meaningful progress on this is if we see displacement technologies in other areas. This is why my colleague from Rimbey-Rocky Mountain House-Sundre has talked so much about how we have opportunity on greening the grid on electricity. It's related.

If we can start moving to other sources of fuel for electricity, whether it's clean coal, whether it's natural gas, whether it's hydroelectricity, that is where we end up with the really genuine offsets for what we know will be the increase in greenhouse gas emissions in the oil sands. I hope that we are able to create through this monitoring program that holistic approach so that we can acknowledge to the world that, yes, we're increasing over here, but look at how much we're dramatically decreasing over here. I think we have a huge, huge opportunity with the potential development of hydroelectric power not only as a source of new, clean, and green power to be able to offset the retiring coal plants but also as a potential replacement for some of that natural gas in Fort McMurray.

I would hope that by doing this monitoring, doing it in a broad base and expanding out what we expect of our industry working collaboratively to achieve as collective goals for Alberta, we will be able to make the case to the international community that we are a responsible producer of energy. We know in this Chamber that we are a responsible producer of energy, and it's just a matter of having the data to be able to support the progress that we're making.

I think that this kind of approach could shift the discussion in Canada and, more importantly, shift the discussion in the United States. I think we also know, looking down at our American friends, that they do want to achieve certain greenhouse gas emissions goals, but if we can get them thinking along the same lines holistically rather than just zeroing in on the one source of greenhouse gas emissions in one province in one industry, as they have been doing, then I think we'll have great success in being able to say that we can achieve our goals together.

We can see an increase in oil sands development, we can be a partner in providing energy security for North America, but we can also achieve a collective reduction in greenhouse gas emissions. The Americans have the same challenge that we do of greening the grid, particularly in retiring some of those heavy-polluting coal-fired electricity plants. They've already made some progress in that, but I think that by taking a holistic approach to monitoring, we will be able to help change the public attitudes in the United States that will help us get pipelines approved, and it will certainly help us open new markets.

Shifting to Europe, I think that our environmental monitoring will have a huge impact on shifting the discussion with our potential European customers in the future. I would say that in looking at some of the efforts of the government over the past number of years, I think that what I've observed the government to do is that they often take measures designed to be able to get media as opposed to get results. With ad campaigns, especially since they've been done in sort of a haphazard way as opposed to an ongoing education campaign, the \$2 billion that was initially set aside for carbon capture and storage – I think we've already seen the failure of that approach, with two of the proponents backing out, saying that they can't make money at it. The \$15-per-tonne carbon levy is, I think, also going in the wrong direction. I'll

talk a little bit more about that because I know my colleague from Rimbey-Rocky Mountain House-Sundre proposed what I thought was an excellent amendment last night. Hopefully, it's something that will be of further discussion between he and the environment minister as we go forward.

Again, getting back to this issue of proper monitoring and establishing proper baselines to show reductions and improvement, I want to talk about some of the really important opportunities that I think Alberta has to be able to shift debate in this regard. When I worked at the Fraser Institute, my boss there, Mike Walker, used to have a phrase. He said: if it matters, measure it. But the most important thing is that you have to be measuring the right things.

One of the problems that we face in Europe is that the OECD does an annual assessment of environmental indicators, but there are a lot of problems with the data. In some cases they're measuring the wrong things, or they're measuring in the wrong way. I'll just give a few examples to explain how I think Alberta, with its new monitoring program, especially broadly defined, could begin to add new data to the mix that might be able to help change the debate in Europe.

For instance, in the OECD measures they do a measure of forestry. The measure that they use, about whether or not a country is overharvesting their environment or underharvesting their environment, is a measure of the amount of cubic feet harvested per capita. Now, per capita measures don't work when you're measuring something like that. On that measure Canada is 27th on the list of 29. Iceland is first on the list. Well, the problem is that Iceland has no trees, so of course they're not going to have a very low mark when it comes to how many trees they're harvesting. A better measure would be: how much harvest is there per hectare of forest that you have? If Canada was measured on that, a meaningful indicator, we would actually go up to sixth on the list, from 27th out of 29.

There are another couple of examples; for instance, fertilizer. If you try to measure fertilizer per capita, as they do in the OECD environmental indicators, Canada is, once again, 25 on a list of 29. Who's number 1? Switzerland. Switzerland has 1 per cent of Canada's cropland. They don't produce a lot of crops, and that's the reason why, when you measure on a per capita measure, Switzerland ends up at the top of the list and we end up down.

What if we measured fertilizer per hectare? Well, then Canada would go up to third, and Switzerland would go all the way down to number 18. The same thing with pesticides. If you actually put it on a proper measure – how much pesticide are you using per hectare? – rather than being 22nd on the list, Canada would be all the way up at fourth place.

But the biggest opportunity is the per capita measures on energy usage. Right now Canada is 27th out of 29 on that measure. Turkey, Mexico, and Portugal are right up at the top. But none of the measures that the OECD uses look at climate, look at geography, look at the existing resource space, look at whether you're an import economy or an export economy, look at what your existing population is. By using this new approach that we have for monitoring, for establishing baselines, for establishing new indicators, I believe that we could change the debate in Europe right now away from looking at what I observe to be flawed measures of environmental indicators that skew against Canada's performance and skew in favour of countries who are part of Europe. I think that Canada and Alberta in particular have a huge opportunity to change the debate. I think that this bill, that dedicates so much money to monitoring, can really lead the way.

I want to just revert back to the report that I worked on when I was at the Fraser Institute, Environmental Indicators for Canada

and the United States. There are a couple of things that I would observe, coming closer to home, about what I found when we were going through that. Again, this was back in 1995-96. What we found at the time was that the data was not great, particularly for water quality monitoring. There were very, very few stations that were set up in rivers across the entire country, let alone in individual provinces, that monitored ambient levels of different pollutants in the water. This, I think, is a good opportunity for Alberta to be able to establish something far more comprehensive, and I think it is one of the areas where we still end up with difficulty being able to get good data.

The other major success story that we found in looking at the data – again, I'm looking at 2012 because they're still doing their air quality update. The national air pollution surveillance database already monitors the ambient air levels of NO<sub>x</sub>, SO<sub>2</sub>, carbon monoxide, volatile organic compounds, particulate matter, and we have had incredible progress over the last 35 years in reducing all of those ambient levels of air pollutants.

The Fraser Institute did give some recommendations about how we might be able to improve air quality monitoring even further even though we have already made great progress. It does seem in looking at the database that there are places where we have high levels of emissions but we don't have air quality monitoring stations. That would be one of the holes that I would think through this process we'd be able to fill, identifying areas where we do have emissions and making sure that we've got stations in place so that we can do a proper and more thorough level of monitoring.

**10:30**

The other thing that they pointed out is that the national air pollution surveillance database doesn't include certain other pollutants. Benzenes are not included, and there may be other things to consider adding just so that we can get a more comprehensive measure of what our true air quality is.

In summary, on the first point I think that it is very good that the act remains very broad. I think it's very good that the environment minister has the latitude to be able to establish a full spectrum of monitoring on air, on water, and on land. I'm really looking forward to watching how this develops. I'll be watching it with great interest.

The last area that I wanted to make reference to – and this goes to the point that my colleague from Rimbey-Rocky Mountain House-Sundre was raising last night – is the issue of the \$15 per tonne carbon levy that goes into a fund that is managed by the Climate Change and Emissions Management Corporation. I think that my colleague from Rimbey-Rocky Mountain House-Sundre says that this is not a levy-and-spend type of proposal; it's a levy-and-hoard type of proposal. We already see that the number of dollars that are growing in this fund has gone up to \$235 million that is just sitting there.

I have to say that in looking at the progress report of how the funds are being spent, I would have to question whether or not we're actually getting any value out of this. I think it served a PR purpose as opposed to a practical purpose, and I think that the numbers really do speak for themselves. It's quite interesting, as my colleague pointed out, that the levy brings in about \$51 million per year, maybe \$60 million this year, and \$50 million per year just happens to be the amount of money that the government is wanting to commit to doing this monitoring.

The problem with the approach that is being taken by this corporation is that in their two-year progress report they have given out 43 different grants to individual companies. As you know – we've said this many times before – we don't believe government is all that great at picking winners and losers. We

think that that should be done in the private market. But if you're looking at the measure of performance that this is judging by, to what extent is it actually achieving the government's objectives of reducing greenhouse gas emissions? I have to say that it's a pretty paltry performance record. Forty-three different projects. Two years in only two of them are complete, four of them are only 40 per cent complete, 10 of them are between 20 and 40 per cent complete, and the rest, which is well over half of them, have had virtually no progress being made on them.

Meanwhile, this corporation is trumpeting that they may reduce, if all things go according to plan over the next 10 years, eight megatonnes worth of greenhouse gas emissions. Well, our greenhouse gas emissions levels in 2011 were 242 megatonnes, and the federal government has committed Canada to reaching carbon emissions objectives of 18 per cent below 2005 levels by 2020. This approach is not going to get us there. It may have been a useful PR tool at the time it was put forward, but I think that now that we're a few years in, we're seeing that it's not generating what it should.

I think that my colleague from Rimbey-Rocky Mountain House-Sundre was absolutely right. We would get far better value by taking the fund dollars that exist there right now, \$235 million, and investing that in establishing the monitoring for air, land, water, not only for oil sands but throughout the province, and then being able to have this ongoing levy applied to future monitoring efforts. I think it would be a far better use of the dollars that are in that fund, a far better use of the dollars coming in from that levy.

What I would observe as the problem that we have in talking to our international partners, in talking to the international community, and in talking to our future international customers is that they're not interested in seeing political spin. They're not interested in seeing flashy proposals that don't actually accomplish anything. They're actually interested in seeing real progress, and the only way that we can show real progress is by establishing the benchmark, establishing the baseline, and then watching across all industries the kind of technological improvements that are going to see all of those different measures go in the right direction, which is improvement rather than getting worse.

The other thing I would say is that I know that the members from the NDP opposition party rejected the proposal that my colleague had put forward on the grounds that they believe that the polluter should pay. I think I'd just like to put another proposal, that comes from my own hometown, on the table about how the kind of approach from Member for Rimbey-Rocky Mountain House-Sundre could actually help small municipalities who are trying to do the right thing.

My hometown of High River annexed some land that included the local landfill. They thought: this is great; we'll be able to invest \$2 million in being able to recover this property. They thought they would be doing something good for the environment, and they thought that they would be doing something good for the community, that they'd turn it into parkland. Well, rather than actually getting accolades for doing that, they're being punished by the province because the province has now said: "Well, now that you own this and now that you've recovered it, we want you to do ambient air quality monitoring for methane at a cost of \$150,000 per year in perpetuity. We don't really know when that's actually going to come to an end. This is the first year that we're doing it."

I have to tell you that they do feel like they are being punished for having done the right thing, whereas if we had this kind of fund set up that would be looking at how we would monitor methane as a greenhouse gas at a variety of different sites, this is



exactly the kind of thing that High River would be able to apply to to have that air quality monitoring take place, and then they would be rewarded for having taken the right steps in recovering this landfill.

I put that forward as the potential that I see for taking the kind of approach that my colleague had proposed. I think that this would not only benefit my hometown, but I think that there's probably a number of other projects that would be able to apply for these funds so that we can make sure that we have the very best air quality monitoring so that we get the very best results.

The last thing I would say is just on one of the other studies that I coauthored when I was at the CFIB. It was on ecoprosperty. We were measuring the attitudes of small- and medium-sized enterprises and their attitude towards the environment and towards the economy. The thing that I found so heartening and so wonderful is where most small- and medium-sized business owners sat on this issue of where the balance is.

Now, you will always find a certain percentage of folks who say that the economy can be sacrificed because there is no measure that goes too far when the environment is concerned, and you'll have people on the other side that will say that as long as we're making progress on the economy, then there's some sacrifice that happens with the environment. Fortunately, both of those extreme positions are not represented in very large numbers. The vast, vast majority of people – in our study it was 87 per cent of the small- and medium-business owners surveyed – said that we have to have a balance.

We can have a healthy economy and we can have a healthy environment. If you do not make sure that you have a healthy economy, you don't have the dollars generated to be able to invest in the environmental technologies that will allow you to continue to improve, and if you don't have a healthy environment, you don't have an environment in which your business can thrive. I think most Canadians, most Albertans understand that there's an important balance.

I think that the measures that are going to be taken in this act to be able to do the monitoring will let a lot of Albertans be at ease. We're doing really well on a great many indicators of environmental performance. I think the opportunity that we have is to be able to demonstrate just how good a job we are doing compared to our neighbours in other provinces, our neighbours in other energy-rich jurisdictions, and certainly our international customers and partners. To me this is just an absolute opportunity, and I'm glad that the government is going to take advantage of that.

I think if they took the recommendation of my colleague from Rimbey-Rocky Mountain House-Sundre, we would be able to increase the monitoring quickly and get to those goals faster. I hope the government still does consider taking that under advisement, but I certainly will be supporting this bill and voting in favour of it, and I urge others to do as well.

Thank you, Mr. Speaker.

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

The hon. Member for Strathmore-Brooks.

**Mr. Hale:** Thank you, Mr. Speaker. I'm glad to rise here today to discuss Bill 21, the Environmental Protection and Enhancement Amendment Act, 2013. I'm cautiously happy to see this government bring this bill forward as it appears to deal with legitimate environmental and industry concerns. Additionally, the bill will help Alberta obtain and maintain the social licence that is essential to continue to develop Alberta's natural resources and to achieve greater economic prosperity. Obtaining this social licence and enhancing the image of the development of our natural

resources across the world have to be serious priorities for this government.

10:40

Environmental issues are paramount in the international public debate on the development of fossil fuels and the oil sands. Continuing to improve our environmental record will be a key part of gaining access to new markets and expanding Alberta's economy. We must recognize that improving our environmental record will not be done by one bill. This is a common goal we in this Legislature should share and work together towards.

With that said, I do believe this bill is a step in the right direction. The Wildrose Official Opposition recognizes that the government must play an important role in improving our environmental record and has put forward some environmental ideas I think the government and legislation like this should take seriously. I think it's important to mention that while improving and maintaining our social licence to develop our energy industry is vital, we must not forget that there is nothing more important to individuals than the quality of the air they and their loved ones breathe every second of every day. It is imperative that our province's economic reliance on the production, use, refinement, and sale of hydrocarbons never undermines the right of Albertans to breathe clean air.

This is why the Wildrose opposition has long advocated for a clean air strategy. Such a strategy could achieve a reduction in pollution and carbon emissions, which would help enhance our image. In order to do this, we must increase the use of clean-coal technology, natural gas, and hydroelectricity generation and move away from heavy carbon emitting coal generation. This would be measurably more efficient in improving our environmental record and reducing greenhouse gases and pollutants that directly affect the health of Albertans – mercury, lead, and other particulate matter – than the government's current strategy of spending billions on carbon capture and storage.

Put simply, improving our air monitoring is the kind of direction Wildrose endorses for meaningful improvements to our environment, so I do support this bill but not without some concerns. It's important to recognize that industry wants to do the right thing. Alberta's resource companies have been at the leading edge of technological development to improve the environmental impact of industry. Since 1990 oil production related emissions have been reduced by almost 40 per cent per barrel, and the technology is only getting better. Industry has not only been improving the technology they use; they've also said that they want to earn that social licence to continue to grow our natural resource industry in an environmentally friendly way.

There are some misconceptions out there that industry doesn't care – for instance, among some of the ill-informed, anti-Alberta, and anti-industry environmentalists, the sort of people this PC government has given film grants to – but these criticisms are not at all accurate. Industry wants to do the right thing and contribute to the economy while ensuring that the environment is safeguarded for future generations and future economic opportunities. Bill 21 provides a window to the future in that it's facilitating economic development in oil sands and helping to ensure that our air is clean, as Albertans expect and deserve.

However, I do have a concern with this bill, and that's relating to the powers the minister is giving himself. This seems to be a refrain every time the government puts forward a bill. The bill seems too broad in who it applies to and in the powers it gives the minister to compel participants to pay. Now, the minister and sponsor insist that this legislation is just going to make the oil

sands monitoring program possible. As to compelling participants to pay, they'll say that the industry has volunteered to pay for this.

Well, first, let's look at the bill as it concerns the oil sands industry. Industry has agreed to pay up to \$50 million for three years, but this bill has no cap on the potential cost to industry, so it could cause uncertainty and put economic competitiveness in jeopardy.

The concerns I have go beyond the fact that it's signing the oil sands companies to a blank cheque. It's the fact that nowhere in this bill does the word "oil sands" appear. Instead, it says that the minister has the power to create any monitoring program for any group and decide without limit how much they have to pay for the monitoring. This appears to be a case where one industry has agreed to pay up to a certain amount for a limited time to set up a monitoring program, but the minister has turned that into the power to make any industry pay for any additional monitoring outside what anyone has agreed is necessary. It again raises questions about this government and whether this is an example of another tax grab that is going to erode the Alberta advantage.

Oil sands players have agreed to the necessity of monitoring to obtain and maintain their social licence. The question now is: now that it has the power to determine the bills to be paid, is this government going to turn this into a punitive tax that can harm the industry and our economy?

The other, bigger question is: who's next? Livestock operations for water monitoring? Coal for air monitoring? These might seem reasonable on their face, but usually the government's role is to set limits and enforce them and set fines for those who violate limits. The oil sands case is one where industry has volunteered to pay for the government's monitoring. That's not the norm. The way this bill is drawn, it looks like the government is trying to make it the norm, and I'm concerned that no other industry seems to know what's being pushed through here. I certainly hope not, but the broadly worded language here could be interpreted that way.

I hope this government can recognize the very serious concerns at play here. We saw what happened with royalties when a centralized government doesn't listen to industry. Some clarity is needed on the government's intentions with Bill 21.

Bill 21 also aims to protect civil servants from actions for damages while enforcing the act. This makes sense. Civil servants working to protect the environment should receive protection from legal liability in carrying out their duties.

Other aspects of the bill are easier to interpret and can be supported. The changes to the hazardous materials law shift authority over hazardous materials so the oil and gas sector only has to deal with a single regulator. The environment department and industry are doing a good job for the most part, but transferring responsibility to the new energy regulator fits the mandate of the new regulator and will hopefully help streamline this aspect of industrial development. We will be watching, however, to ensure that the regulator is adequately regulating the transportation of hazardous materials for those who are exempt from the department of environment's regulations.

Mr. Speaker, in conclusion, I can offer reluctant support for Bill 21 as written. Overall it's an improvement, but the broad language and enhanced ministerial powers are a concern for me as I worry that they may erode the competitiveness of not only the oil sands industry but any other industry in Alberta that the government decides to turn its sights on with a lot less consultation than we see with the oil sands monitoring program.

Mr. Speaker, at this point I would like to adjourn debate.

[Motion to adjourn debate carried]

## Government Bills and Orders

### Second Reading

(continued)

#### Bill 24

#### Statutes Amendment Act, 2013

[Adjourned debate May 7: Mr. Hancock]

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

**Mr. Fox:** Thank you, Mr. Speaker. It's with great pleasure that I rise today to speak to Bill 24, the Statutes Amendment Act. Bill 24 comes in direct response to a ruling that caused immediate issues to arise for managed property bare-land condominiums. This is a complex issue that needs some explanation in this Legislature.

Bare-land condominiums are bare-land units which are created when a condominium plan is registered to subdivide the piece of land on which there is no building. The registration of bare-land condominium plans creates a corporation as well as unit titles. There may or may not be common property, depending on the configuration of the plan and access. Common property, if any, will typically be streets or roadways allowing access to each unit. Managed property means such part or parts of the unit that, by its bylaws, the condominium corporation is to administer, control, manage, maintain, and repair as it would the common property, being improvement to the lands within the boundaries of the units, including the exterior of any buildings, structures, driveways, walkways, lawns, landscapes, and such other parts of the units to be managed, maintained, and repaired by the condominium corporation as provided by its bylaws.

The October judgment has now made it illegal for all bare-land condominium boards in Alberta to precollect funds for managed property improvements or maintenance, meaning that such repairs or maintenance will have to be paid on a pay-as-you-go system. The method being used to deal with the managed properties prior to this judgment was to create a reserve fund, contributed to by condo fees, intended for the long-term plan of maintenance of the property.

This essentially puts the bare-land condo associations back to the pre-2000 method of levying costly and unexpected special assessments on owners rather than using a reserve fund. This decision has created an untenable situation, and virtually every bare-land condo in the province is faced with the same dilemma: a reserve fund that is unusable for the purposes for which it was devised; funds locked in with no equitable way for distribution back to those who created it; also, a situation where a special assessment will be levied against the condo owners each and every time a repair, upgrade, or maintenance is needed. No predictability. No sustainability.

#### 10:50

This issue has affected thousands of Alberta condo owners and has tied up millions of dollars of Albertans' funds. Back in March I stood in question period to raise the need for resolution of this issue before the Legislature. I'm happy to say that the Minister of Service Alberta has heard this need and, in discussion with different parties, including myself and other opposition members, has brought forward a solution to fix the issue, which is in need of an immediate fix.

The October ruling was troubling for many bare-land condo boards and owners and had a great impact on the activities of these managed property bare-land condo corporations. Since the ruling it has been hard to measure the chaos, confusion, disrupt-

tion, and expense that has been endured by bare-land condo owners. In many cases scheduled maintenance and repairs were cancelled or postponed, which has had the potential of impacting property values if left undone for any length of time. I believe that delaying this legislation would never be found to be acceptable.

With this simple piece of legislation prodded out of the government by an extremely effective opposition, we are correcting a flaw in the condominium act that had placed managed property bare-land condominium boards and management companies in an extremely awkward and vulnerable position. I received an e-mail that highlights exactly why I've been advocating for this change to the condo legislation.

Dear [Member for Lacombe-Ponoka],

After living in various homes around Bermuda and Canada since I started out, we made the decision to move to a condo community, a fifty plus community to be exact, made up of a combination of 34 villas in nine clusters, and 138 apartment units in 3 apartment buildings. We also have an amenity building.

Recently we have been made aware of the situation involving "Bare Land Condominiums". Needless to say we are a little more than concerned at this revelation. When we moved to our present address in 1998, it was our first encounter with a condo situation. We love it, in spite of some quirky people we have come to know.

But what is to be done? It would seem that when the province set up the condo by-laws, they had not seen the unintended consequences when they assembled this over-riding legislation. Personally. As I live in a villa, I am not too interested in being left holding the bag over a conflict that I was never party to. The system we have lived with for the past almost 15 years, has worked very well. There was and always will be a bit of apartment/villa rivalry where one faction sees an advantage that is not real. We have a few people in our complex like that.

Even so, when the facts were looked at, by both sides, and when we set up our own by-laws, we worked around some of the areas that were deemed to be unequal.

What we need from the government is to come to the party, put together a fix that will leave a situation we have all lived with for however many years, intact. We [will] need to go back to that, as a system to live by. Before I retired, I lived as much as possible with the term, KISS System. "Keep it Simple [dot, dot, dot]." I'm sure you have heard it before. It works every time, avoids unnecessary bureaucracy, and usually keeps everyone happy.

The letter is signed Ross.

I am in support of this bill, Mr. Speaker. It keeps it simple. It addresses the issues that I brought before the Legislature. It's retrospective and allows access to funds that condo corporations had precollected prior to this ruling and allows new managed property developments and maintenance going forward.

I would like to quote an Alberta condo owner, Mervin Lee, author of another of the litany of letters I received on this issue. Mr. Lee states: "I trust you will do everything in your power to push this legislation forward as soon as possible to rectify this absurd situation."

Mr. Speaker, although there are many other issues within the condominium act that need to be addressed and resolved and the minister is working on it in consultation with many groups and with the opposition parties, I ask all of the members of this Legislature to support this bill.

It came to my attention that a message was heard by Albertans that opposition was holding up the introduction of this legislation in the Chamber. Well, folks, in this province it is upon the government to introduce government legislation. Although we did

have to wait for the government to bring this bill forward, I have done everything in my power to see that this change for bare-land condos is made quickly to the condominium act. It is my hope that this much-needed legislation will see timely passage.

Please, hon. members, vote in favour of this bill for Alberta's bare-land condo owners.

**The Deputy Speaker:** Thank you.

Standing Order 29(2)(a) is available.

Seeing none, the hon. Member for Calgary-McCall.

**Mr. Kang:** Thank you, Mr. Speaker. I'm also rising in favour of Bill 24, Statutes Amendment Act, sponsored by the Member for Calgary-Greenway. I almost said Montrose. Old habits die hard.

As we all know, there was a court case that found that the condo boards do not have the ability to collect and hence use any funds for the purpose of repairing or replacing anything on the property. This amendment will allow for the monies collected to be spent on appropriate expenses to repair and replace.

It also goes through the Emblems of Alberta Act, the Perpetuities Act, the Surveys Act, and portfolio names.

I'm going to support this, first, because it will protect all the condo owners' investment in their condos. If this doesn't pass, perhaps repairs to the buildings could be put off as there will not be any funds for the repair. On the rationale, condo dwellers will live co-operatively with each other with regard to the common space for their common interest, as it appears, and there needs to be a mechanism to allow for the collection of funds to operate. This amendment will allow that.

This also goes to fix the Emblems of Alberta Act. Currently the entirety of the coat of arms is protected, but portions of it are not. This amendment will designate the ARMS, the shield proper, as an emblem and, therefore, protect it.

Under the Perpetuities Act this amendment will also treat mineral leases differently than the other perpetuities agreements by removing the limitations that the landowners would experience after the lease has been around for 40 years. The landowners will basically not lose the rights that they would normally have over their property.

This also will amend the Surveys Act. The director may become less accountable to the Assembly as they would not necessarily be employed by the minister.

Then the portfolio names. This will also clean up a bunch of acts so that the references are to the correct ministers and departments.

I think this is a good bill overall and will go a long way to addressing the problems that condo owners face. For those reasons, Mr. Speaker, I think I will be supporting this bill, and I congratulate the minister for bringing this bill forward. I hope everybody supports it and we pass it.

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

Standing Order 29(2)(a) is available.

Seeing none, are there other speakers? The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Bilous:** Thank you very much, Mr. Speaker. It's my honour to rise and speak to Bill 24, the Statutes Amendment Act. You know, a couple of things to outline. I think the government here is breaking precedent with past procedures or at least what they've done as far as tradition goes, where a miscellaneous statutes bill is normally introduced only after each amendment included in the bill has been informally approved by all parties. It's quite unfortunate that not all parties have agreed to everything that's included in this act. I've had several conversations with the

Minister of Service Alberta, so I'll get into some details as far as what I was looking to see and what the expectations of the Alberta NDP were.

Regardless, first and foremost, the changes to the bare-land condominium. I've had the opportunity to speak with quite a few different condominium owners, especially folks in bare-land condos, where, as you know, Mr. Speaker, there's very little common property. There are certain promises that are made by the condo corporation that it's going to be maintained. I should back up here. Funds collected would be held in a reserve, as they are in most condominiums, and then those could be used to improve or upgrade common property. Now, what makes bare-land condominiums unique is that there isn't a great deal of that common – in traditional condominiums people own the interiors, and the rest of the grounds are common property whereas in bare-land condos there is very little common property.

**11:00**

It wasn't until a decision was made where – basically the condo boards could no longer access those funds, so there have been, you know, quite a few bare-land condos within the city and province-wide who unfortunately cannot build up a reserve of funds to address issues when they arise. Because of that, Mr. Speaker, some of these condominium boards have a significant amount of capital that's tied up and that's inaccessible. When they need dollars for large improvements, it's unfortunate that they can't collect for them.

This part of the bill, you know, Mr. Speaker, is very reasonable. Again, there are many condo boards and members that I've spoken with who feel that this is pressing, that this should be dealt with. I do commend the Minister of Service Alberta for wanting to move on this quickly. However, the challenge is that this isn't a tiny piece in this amendment act, in this bill. It's quite significant. Because of that reason, Mr. Speaker, my caucus and myself requested and felt that this warrants its own piece of legislation. This warrants its own bill. This isn't just a tiny, friendly amendment. This is going to impact thousands of Albertans and should be put through the proper process and proper course through the Legislature.

There are other aspects of this bill talking about amendments and perpetuities and surveys. The issue here is that this isn't a short and sweet housekeeping act or piece of legislation or bill. Pardon me, Mr. Speaker, I'm starting to grasp at words here. [interjection] Fear not, my friends. My second, third, and fourth wind will come to me.

Needless to say, this is something that should be broken apart. It's not just, you know, a sweep it under the carpet or shoot it through as quick as possible. For that reason, it makes it extremely difficult to agree to pass this bill forward, and it's unfortunate, Mr. Speaker. I thought the parties were all in agreeance that this would be broken up into various bills just because it does require some more research and definitely more discussion. There are several pieces in here.

As I said, we're looking at the Surveys Act, the change there being that the director of the surveys will no longer be required to be a government employee, which again means, obviously, that the government is looking at contracting this out. That raises the question of: why are we trying to move this out of the government's purview and over to the private sector?

I think, as well, there are changes, as I said, to the Perpetuities Act. I'll just recap here that it will state very clearly that the possibilities of reverter and conditions subsequent section does not apply to mineral leases. Now, although members from the other

side will talk about how this is intended to clarify – you know, what's interesting, Mr. Speaker, is the existing act possibly provides a 40-year bar to landowners' rights to terminate a mineral lease. What's interesting about that is that after 40 years, provided payments are made, there may be no further right to reversionary interest in the leased property. That in itself, in my opinion, deserves some attention and further discussion.

For these reasons, Mr. Speaker, it makes it difficult to support this when really we should be debating and giving due process and due time to each of these elements of this bill.

With that, Mr. Speaker, thank you for the opportunity to rise and speak on this.

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

Standing Order 29(2)(a) is available.

Seeing none, I'll recognize the next speaker. The hon. Member for Strathmore-Brooks.

**Mr. Hale:** Thank you, Mr. Speaker. It's my pleasure tonight to rise and speak in favour of Bill 24, the Statutes Amendment Act, 2013. I particularly want to talk about section 3, that amends section 19 of the Perpetuities Act. I had the opportunity to meet with EnCana to discuss section 19. Some of the concerns that were brought up talked about qualified and absolute estates in that land and that qualified estates would have the potential to end if a specific event occurred or if certain conditions were not met. This would happen 40 years after the lease was signed if it was signed after July 1, 1973, so it is very important that we handle this legislation sooner than later as 40 years will be up July 1, 2013. Those are some concerns that were brought to me.

I had the opportunity to meet with the hon. Energy minister, and I think this is a good example of parties working together with industry. I've also contacted the Freehold Owners Association, and they're in support of this. It's nice to see parties and industry and mineral owners working together to ensure that the right thing is done because, you know, approximately 20 per cent of the mines and minerals in Alberta are owned by private persons. The current legislation would have an effect on them, so it's nice to see that we're looking after amending section 19 in the Perpetuities Act.

I'm just going to be short and brief and say that I'm supporting this bill, and hopefully all my other colleagues will as well.

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

Standing Order 29(2)(a)?

Are there other speakers? The hon. Member for Edmonton-Strathcona.

**Ms Notley:** Thank you, Mr. Speaker. I'm please to be able to rise to speak to Bill 24 in second reading. As others have indicated, this is a bill which includes provisions to address three issues, one with respect to the bare-land condominium issue, one with respect to the Perpetuities Act, and one with respect to the Surveys Act.

Now, as others have noted – and I would also like to add to that deliberation – this is an act which puts together three separate pieces. Generally speaking, the rule, Mr. Speaker, is that for each issue that the government is trying to address, they have a separate act. For that reason, each act gets the attention of the Legislature that is anticipated as a result of following our general rules of parliamentary procedure. It gives the opportunity for, you know, the level of discussion that those who have put into place those rules of parliamentary procedure have deemed to be reasonable within our democratic system. By putting three pieces together, of course, we cut that opportunity by two-thirds.

11:10

Now, often it will happen, however, that House leaders can all agree that, in fact, the three components are really housekeeping in nature and really don't require the Assembly to turn its attention to them in the way that the authors of our parliamentary system had anticipated and had, in their good judgment, believed to be the appropriate way to approach the issues. So in those cases you have a number of issues all addressed in one act.

In this case, of course, we the House leaders did not agree that these issues were all appropriate for a miscellaneous statutes amendment act. Indeed, I believe I will not be speaking out of turn to say that the Government House Leader also acknowledged that each of these elements probably weren't quite of a miscellaneous statutes nature. Instead what we did was that we just sort of created our own little mini-omnibus here. I guess my concern is that this is not a precedent that I would like to see adopted or utilized very frequently because it significantly limits the opportunity for debate.

I believe it was the House leader – but it may have been another representative of the government – that argued that, well, these three changes, although they are substantive and they are not merely housekeeping in nature, are limited to a very specific and small group of Albertans, so it makes sense to put them all into one bill. I'm not sure that that's really an accurate statement, Mr. Speaker. I think that the Condominium Property Act amendments have the potential to have a rather broad-ranging impact on a number of people, and I think that the number of people that they impact can grow every day. So I just don't know that that is a piece that should have been bundled together with these other items.

Now, that being said, there is no question that the consultations that we've done around the issue of the Condominium Property Act suggest, like all the other speakers that have risen thus far, that this set of changes is changes that pretty much everyone agrees are necessary and represent a responsible reaction to a judicial decision and are in the best interests of the people who they do impact. In this particular case, certainly, it's not something that we disagree with, and indeed we are pleased that this particular change is coming forward. As I said, the concern really is more just around what kind of precedent it sets for other issues in the way it's presented in the legislation.

In terms of the Emblems of Alberta Act, I guess the concern that I have there is, again, really in some ways more of a question. You know, it seems small in nature, but if we get ourselves into a position – and we don't know. What we're basically doing is giving to the government the ability to make regulations about other organizations above and beyond government who can bear the provincial shield or the emblem in their businesses or wherever. I'm a little concerned about what those regulations are going to say and who exactly it is that we're going to be giving the authority to to use that shield and whether that's a responsible use of it.

Of course, because we can't see the regulations, as is always the case with this government, we don't exactly know who it is that we're planning on expanding the permission to to use the emblem of Alberta. The Progressive Conservative Party? I don't know. Maybe. And if they get it, will the NDP, too? Don't know. Are we allowed to right now? Not sure. Again, because so much of it is being delegated to regulatory authority, we just don't know.

There's no question that if this is simply a case of putting into legislation what has already been in practice, then that's fine so that we're simply not penalizing those who have actually for many years been using the emblem with our quiet permission. I don't

know, but again I typically am not keen on seeing legislation change such that we say: well, we had this in legislation, but now we've decided to just give ourselves the authority to deal with it in cabinet meetings, behind closed doors. That certainly is a trend with this government.

The Perpetuities Act. I'm going to take everyone's word on it that this is what all the relevant stakeholders want and that there's nobody that doesn't want this. I have to say that when I see the word "perpetuities," I am immediately pushed back to very, very late nights in law school, much later than this, 4 o'clock in the morning, trying to memorize the rule against perpetuities. Although I can say the phrase "the rule against perpetuities," that's where it stops. I could not for the life of me tell you what that rule is anymore. That's really all I have to say about that. Certainly, I can't engage in a really thoughtful discussion about it because, really, I was able to do it for a brief period of time when I wrote the exam, and then it stopped. People here suggest that it is something that all stakeholders are in support of, and I'm going to take them at their word on that.

The issue with respect to the director of surveys: I am a little concerned about this no longer being an employee under the minister's administration. They will have to be a surveyor, but they are not an employee under the minister's administration. I am a little concerned about that. Surveying is an important task, and the Surveys Act and the context in which the director of surveys works are very important for a full range of issues that affect Albertans every day. I'm not exactly sure why we now need to contract that out as well. It seems to me to be very fundamental to the role of government. It always historically has been fundamental to the role of government. I worry about contracting out that particular task.

We've really had very little debate and very little explanation for why it is that we are being asked to agree to allow that role to be contracted out, presumably to the private sector. Again, with the context being the way it is here, where it's mashed together with a bunch of other changes, we're not entirely sure whether we've had enough of an opportunity to really get at what the government is trying to do with this change. I'm not convinced that we've gotten much of an explanation on that at this point. So we're a little concerned about that.

Section 22: we're talking just about change in name. After that, we have a whole series of changes to portfolio names. Now, that one is housekeeping. That one I could have definitely seen being properly within a miscellaneous statutes act, so we're not going to spend too much time about that.

Now, it looks like we've got the Minister of Transportation taking over some work from the Minister of Infrastructure around control and management of roads within improvement districts. I presume that that's as a result of also changing the roles and responsibilities within those ministries, as is the amendment to the Public Trustee Act.

11:20

So there are a number of changes here. We do not see any reason to be voting against this bill with respect to the substance here, with the exception of the concerns that I've raised around the Surveys Act. That's, of course, what's so frustrating because we're in this position where we know everybody wants the changes to the condominium act, so what we have to do now is decide: do we vote for that? We know that that's probably the most substantive part of this and that that's what people want, but in so doing, we're also supporting this privatization of the director of surveys role in Alberta, and we are also giving free rein to the

government to decide who gets to use the Alberta provincial shield.

Neither of those things are things that we would necessarily agree with without there being a little more justification from the government. Unfortunately, because of the way this bill has been cobbled together in this little mini-omnibus format, we're compelled to vote for those things in order to support the changes to the condominium act. That, of course, is why we suggested at the very outset that we did not want the condominium act changes mashed together with a whole bunch of other pieces of legislation.

That being said, that pretty much outlines our concerns and the issues, certainly, that I have with respect to this piece of legislation. Thank you, Mr. Speaker.

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

Standing Order 29(2)(a)?

Seeing none, the hon. Member for Edmonton-Calder.

**Mr. Eggen:** Well, thank you, Mr. Speaker. I rise to just make some brief comments in regard to Bill 24, the Statutes Amendment Act, 2013. I have a particular interest in the section that's dealing with condos and the amendment to the Condominium Property Act. Certainly, it's a useful change and revision to allow funds from a capital replacement fund to be able to be spent on repairs and to replace private property in a place that is a bare-land condo. If a condo corporation also is required by bylaw to repair and replace property, they may use the funds collected after the bylaw took effect to do so. Again, I find that to be particularly useful.

You know, I hope that this is a prelude to a more comprehensive set of protections that would ensure that there is a way to address maintenance but to also address deficiencies in condominiums where there is common property either in the actual physical structure or in the surrounding area of a condominium. We just see so many people buying condos with deficiencies in common property and/or drainage of the surrounding area and people left on the hook for those changes that have to be made to buildings and common property in condos. In a way, I took this to be pointing in a direction for further reform in regard to the Condominium Property Act.

I just have in my own constituency so many people that have been hung out to dry with deficient condominium construction and the surrounding landscaping of these places. Our ability to look at and revisit some of the laws that might protect condominium owners when they're purchasing these places and allow us to give more latitude and capacity to protect people against unscrupulous condominium developers I think is something that we would all benefit from both now and in the future.

I was listening briefly to my colleague make some comments in regard to this bill that we're looking at here now just in regard to this idea of pulling together so many different pieces into miscellaneous statutes amendments. You know, while I don't oppose that categorically, as was said before, the existence of the bare-land condominium changes in conjunction with some of these other miscellaneous changes I just find a little bit incongruous. It's more substantive, the part on the condominiums, than some of these other miscellaneous amendments.

I just would caution against the use of omnibus bills. We see bad trends towards omnibus bills both in the United States and in the federal government of Canada, where they're tagging all kinds of major changes together in one bill.

You know, I certainly do support the Condominium Property Act, for example, but am professing my ignorance on some of the other ones here until I look at them. For example, I just wasn't

even aware of section 4 of the Surveys Act. Sometimes we have a tendency to tuck away things that maybe are hidden from clear view in miscellaneous statutes, and I would just like to advise against that categorically if not specifically to this bill that we are talking about now, Bill 24.

You know, those are my brief comments on this. I just wanted to point out that certainly I do support the Condominium Property Act both in substance and as a direction that the government should take to protect the common property of condominium owners in general – I think they deserve our protection here under law – and my reservation about having it tagged to other miscellaneous statutes as it is here this evening.

With that, Mr. Speaker, I think I've exhausted my comments. Thank you.

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

Standing Order 29(2)(a) is available.

If there are no other speakers, I'll recognize the Minister of Service Alberta to close debate.

**Mr. Bhullar:** Thank you, Mr. Speaker. That was a very robust dialogue, some a little more entertaining than others.

Given the hour and given the fact that we need to bring relief to condominium owners, I would humbly request that we move forth and vote on this.

[Motion carried; Bill 24 read a second time]

## Government Bills and Orders

### Third Reading

#### Bill 21

#### Environmental Protection and Enhancement Amendment Act, 2013

(continued)

[Adjourned debate May 8: Mr. Hale]

**The Deputy Speaker:** Are there any speakers? The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, this bill is being dealt with without some of the amendments that might have been prepared, and that's unfortunate because I think that the government is not on the right track with this bill.

The people of Alberta, Mr. Speaker, are demanding and have been promised and deserve an arm's-length, independent, transparent, accountable, and scientifically credible environmental monitoring agency to oversee industrial development in the oil sands region. The government has been working on this project for two years, with various reports, committees, and working groups. Currently we have a board that is supposed to be working on the establishment of our new, quote, world-class, unquote, monitoring agency. Albertans are demanding a voice in the development of this new monitoring agency, and they deserve nothing less.

Once the management board has come forward with their recommendations, it should be incumbent upon the government to discuss the merits of the recommendations with the public before deciding on a course of action. This bill essentially starts the process for the new agency by stealth. It allows the minister to develop, quote, facts on the ground before the board has even had a chance to complete its work.

The bill allows the minister to take exclusive control of current monitoring programs and establish new ones, allowing her to

make regulations without limitation concerning their nature and scope. This could have ramifications for which toxins to study, the geographical location, and so on. It will control the funds that are directed to these organizations and the information they produce. The bill does nothing to change the current governance structure of these monitoring programs, meaning that all monitoring is still under the control and veto of the Minister of ESRD. There is nothing here resembling an arm's-length body or independence of any kind.

**11:30**

Through these new regulations the Minister of ESRD after consultation with the federal government will have the power to dictate how \$50 million will be spent on monitoring. That's what has been promised by industry and what this bill sets out to collect by way of mandatory regulations. We do not know how long it will take to establish the new arm's-length monitoring agency. The minister said that it could be up to eight months while committee members said that it could be up to five years.

In the meantime, Mr. Speaker, considerable amounts of money will be spent on the design and implementation of any number of current and new monitoring programs. Money will conceivably be spent on equipment, research, design, mapping, staff training, manuals, and policies. This will create a substantial amount of physical capital and institutional inertia destined for a direction that the minister has the opportunity to set behind closed doors and without any independent oversight in the near future. We don't think that's acceptable. This bill should be scrapped, and the government should redouble its efforts to establish the new independent monitoring agency.

With regard to the section on PINs, personal identification numbers, it should be noted that while the bill will conceivably reduce duplication of documentation when it comes to PINs for toxic materials, the devil will be in the details, Mr. Speaker. The government's change allows it to make regulations and exclude persons from those same regulations. There was no exclusion clause in the past. This is a significant increase in power for this government that we don't feel comfortable affording them.

Regarding the expansion of immunity for damages to all government contractors we need to also be cautious. Many of the contractors that would now be covered by this amendment would be working for the government one day and then working for the oil companies the next day. While there are codes of practice within legislation governing the professions that aim to stem unethical activities, these rules only have the power to revoke the licence of professionals. They cannot provide compensation to anyone who may sustain damages. This section should also be opposed on these grounds.

Mr. Speaker, I want to say that the government is taking far too long to do the right thing and establish an independent environmental monitoring agency. I think in this regard and in other regards as well they've lost the trust and confidence of Albertans. Now they're trying to establish what the facts on the ground are going to look like before the management board is even able to report on what it thinks our independent monitoring agency should look like let alone even setting it up. The government needs to scrap this bill, do the right thing, and meet its promise for a real, independent, accountable, scientifically credible monitoring agency.

It's clear that this government likes working behind closed doors with industry when it comes to the environment. When will this government do the right thing and conduct the extensive consultations that this process deserves with Albertans, with

environmental groups, with First Nations, and with scientists on what this monitoring agency will look like?

Mr. Speaker, I want to say that this particular piece of legislation falls far short of what we believe is necessary with respect to dealing with the oil sands environmental issues. We continue to believe that the government's failure to adequately deal with environmental issues in the oil sands has seriously hampered Alberta's ability to market the products of that industry and has given ammunition to environmental groups that would like to strangle the Alberta petroleum industry and the type of economy that we're trying to develop.

The government is struggling with projects like the Gateway pipeline or the Keystone pipeline largely in part because of its terrible record in the oil sands, something we've been talking about for years and warning the government about, that the biggest risk to future development of oil sands in this province comes from opposition internationally, which is fuelled by the government's dismal record.

When the Premier goes to Washington and New York and tries to tell the Americans that we're cutting edge, that we're doing the very best in the world and so on, you know, it just doesn't ring true, Mr. Speaker, because it isn't really true. The fact of the matter is that when it comes to emissions, downstream water effects, and tailings ponds, all of those issues, this government has not done its job of overseeing strict environmental regulation, including the question of water monitoring, which, as we know, has been a very, very sorry tale.

The government insisted that the company-established water monitoring system was actually providing accurate information and that everything was fine. Of course, leading scientists, including David Schindler, have completely refuted that position and have shown that what the government was supporting with its industry self-monitoring of water was giving meaningless results. And the promise the government has made to establish world-class water monitoring in the Fort McMurray area has still failed to come to pass.

Frankly, Mr. Speaker, it's time the government went away from these kinds of approaches, these half-baked, industry-driven approaches, and actually stepped up and put in place the very best possible system. I think that if that were done, we would be in a lot better position, but I'm not confident that this bill giving so much authority to the minister is going to do that because the record, quite frankly, is that the ministers in this government do their best to be apologists for the industry and do not stand up for environmental quality or for the impact of people downstream from the oil sands.

On that basis, Mr. Speaker, we will not be supporting this bill. It is a further attempt to institute half measures, and we have no confidence, were this bill to be passed, that a proper monitoring system would be put in place. That's the primary reason we urge all hon. members to reject this piece of legislation, send the government back to the drawing board, and have them come back with a proper, systematic, rigorous, and independent monitoring system with respect to pollution caused in the oil sands.

Thank you, Mr. Speaker.

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

Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Strathcona.

**Ms Notley:** Thank you. I just wanted to ask the member one question. This bill was referred to me in the briefing as enabling legislation as opposed to prescriptive legislation in that it's legislation that the ministry officials feel is the best because it

gives the maximum flexibility for the minister to make changes as she goes. That's why the officials were telling us why enabling legislation is always a better way to go than prescriptive legislation. I'm just wondering if the member, with his years of experience, has any opinions about what that means for the role of the Legislature in the policy that is being addressed through the enabling legislation in question.

11:40

**Mr. Mason:** Thanks very much, hon. member. Well, it's bad. It's very bad. I can say that without reservation. Mr. Speaker, when it comes to the dysfunctional nature of environmental regulation of the industry, I can tell you that this government is an enabler, so it's natural that enabling legislation might in fact be exactly what is needed in this regard. If you want to enable bad activities and dysfunctional environmental activities, then this is the way to go. But if you want really good, solid environmental protection, transparency, and independence, we need to start with something a little different.

Thank you.

**The Deputy Speaker:** Thank you.

Are there others?

I recognize the Member for Rimbey-Rocky Mountain House-Sundre.

**Mr. Anglin:** Thank you, Mr. Speaker. I rise to speak to Bill 21, the Environmental Protection and Enhancement Amendment Act, 2013, and I reluctantly offer my support for the bill as it appears to be part of an overall effort to obtain and maintain the social licence necessary to continue to develop the Alberta oil sands and to achieve greater economic prosperity.

Environmental issues remain at the forefront of the international public debate around the carbon-intensive development of fossil fuels. Continuing to improve our environmental record will be a key part of gaining access to new markets and expanding Alberta's economy. The rationale of Bill 21 seems to be aimed at accomplishing this as well as to resolve some of the problems with the environmental monitoring the way it is currently done.

Environmental issues are a joint responsibility between the provincial and the federal governments. The joint responsibility led to a bit of a turf war between the federal and provincial governments over environmental monitoring. The solution of the turf war was the creation of the joint Canada-Alberta implementation plan for oil sands monitoring. This created a monitoring system that measures changes to water and air quality as well as changes to biodiversity.

The amendments in Bill 21 create the legal framework for the Minister of Environment and Sustainable Resource Development to implement this. Bill 21 also gives the minister licence to implement any other environmental monitoring plan deemed necessary as well as to charge fees to industry participants for environmental monitoring activities.

Now, I said in the preface that I would offer reluctant support for the bill. As written, Bill 21 leaves many questions unanswered, and further clarity will be needed to ensure this bill meets its objectives and is effective rather than burdensome. This is the best way to ensure that industry can realistically abide by the plan, that it monitors environmental change, and that proper steps will be taken to remedy environmental performance measures when necessary.

One serious issue with Bill 21 is that it enables the minister to implement other monitoring programs, but it does not prescribe reasonable limits on that power, nor does it give any parameters

for what they can charge the industry. On the one hand, it is fiscally prudent to transfer these costs to industry as industry will be the long-term beneficiary of increased economic development with the securing of a social licence in the oil sands development. On the other hand, it could cause some uncertainty in industry if the minister of ESRD is permitted to raise these fees on a whim or if the minister imposes unnecessarily high fees on industry. The potential for a problematic fee structure is present in this bill, and that is unfortunate as this amending act could be the best place to address these future concerns right off the bat instead of waiting for the problems to occur and having to address them after they have already impeded economic development.

It's important to recognize that industry wants to do the right thing here. Industry has been saying that it wants to earn that social licence so it can continue to grow in an environmentally friendly way. There are some misconceptions out there that the industry doesn't care. However, industry wants to do the right thing and contribute to the economy while ensuring that the environment is safeguarded for future generations and future economic opportunities.

So Bill 21 provides a window to the future in that it is facilitating economic development in the oil sands and doing so with an eye on protecting the environment. Bill 21 could be a necessary link to ensuring economic and environmental sustainability, but there's a hole in the bill, and that's how much the minister is going to ask for and whether the minister will increase this amount and whether the minister will implement new programs and require industry to pay these costs, too.

There is no cap on the potential cost to industry, so it could cause uncertainty and put economic competitiveness in jeopardy. This is something to be aware of now so, should it emerge in the future, a quick and decisive action could be taken to mitigate any problems that could occur. Overall, it appears to be in line with this government's view that power should be centralized and the buck stops with the minister.

Will the minister cap the amount she expects industry to pay? Will it remain at the \$50 million current benchmark? Why has this bill been written so broadly that its intentions could be interpreted in a variety of ways? These are some of the very serious questions that remain.

This appears to be a case where industry has agreed to pay for monitoring, but the minister has interpreted that as a carte blanche power to make industry pay for additional monitoring outside what industry has agreed to. It raises questions on the integrity of this government. Whether this is an example of a bait and switch, we don't know, but industry has taken the bait, so to speak, in agreeing to the necessity of monitoring to obtain and maintain its social licence.

The question now is: is this government going to switch and turn this into a punitive tax that could harm the economy? Nobody would want to see that happen – I believe that – but the broadly worded language here could be interpreted in that way. I hope this government can recognize the very serious concerns at play here. Given that industry has been misled before once or twice with serious consequences to our economy, some clarity is needed with this government's intentions with Bill 21.

Other aspects of this bill are easier to interpret and can be easily supported. The changes to the hazardous material law shifts authority of hazardous materials so that the oil and gas sector only has to deal with the single regulator. Industry does a good job for the most part, but transferring responsibility to the new regulator fits the mandate of the new regulator and will hopefully help streamline the aspect of industrial development. However, there has to be caution that nothing falls between the cracks. This bill



opens that possibility and can make that reality, so that needs to be a concern for this government.

Bill 21 also aims to protect civil servants from actions from damages while enforcing the act. This makes sense. A civil servant working to protect the environment should receive protection from legal liability in carrying out their duties.

Mr. Speaker, in conclusion, I offer reluctant support for the bill as written. Overall, it's an improvement, but the broad language and enhanced ministerial powers are a concern for me, as they will undoubtedly be a concern for industry.

With that said, I'd like to add just a few closing words on results. This was brought forward when we talked about the whole reason for monitoring. As the Leader of the Official Opposition brought to this Assembly's attention – there's a weird sound coming out here somewhere.

**An Hon. Member:** It's your voice.

**Mr. Anglin:** Thank you very much.

**Mr. Mason:** It's the government starting to think.

**Mr. Anglin:** That's okay. That's not the weird sound I was talking about. I was talking about the weird sound coming from over there.

**The Deputy Speaker:** Hon. members, I don't know if it's a computer or something, but there is a high-pitched sound. It's gone now.

Proceed, hon. member.

**Mr. Anglin:** Thank you very much, Mr. Speaker. Some of us can hear the weird sounds. Others cannot.

Let's talk about the logic of what we're trying to do. The whole purpose of monitoring is to reduce things like nitrogen oxide, sulphur dioxide, mercury, particulate matter, arsenic, cadmium, lead. It goes on and on. We talk about CO<sub>2</sub> emissions. But what are we doing? Well, we're starting this program to actually monitor. We had an opportunity here recently where a coal-fired plant actually submitted its notice of termination. It did this. I brought this up in estimates, and what I wondered was why this government forced this company to invest \$190 million – that's what it's going to take – to rebuild generators that it issued a termination notice on and forced them to go back online, which may be at the end of this year, when they're due to be retired in only a couple more years away.

11:50

Now, when you look at the amount of pollution that comes out of a coal generator, when you look at the total greenhouse gasses that come out of that coal generator, you have ask yourself: if our goal is to reduce CO<sub>2</sub> emissions, if our goal is to reduce pollution and monitor that, why are we forcing something like a coal plant, Sundance A, which is Sundance 1 and 2, back online when there's no great need for it? We have 14,400 megawatts of capacity of power today. Our average demand is only 8,000 megawatts, so that gives us a cushion of over 6,000 megawatts. That's an incredible sum of electricity, far more cushion than a regular electricity system needs, yet we forced this on them.

Now, what was interesting about it is that I did ask the minister about this, and based on the answers I got, I had to go do some more homework because the issuing of the termination notice is delivered to the power purchase agreement holder, and what I was told is that it's strictly dealing with the power purchase agreement holder. What I found out when I researched it is that the balancing

pool, which is also the AESO, enjoined the power purchase agreement holder in the arbitration suit to force this generator back on. When I look at the balancing pool, that's government. That's an agency that works off government policy.

That's not logical in the sense that we don't need the electricity. Yes, it was a civil matter, but the advantage of meeting our CO<sub>2</sub> objectives, the advantage of lowering the particulate matter of a generator that was clearly at the end of its lifespan, lowering and limiting the amount of oxides, lead, mercury that comes from these plants is absolutely significant.

Here we have a contradiction. We have the government on one side saying: "We're going to take these active measures. We're going to pass this bill for the advantage and for the benefit of our industries." Then, on the other hand, we actually force one industry to invest nearly \$200 million to turn on two rather old and dilapidated generators to fulfill a requirement for only a couple of years. That makes no economic sense to me, and I don't understand that. What we need and where I'm going with this statement is consistency not just in legislation but in policy. That's not consistent policy. It's inconsistent, and it's a contradiction.

There are a number of ways we can achieve our goals. We have the carbon offset system, which has turned into almost a complete disaster. Right now on Alberta agriculture's website it is still there after bringing this up a couple of weeks ago. We have a company called Carbon Merchants. There's a warning notice on that website that says: do not do business with this company. On the ESRD website under the carbon trading system it says: do business with this company. What is going on? Here we have the contradiction still existing.

We need consistency in policy. We need one government agency dealing with another government agency and actually communicating and making sure that there's consistency. One is wrong; one government agency is right. They can't both be correct. That needs to be fixed on a specific level. What needs to really be addressed is consistency in the policy and why we're bringing this type of legislation forward: to help our industry, particularly up in the oil sands, to meet its objectives, to monitor air quality for the whole purpose of showing the world that we are going to meet our targets, that we're going to have a transparent and a verifiable system to show that we are meeting our targets. Why wouldn't we take action to actually meet the targets when that opportunity presents itself? That is a very, very important question that this government has to ask itself, and it needs to take corrective action to make it work.

That's going to take a lot of communication between the various departments. It's not impossible. It can be done. It just takes a little bit of work. That's what I hope this government will undertake.

I will ask my colleagues to support this, not because it's a great bill but because it is heading in the right direction, and that's important.

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

Standing Order 29(2)(a)?

Seeing none, I'll recognize the Member for Edmonton-Centre.

**Ms Blakeman:** Well, thanks very much, Mr. Speaker. I just can't tell you all how thrilled I am to come back from my community events and join you all to talk about Bill 21, which I have to say has gone through this House with such speed that it could probably qualify for some sort of European race at this point. Maybe it gets to wear its own little yellow T-shirt through. What do they call it? Yeah, it's a yellow T-shirt. It's actually a bit, you

know, embarrassing when things – oh, don't go there, Laurie. It's late at night, but don't go there.

So I didn't even get a chance to try and do amendments to this act although, to be fair, you'd think from all the hoopla and all the anticipation for Bill 21, the Environmental Protection and Enhancement Amendment Act, 2013, it would be longer than three pages and give a bit more detail. Really, we've just got two sections in here. No, a bit more than that.

The first one is – tah-dah – the ability to create regulations for a new environmental monitoring program. So do we get the program in this bill? Well, no. The minister gets to make regulations off somewhere else, in the dark, one presumes, to put these environmental programs in place, and it's got one of those clauses – you know, I was giving a speech earlier tonight to a group of young people, and I said: "Legislation is actually easy to read. It's always set out in the same way. It starts with definitions. It goes into the sort of meat of the bill, what they're really trying to do with it, and then it kind of breaks it all down." I got them to start reading a bill, and of course it was incredibly convoluted and filled with language that just makes people want to run, and, look, here it is again.

Respecting the participation in an environmental monitoring program monitoring program by a person or class of persons whose actions or activities may cause an effect on the environment, including requiring a person or class of persons to participate in an environmental monitoring program.

A class of persons. So, like, do they have grades? Do they pass or fail on this somehow? Or is it just, you know, a little group of people trotting along together? Hmm. A class of people. Okay.

The most important thing that this all seems to be about according to the Pembina Institute and some of the government speakers already is – tah-dah – that they can have the ability to impose fees on the participants in an environmental monitoring program, which kind of seems obvious to the rest of us, but what it's really about is that, you know, all of the voluntary compliance programs that we've had up till now never quite seem to work because it's so looney goosey on the voluntary part of it. I don't usually put people to sleep. I'll try to be a bit more lively. Sorry about that.

The voluntary compliance is that it's voluntary. One, they don't have to do it, and two, they can kind of decide how far in they are or how enthusiastic they are or how much money they're going to put in.

**12:00**

This supposedly is going to set that they're all in equally, and that's going to make everybody in the industry happy. That makes sense because these guys are in business to make money, and they don't want to have to step out and spend any more money than anybody else because they want to return a profit back to their shareholders.

Here we have section 2 in the bill, which is modifying section 36.1(c) in the Environmental Protection and Enhancement Act, but it doesn't tell us what kind of fee. You know, is it a percentage of something or just a figure that they picked out of the air or based on somebody's birthday? There's no information in this bill about how they're actually going to do this.

When I'm asked to approve this, you know, you end up with all of those little cliché statements like, well, the devil is in the details, which is sort of a kind way of saying: I have no idea what the government is up to, but they want me to agree to the bill. They just say that they're going to do something, but they don't actually tell us what that is.

Yeah, the minister is going to make regulations to establish, determine, pay, and recover fees. It doesn't tell us what or how or who or why or how much that might be or what it's based on, but they're going to do it somehow.

Late penalties. They're going to put out the circumstances and the extent and how participation is supposed to happen. Again, blah, blah, blah, and you don't really know what they're up to.

Collection, use, disclosure, reporting, or publication of information. Okay.

(h) requiring a department as defined in the Government Organization Act or a Government agency to provide the Minister with a report, record or information relating to environmental monitoring.

Any government agency? Children's services on environmental monitoring?

Deeming that a specific environmental monitoring that is in effect immediately before this act comes into place to be an environmental program for the purposes of a regulation in this section. Really, what this act is saying is: okay; the minister gets to make this up as they go along. Somehow this is all supposed to be fair, and everyone will respect it and do it.

Let's take a step back. How is this really supposed to work? Well, you're supposed to start out by saying: "All right. There are certain limits or targets or something specific that people are to meet or not exceed." That sets the line in the sand or the specific thing that companies are expected to meet. Then you want government to monitor. Why do I want government to monitor? I've got a government and an Official Opposition. Both of them don't want bigger government. They don't want to pay all these civil servants that are going to go out and monitor things. They want somebody else to monitor.

Well, the problem is that we're supposed to have unbiased monitoring. We're supposed to have monitoring that anybody can trust is straightforward. There's no political bias in it. It's absolutely straight across, and everyone can trust that it's true. Well, that hasn't happened so much in Alberta, and I'll come back to that.

Then following the monitoring you want an agency or some sort of method by which we ensure compliance. So when we monitor something and we go, "Whoa, that's way short of where you're supposed to be for your target" or it's way over the limit that's been set here, then there is a mechanism by which you can say, "Now you must meet the expectation," and there's probably a punishment involved or a fine or, you know, 50 lashes or 20 days in the public stocks or something like that as an encouragement or a disincentive for people not to repeat this action.

So that's what's supposed to happen. It's not what happens, but it's what most people would understand as a logical process.

Let me go over what's happened about environmental monitoring in this province. First of all, we had this industry volunteering to do things. We had some smaller groups that were sort of volunteer on the spot groups. I know one of them got really angry with me once and yelled at me in an e-mail about something.

**Mr. Hughes:** It's hard to believe.

**Ms Blakeman:** I know. I know.

None of this monitoring was really getting us anywhere. You know, the opposition critic, the Official Opposition, when it wasn't a sibling of the government – in other words, when the Liberals were the Official Opposition – argued that this wasn't happening, that there wasn't really any monitoring happening.

The government argued back two things. It said: "Well, that wasn't true. There were no violations. It wasn't happening. They were monitoring really well." Or they argued: "Yes. It's there, but it's natural." Right.

Now they're all on the bandwagon of scientific: scientific evidence, evidence-based decision-making. Yeah. That's what got them in trouble. When some scientists actually went and tested, they went: "Yes, indeed, there is a problem. We can now prove that there are pollutants, that it's in the air, that it's in the soil, that it gets into the water." Yes, indeed. They can prove that, you know, it came during certain times of the year and that it was coming from the oil sands. They were able to prove everything, and then the government went: ahem. Long pause. Then they said: "Well, yes. Okay. We never really had a monitoring program. Oops."

Okay. You know, they argue that it's happening, and then they argue that it's natural, and then they admit that, well, okay, they weren't really monitoring. After that came: "But we'll get you a humdinger of a monitoring program. Just wait. We will get you such an amazing monitoring program like you've never seen before."

We're still kind of in that waiting stage because then we get the feds and the province – now, if that isn't something to make your blood run cold, the thought of the Harper Conservatives joining up with this current version of the government – arm in arm, dancing down the yellow brick road together, for environmental monitoring. Yeah. You see what I mean.

Where I've seen this before was in – I think there are a couple of other examples, but the only one I could come up with really quickly was labour. You get the federal government and the provincial government coming together and going: okay; we're going to have a four-corner agreement or a four-post agreement or a four-pillar agreement. It always has to do with upright things; I don't know why. And the feds pass off. They say, "We're going to pool everything; there's no sense in having a provincial job-finding office and a federal job-finding office, so let's pool everything together; we'll combine all of our services and make it easier for the client," who actually is a human being that's looking for a job.

Then the feds kind of step quietly, quietly, quietly back out of the game, and the next time you turn around and look at it – this is a couple of years down the road – it's all been passed off to the province. They've changed legislation to say: okay; well, as long as the province does something and it meets a certain loose criteria the feds have, they're good to go.

Then you look, and the province is starting to step away from some of the programs that they said they were going to support. So when you look at the labour agreements and the labour programs that are running in this province now, you can see how far back everybody stepped. What kind of assistance is actually available to get people up and working in this province? That's what we're moving into with environmental monitoring.

When I look three, five, 10 years down the road, based on the combinations that I've seen up until now, I'd have to say that if the proof of the pudding is in the eating, we've already had this one, and we know where it goes, and it's not where everybody is telling us it's going to go.

**12:10**

Earlier today I talked about the cumulative effects. At one point one of the phases that the previous environmental minister went through with me as his critic was saying: well, it's all going to be about cumulative effects. I remember the budget debate. Everything was about: wait for it; we're all going to get into cumulative

effects. We said: "Okay. How are you going to measure this? What's it going to be? What are you going to combine? What are the targets going to be?" "Well, wait for it. Wait for it." Are we sensing a pattern here? Yes. They're going to come up with a humdinger of one.

Now, I got a note this afternoon from one of the members opposite when I talked about cumulative effects. Actually, to be perfectly honest, Mr. Speaker, I was heckling the minister, and someone in the backbench picked it up and sent me a note saying: well, it's called CEMA, the Cumulative Environmental Management Association, a nonprofit multistakeholder group, which recently released their annual report. [A timer sounded] Oh. Mr. Speaker, that cannot be.

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

Standing Order 29(2)(a) is available.

**Ms Blakeman:** I would hope so.

**The Deputy Speaker:** A question or a comment, hon. Member for Edmonton-Strathcona?

**Ms Notley:** Oh, absolutely. Thank you, Mr. Speaker. Yes. Very interesting comments from the Member for Edmonton-Centre. Interestingly, what this bill essentially enables is not the independent monitoring yet that we've been promised, rather simply having this government be the collector of industry funds, to then distribute them for the most part to the same people that have been doing the monitoring for the last 10 years. There are changes. There are new groups coming on. But certainly some of the people that have been monitoring before, for instance RAMP, will continue to receive money as a result of this bill and will continue to do monitoring. I'm just wondering what insight the Member for Edmonton-Centre has about that prospect.

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

**Ms Blakeman:** Well, thank you. You know, what I can say back to the member is that it's part of the same pattern that we've seen before. It's just a circle that starts to come around again. Here we go. We're now going to collect money to fund the same groups that weren't doing the monitoring very well to begin with. When we pointed that out to the government, the government said that, yes, they were, and then when they were criticized more, they said: well, actually, it's naturally occurring. And we start the whole cycle over again.

One of the questions that is not answered for me in the list of regulations that the minister is going to come up with as to how this is going to work – again, Mr. Speaker, you start to wonder: well, how long is it going to take to get this dang thing up and running? Do we have any, you know, process in place right now, or are we just sort of staggering along on the old system, which is going to look a lot like the new system?

Specifically, when you look under the request for the report, the one where I was sort of making fun of the fact that some department that's defined in the Government Organization Act – which makes sense because they keep changing their names and changing what they're responsible for. All right. Yes. We have to go to the Government Organization Act to figure out which government department is responsible.

Then it goes on and talks about: "or a Government agency [that's going] to provide the Minister with a report, record or information," but nowhere in there does it say how often. It doesn't say that they're going to report annually or that they're going to report every three months to the minister. It's just some

sort of a report at some point. Actually, it doesn't even say that. It just says that they'll give a report relating to environmental monitoring. I hope that means that they're actually going to monitor something and report on it. But it could just sort of be a general essay on environmental monitoring, I suppose, because it's not very well defined here.

Finally, the catch-all, wide-open, on-the-range horse galloping into the sunset kind of regulation that this government is so fond of: "respecting any other matter the Minister considers necessary for the establishment and operation of an environmental monitoring program," which, as we know, could turn out to be absolutely nothing or a whole bunch of other stuff. So we're back to this whole idea of how we trust the independence of the monitoring, and that question is not answered here.

This is another one of the government's shell bills, which says: we have been forced into or we think we'd like to or perhaps we'll get around to establishing some kind of rules for how some sort of program is going to work. I don't mean to be nonspecific here, but they're all starting to look the same to me. You could just change the name of the ministry, and it could fit a number of other bills that we've seen because it's just a list the minister can make – rules about this, that, and the next thing – and they're all done through regulations. Indeed, we can end up with the same kind of monitoring agencies, the same monitoring agencies, that have been discredited, wide-open discredited.

The RAMP agency had everybody withdraw from it except for the industry, and I'm not sure that the industry ever reported anything after everybody left. It was totally discredited. It was at about that point that the government finally said: "Well, yes. Okay. We weren't really doing very much monitoring at all." Here we go again on the circle. So it's frustrating.

You know, I hear people talking about social licence now. Oh, God save me. Social licence. Okay. Well, that's basically the black eye. [interjections]

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

I'll recognize the Member for Edmonton-Beverly-Clareview.

**Mr. Bilous:** Thank you very much, Mr. Speaker. I, too, feel the same way as many of the government MLAs. We're sorry that the Member for Edmonton-Centre's time has run out because I was quite enjoying listening to her comment on this bill. [interjections] It sounds like some members are a little more awake now. That's wonderful.

Mr. Speaker, I'm going to start off by just talking a little bit about the pace and speed at which this bill has been moving along. It's like it's on nitro boost or something, the fact that here we are already in third reading of this bill, which, again, is a bill that really does require some significant debate.

**Ms Blakeman:** It's on Red Bull.

**Mr. Bilous:** This is Red Bull on steroids.

I look forward to shedding some light, as some of my colleagues in the Legislature here have, on the baby step forward but more the three steps backwards that this bill is heading in.

First, I just want to talk about probably one of the largest concerns that I have, Mr. Speaker, in regard to this bill, which I feel I should address officially, Bill 21, the Environmental Protection and Enhancement Amendment Act, 2013. I just question, from the title of it, how much it's going to enhance or amend.

[Dr. Brown in the chair]

First and foremost, the bill allows the minister to take exclusive control over monitoring programs and, as well, to establish new ones, which allows her to make regulations without limitations, especially concerning their nature and scope. I mean, this is going to have some serious ramifications; for example, when they're studying different toxins, which toxins they're studying or looking for, where they're going to study, the geographical location, what they're looking for, et cetera.

As well, it's going to control the funds that are directed to the organizations that are doing the monitoring. I'll speak at length on that just to ensure that my colleagues here are clear on those repercussions or at least the repercussions that I see, which other colleagues have pointed out.

Here's the thing, Mr. Speaker. The bill doesn't do anything to change the governance structure of these monitoring programs. You know, my colleagues in the Alberta NDP caucus have talked a little bit about RAMP, and I will come back to that a little bit later. Monitoring is still under the control and the veto of the Minister of ESRD, and that's a concern. Albertans have told me and have told my colleagues that they're looking for an arm's-length body, an independent body to be in charge of monitoring. Unfortunately, this bill does not do that.

**12:20**

You know, the first of three larger arguments that I would like to put forward, Mr. Speaker, is looking at the authority and the power, for lack of a better word, that's going to be in the hands in the minister. Again, we in this Assembly want to ensure that there are limitations, that there are parameters to work within. My colleague from Edmonton-Strathcona talked about enabling legislation, which makes me a little nervous because we're placing an unbelievable amount of faith in our ministers, in the decisions that they're going to make.

Now, granted, you know, I'm sure our current set of ministers are all extremely honourable and trustworthy, but my fear is future ministers. Once we have this legislation, what if they are not as honourable and abuse their position of power? [interjection] The Member for Edmonton-Centre is making me smile here just talking about: if the disgruntled cousin was government, what they would do with some of these powers.

First of all, the bill gives the minister authority to collect money from industry and put it into monitoring agencies, which, you know, at the onset sounds not bad, actually, because of the fact that there has been with this bill an improvement from \$20 million up to \$50 million that industry will be putting towards monitoring. That's sounds wonderful. However, before we start to celebrate and crack the party crackers, we need to look at who is operating these monitoring agencies. Who are they? Who's on the board? How are they being run? How are they monitoring? Who are they beholden to?

Interestingly, when we look at some of these monitoring agencies – and I'll use an example that my colleagues have mentioned. RAMP is a primarily industry-run organization. It's disconcerting, Mr. Speaker. What's interesting is that RAMP for the most part, from all different sides, has proven to be fairly unreliable and not credible.

**Ms Blakeman:** And a crashing disaster. You know that.

**Mr. Bilous:** Okay. You know, I will take those words. Truly, RAMP was a crashing disaster. I really like the sound of that.

[The Deputy Speaker in the chair]

You know, Mr. Speaker, we need monitoring agencies to be arm's length and a significant distance from influence. I want to first of all give kudos to Dr. Schindler, who has been pushing for independent monitoring, one amongst many in the scientific community, saying: "Listen, if we want real monitoring and we want it to be independent and substantial, it cannot be controlled by industry. It cannot be primarily driven by industry." Here's the thing. This government has talked about how much and how well they've done as far as monitoring for a long time, but the reality is that really what's been happening for decades is a failure to monitor. I mean, the only thing that the government was doing successfully was issuing propaganda about how well they were monitoring, which really wasn't necessarily the case.

You look at some areas around the province, especially up north around the Fort Chipewyan area, where government and monitoring agencies for years were saying: "No, no, no. There's nothing wrong with the water, land, or air. It's perfectly fine. No, industry hasn't affected it in the least." Most Albertans with some common sense recognize that that's just blatantly untrue and, frankly, quite impossible.

Thanks go to the scientific community and opposition parties like the Alberta NDP with some help from other parties for pushing for this. We're taking a baby step forward here. Some of the monitoring will be not just controlled by industry.

Here's the thing, Mr. Speaker. The scope of the monitoring, the extent of the monitoring should not be in the hands of a minister. It should be outlined legislatively. It should be debated, discussed, and voted on by members in this House, and it really should be done by an independent panel of scientists, not a single individual, not a minister who can make some sweeping decisions.

Second of all, Mr. Speaker, I'm going to talk a little bit about the elimination of the PIN requirement. It's going to be removed by this bill. I mean, I have more questions than comments when it comes to this, to get a better sense of how this is actually going to affect industry, how it's going to affect monitoring. I have a hard time placing my faith and trust in this government when for decades we've been asked to trust the minister, to trust industry, that they are capable of self-monitoring. You know, it's kind of funny because it'd be like putting a toddler or a little kid into a candy store and saying: you monitor yourself and only eat as much as you think you should. Realistically, the toddler would eat until they got sick. If anything, I think the monitoring has been anything but adequate.

I'm going to move on to the absence of liability – that's part of this bill – and allowing private contractors and consultants to carry out these environmental impact assessments and environmental monitoring. I mean, the issue, Mr. Speaker, is that many of the assessments are done not by employees of the Crown or government employees. They are handed off to private industry's individual contractors, who aren't either held to the same standards or aren't working for the government.

A great example that I can give, Mr. Speaker, is that some of these consultants, because they make their livelihood from contract to contract, are looking for that next contract. Who knows if that next contract is with Shell or Suncor or one of the other large companies, where they don't want to step on the proverbial toes of their future employer. So it begs the question of how impartial or how neutral or unbiased these contractors and their assessments are when they're going through and taking a look at, you know, the impact that developments within the province are having on our land, air, and water.

Mr. Speaker, it's definitely in my purview – and I'll speak on behalf of the Alberta New Democrats – to say that a monitoring

agency that is arm's length, independent should be established, not this piece of legislation as it stands. I'm very nervous about this piece of legislation passing through the House and moving forward and the implications this is going to have not only on all members in the House and our own families and friends and Albertans but on future generations.

12:30

I still have lots of concerns here. You know, the expansion of immunity for damages to all government contractors is a concern. Many of the contractors that would have been covered, like I said, could be working one day in a contracted position for the government, the next day for an oil company. I acknowledged the fact that there are codes of practice within legislation governing professionals to stem unethical activities. You know, these rules only have the power to revoke the licences of professionals, so they can't, for example, provide compensation to any one or group who may sustain damages. That in and of itself is a concern, Mr. Speaker.

A couple of points and questions here, Mr. Speaker. You know, I think part of my concern with this bill is that the government has taken far too long to do the right thing. This bill is full of too many loopholes, and I really urge my colleagues in the House not to support this piece of legislation.

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

Standing Order 29(2)(a) is available for question or comment.

Are there any other speakers? Edmonton-Centre, you've spoken already.

**Ms Blakeman:** Yeah, but can't I do 29(2)(a)?

**The Deputy Speaker:** Well, you were kind of slow, hon. member.

**Ms Blakeman:** I have bad knees. I don't even have a brace on.

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

**Ms Blakeman:** God. It's, like, midnight. I'm getting criticized for not getting up fast enough. Okay. I'm sorry. You see, you get me off track here. You get me on a tangent.

**The Deputy Speaker:** Please proceed, hon. member; 29(2)(a).

**Ms Blakeman:** Yeah. I was picking up on the last thing he was saying. He's not supporting it because why?

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

**Mr. Bilous:** Thank you, Mr. Speaker. I'd like to thank the Member for Edmonton-Centre. I mean, that was, well, a hard-hitting question. You know what? It's because I have significant questions. Okay. There are a few different questions here. Is it possible that the government wants to get rid of the PIN because it may have an impact on the liability for companies since they no longer have to sign the PIN application saying that they are in compliance with all relevant laws?

My other questions. How will people receiving shipments of hazardous waste for disposal or storage be able to verify that the producer and/or shipper of the hazardous waste are in compliance with all relevant legislation and regulations if they can no longer ask for proof of this verification by way of a PIN? Could this removal of the necessity to have a PIN open the door for fraud and misrepresentation concerning shipment and storage of hazardous wastes?

Is the ministry planning to exclude any person or class of persons from the requirement to produce manifests for the consignment or transportation or acceptance of hazardous materials? If not, why do they give themselves the power to do so?

I'd love for the government to please explain why they're seeking to extend exemption from liability for damages to organizations such as the delegated administrative organizations when these organizations are designed by nature to limit the legal and financial liabilities of the government. These organizations are not under direct control of the government. Should they not be held responsible for their actions?

Previous to some of these amendments exemption from liability for damages was extended to persons who are working on behalf of the government by way of the authority of a regulation. Amendment 6(b) extends this immunity to people who ask to work for the government under section 9 of the Government Organization Act. Section 9 allows for the minister to delegate any powers except to make regulations to anyone without putting such delegation of power into a regulation. It only has to be included in writing. This adds a considerable power to the minister to delegate anyone to do anything for them and then have them excluded of all personal liability. Now, that's a significant increase in the powers the minister has. Why was this necessary, and who would this apply to?

Many contractors that would now be covered by this amendment could be working for the government one day and working for an oil company the next. Again, imagine an important situation where a consultant overlooks aspects of an environmental impact assessment one day and then goes to work for the company that this benefits the next. That's a concern.

You know, Mr. Speaker, this legislation is truly troublesome because it gives the minister too many new powers. The minister has too much power when it comes to designing our new environmental monitoring system when, again, it should be done by an independent, arm's-length body, and it gives the minister too much power when it comes to exempting persons from a requirement to hold a PIN when moving hazardous materials. Finally, it gives the minister too much power when it comes to removing any personal liability for those she may wish to delegate authority to.

Mr. Speaker, there are many reasons why this bill is very troubling. I think that we definitely need to bring forward and create an independent, arm's-length monitoring agency, and we need to monitor and clean up our environment and ensure that we are going about developing our natural resources in this province in a very sustainable and controlled way. Unfortunately, I think this bill, although the title sounds very great, is a far cry from ensuring that our air, land, and water quality are up to where they should be.

**Ms Notley:** I'm moderately pleased to be able to speak to this in third reading because, of course, I'm speaking to it in third reading not having spoken to it in Committee of the Whole. Nonetheless, I am pleased to be able to speak to this in third reading and join with my colleagues in their observations about the speed with which this particular bill is making its way through this Legislature. I particularly liked the description by the Member for Edmonton-Centre about giving this bill its own little T-shirt with racing stripes on it. I thought that was quite cute, and it would be quite appropriate because it really does seem to be racing through at quite an unprecedented speed. We'll get into that into a moment. Number 21 coming down the backstretch very, very quickly.

Anyway, here's the thing with this bill. I'm going to spend a bit of time talking about the bill before I get into what I think we should do with it.

**An Hon. Member:** Looking forward to that.

**Ms Notley:** I won't go there.

This is a bill that basically does three things. It authorizes the mechanism for government to collect money from industry and then funnel that money to various and sundry agencies that are engaging in monitoring right now, most of whom are the same agencies that have been engaging in monitoring for quite some time, but there are some new ones that have been added to the pile – that's for sure – and of course the breadth of that monitoring has increased somewhat.

As previous speakers have already noted, it does also set out the fact that the money that's being collected from industry to go towards monitoring is up to \$50 million. That amounts to about a \$30 million increase because previously, in my understanding, industry was spending roughly \$20 million on RAMP, not to any great effect; nonetheless, they were spending about \$20 million. So that's about a \$30 million increase. You know, it's not a bad thing that we're sort of inching our way towards this process and that we're getting some of that money.

**12:40**

Anyway, I'll talk a little bit about the problems that are inherent nonetheless in the part of the bill that addresses that issue. The other thing that the bill does, as my colleague from Edmonton-Beverly-Clareview spent some time discussing, is that it eliminates the requirement for agencies and industry players to fill out a PIN form and to certify, essentially, that the hazardous waste materials that they are producing or storing or transferring or delivering have been delineated and described in accordance with the regulation. They no longer have to swear to that through filling out a PIN application. That's the second thing that it does.

The third thing it does is that it removes liability from a number of people, from what are referred to as, I think, DAOs, delegated administrative organizations. It removes liability from those, and some of those have been identified already like the Recycling Council and things like that. It also removes liability, Mr. Speaker, from contractors who might be hired by the government to do some work for the ministry of environment. It extends to those people the same exemption from liability that public servants enjoy. Maybe I'll start there, about why that is a concern for us.

Now, it's different depending on what part of the work the ministry of environment is doing. Depending on what you're talking about, the role of contractors in that work varies from task to task. But I've certainly had people describe to me quite frequently the kind of dynamic where, say, for instance, an industry player of some type, whether it's oil and gas or some other industry player, forestry, maybe gravel pit, whatever, will make an application to move forward with some type of industrial development, and one of the things that has to happen is that they need to provide an environmental impact assessment.

Well, a lot of people, myself included – when I was first elected, when I used to hear about environmental impact assessments, I used to read the legislation and go: "Oh, okay. Well, the ministry has to do an environmental impact assessment before they can approve this project." In fact, then I discovered that, no, actually it's not the ministry that does it. Typically it's a consultant that does it. It's not a staff person. It's not a public servant. Sometimes it might be industry itself that will hire somebody to do an environmental impact assessment, and then

they'll provide that to the ministry. The ministry will go: "Oh, great environmental impact assessment. Okay. Check." And then they're done. So they're not actually sending their own people out in the field to check on whether this environmental impact assessment is correct and sufficiently robust or whatever.

Another kind of example of where you see contractors is where you've got a well where they're closing it off or whatever, and they're finishing production, and they need to get a reclamation certificate in order to release any further liability that they might have for the existence of the well. Again, I always had in my naive little mind this idea of these, you know, great public servants employed by the ministry of environment marching out there and doing a hands-on inspection of that site to make sure that the reclamation certificate was earned and that they'd met all these standards and everything was safe and everything was good.

It was only subsequently that I realized: oh, no, no, no. That's not what's happening. Industry is filling out forms to say: "Yup. We've done everything we need to do to earn this reclamation certificate." Sometimes then a contractor will be asked to go along and review that and sign off on whether or not that reclamation certificate was properly filled out and/or whether it reflects what's actually happening on the ground. But many times, Mr. Speaker, it's not actually public servants that are doing it.

You know, is this maybe just me being: oh, everybody has got to be direct employees of government, and we're ideologically opposed to contracting out? Well, not really. You see, here's the problem. These very same contractors one day might be doing a contract for government, but that contract only lasts a month or two months, and the next day or month or whatever they're doing contracts for industry. They're going back and forth and back and forth. Their bread and butter is often industry. So those are not the folks that we should be relying on necessarily to be providing us with assurances that all the environmental standards and processes have been met.

Now, when I found this out, I said, "Well, this doesn't seem right," and I was told: "But, you know, we can rely on their professional association. Many of them are engineers, so they've got to meet a certain professional standard. So if they cut corners or if they're worried about their next contract or whatever, if they just don't dig as deeply as a public servant might have or whatever, we can always hold them to account because of their professional association." But I've since found out that, in fact, it's not necessarily the case that the professional association has the capacity to engage in a specialized assessment of whether or not this particular specialty of engineers is engaging in best practices. They may not have that ability, they may not have those resources, and that's not really their job.

Then where does that leave us? Well, presumably those people would be worried about their own liability, and they would make sure that they did due diligence so that should they ever be sued, they would be able to use the defence of due diligence. Well, because we're now going to treat them like those same public servants who only work on behalf of the public and do not one day work on behalf of the public and then the next day work on behalf of the industry on the other side of the table, we're going to extend exemption from liability to them. Well, I have some real concerns about this. I mean, I've had concerns about the relationship between these contractors and industry on one hand and this assurance process that should be happening by public servants on the other hand. This bill, I think, has the potential to exacerbate that problem, and that's why I'm concerned about that.

Let's go back to the monitoring. We talked about how that's a bit of an improvement because we're collecting that \$50 million as opposed to the \$20 million that went directly to the monitoring

agency. Well, first of all, as I said before, the agencies that are going to receive that money are for the most part, not entirely but for the most part, the same agencies that were doing the monitoring before, and those are agencies whose work has been reviewed by numerous independent academics and independent people, all of whom have said: "You know what? You know how you've been telling us for the last 20 years that everything is naturally occurring and nothing bad is happening up here and industry is having no impact on the environment? Well, guess what? It's wrong. You weren't sharing all the information with us. You weren't asking all the right questions." Those are the people that this money is going to go to right now.

Now, when the federal and the provincial governments got together with much fanfare several times – they love to have press conferences and put out press releases – and announced the new joint federal-provincial monitoring plan, they did so on the basis of recommendations that came from both the federal and, I believe, also a provincial oversight committee. But in both cases what those reports recommended – and it was fundamental to the recommendations – was that the scope and the nature of the monitoring had to be defined by an independent panel of scientists, and you could not take it away from the independent panel of scientists. Because we had a 20-year record of government not being forthright with the people of this province, we could not have faith in this system unless the people who were designing the monitoring plan were in fact scientists who were independent from government. That was the one piece of that set of recommendations that this government ignored.

Instead, what we have in section 2 of this bill is a long list of authorities that are being given to the minister in her discretion to be the one to establish the scope and the extent and the nature of the monitoring program. That is exactly what the key objective observers said should not happen.

#### 12:50

Now, we're going to be told: "Oh, well, we've got this other monitoring agency that we're in the process of developing, and someday, you know, that may come to fruition. Maybe it will, and maybe it won't. We don't know." But there is no reason why this mechanism here, which is going to be what governs what's going on for the next four or five years, could not in here provide for a role for independent scientists and for a more transparent process for establishing the terms and the parameters of that monitoring process. That could absolutely be provided for in section 2 of this act.

Instead, what is provided for in section 2 of this act is that we should cross our fingers, close our eyes, click our heels, and trust the government. But after 10, 15 years . . . [interjection] Well, I'm glad one person here is excited about that prospect. I hate to break it to you, but with the record on the environment the vast majority of Albertans are not excited about the prospect of once again crossing their fingers, closing their eyes, and trusting the government on this file. You just don't have credibility on this file anymore. There are some files you have credibility on. This is not one of them. It just isn't. Not only does this government not have credibility with Albertans; it doesn't have credibility with the international community anymore either.

All that being said, I've just barely touched on it. There are so many issues that need to be addressed in this bill, and of course we can't do that in third reading. That is why I would like to take a moment, Mr. Speaker, in order to talk about a motion that I would like to introduce at this time. If you'd like, I will take a moment while it's distributed, and then I can discuss it or briefly describe it.

**The Deputy Speaker:** Please. If you'd have it passed out, hon. member.

Hon. Member for Edmonton-Strathcona, you have 34 seconds to read your amendment into the record.

**Ms Notley:** Thank you very much, Mr. Speaker. The motion is that third reading of Bill 21, Environmental Protection and Enhancement Amendment Act, 2013, be amended by deleting all of the words after "that" and substituting the following:

Bill 21, Environmental Protection and Enhancement Amendment Act, 2013, be not now read a third time but that it be recommitted to Committee of the Whole for the purpose of reconsidering sections 2, 3, and 6.

I would like to speak to that in the brief amount of time that I have left. As we already discussed at some length in the House earlier, we've not had an opportunity . . .

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

Speaking to the amendment, the hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker.

**The Deputy Speaker:** And we'll call this amendment RA1.

**Mr. Hancock:** Just say no. Need more be said on this particular amendment?

**The Deputy Speaker:** Are there other speakers? The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, as my colleague was beginning to say, we are proposing that this be committed back to Committee of the Whole. The reason is that – and we've had lots of discussion on this earlier today – we would like to propose amendments to the bill.

I'll be very conciliatory and say that because of misunderstandings surrounding the passage of this bill last night through Committee of the Whole when it wasn't listed as such on the Order Paper, we didn't have an opportunity to make our amendments and had precious little time, quite frankly, even to prepare them. That's why we would like to send this back to Committee of the Whole so that we can re-engage the legislative process with a view to having the entire process, including that not only the government's ideas but the opposition's ideas be incorporated into the discussion.

**Ms Blakeman:** Whoa. That is way too much. And the opposition?

**Mr. Mason:** Well, into the discussion, hon. Member for Edmonton-Centre. I did not say that we expected our ideas to be incorporated into the legislation. That might be too much to ask in this place.

But there are some basic principles, Mr. Speaker, that really ought to be followed in the development of legislation, and those are that all members have a full opportunity at second reading and third reading to debate the bill and to vote on the bill and that also in Committee of the Whole all members of all parties, all caucuses in this Legislature, should have an opportunity to put forward their amendments as a way of improving this bill.

Now, the Government House Leader is fond of saying – whenever anyone dares raise a question about the role of government members in question period, for example, or in estimates debate, he will stand up and grandly opine on the importance of all members, that every member has the same rights as every other member and that you can't possibly discriminate in favour of the opposition in holding the government to account because, of course, government backbenchers are just as committed to holding

the government accountable as are opposition members. Now we're in a position where opposition members were not afforded the time or the courtesy of being able to develop reasonable amendments as a way of doing their job, their duty that they were elected by their voters to perform, to try and improve the legislation.

I can assure you that we want to improve this piece of legislation, and should this motion pass, we will bring that forward. We have lots of really good ideas, but you're going to have to, I'm afraid, pass this motion to refer it back to committee if you want to find out what they are. We want to be positive. We want to be helpful. We want to make sure that the legislation is as good as it possibly can be. That's why we want to commit this back to Committee of the Whole, Mr. Speaker, because we want to work with other parties in this House to strengthen the legislation.

**Ms Blakeman:** Do you mean the Liberals?

**Mr. Mason:** I want to acknowledge the excellent job that the hon. Member for Edmonton-Centre, who is a member of a party which will not be named, has done on this file. [interjection] Yeah, well, there are lots of names for it, hon. member. A lot of them may not be the right one.

Anyway, Mr. Speaker, there's an important principle here, and that is that we need to proceed methodically and at a stately pace through the legislative process in order to make sure that all members of the House in all political parties can have input into the legislation on behalf of the people that elected them. That didn't happen in this case. I'll call it a misunderstanding, but the fact of the matter is that we were unaware that last night the government intended to put this bill through the committee stage. We didn't have our amendments prepared, nor did we, frankly, have enough time to prepare them by last night anyway, and I think everybody should have recognized that. You can't put through important pieces of legislation at such a rapid pace and actually believe that this place is then doing its job. I think that's one of the reasons why we felt it necessary to make the point that we're making now.

1:00

**An Hon. Member:** What point is that?

**Mr. Mason:** The point is that we are not helpless, and we deserve and insist on the respect due us as an opposition party in this House. We need to reflect our constituents, who are not just located in our constituencies. We have people who support our point of view from one end of this province to the other. All of those people want to see their views reflected in the debate here. That may not be the majority position. It may not be incorporated in the legislation, but it is a view, nonetheless, of many, many, Albertans, hundreds of thousands of Albertans, that needs to be reflected in the debate on all the important pieces of legislation that take place in this Assembly. It is, I think, incumbent. It's only fair.

I wish that the Government House Leader had not stood up and briefly said: just vote against it. I think it's a mistake. It's a mistake to reject the opportunity for members in this House and parties in this House to participate in the legislative process. That's what we're here to do. That's our job. That's what we're elected to do. I think that needs to be done.

I think it's important that parties work together in developing legislation. I mean, question period is question period; the political process is the political process. It is designed to be an adversarial process. You just look at the way the place is laid out. It's one side against the other. That's basically in its very nature.



**Ms Blakeman:** Two sword lengths.

**Mr. Mason:** Two sword lengths across, yes.

**Ms Blakeman:** That's saving you.

**Mr. Mason:** Okay. Well, I'm sure the hon. Member for Edmonton-Centre would love to, you know, get up here and voice her views in this place.

It is an important principle, Mr. Speaker, that we need to have a proper committee discussion on this bill. We haven't had it. I came in last night, and things were going through here at lightspeed. I was amazed that there was a lack of debate and so on on so many of the pieces.

**Ms Blakeman:** Why are you surprised? They're the same party.

**Mr. Mason:** Well, the hon. Member for Edmonton-Centre says that they're the same party. I don't think that they're exactly the same party, but I think that in terms of the legislative agenda there's a lot of agreement there.

I still think it's the job of the opposition to slow down the pace of debate so that the public can become aware of what's going on in this place. That's a very important function of the opposition, and when the opposition doesn't do that, we can see what happens. The whole basis of the legislative process is undermined.

I know that the government doesn't like that, and I know that the government members get frustrated, but I think the important thing is that the legislative process ought not proceed too quickly in order to give careful consideration. That's one reason. The other reason is that it provides an opportunity for the public to notice what's happening in this place and to participate with that.

The third reason, Mr. Speaker, is that it allows the opposition party to do its job. Now, the government has the opportunity of knowing well in advance what its legislation is going to look like, and they have the opportunity of consulting before they even draft the legislation, before it's even introduced in the Assembly. The opposition doesn't see it until it's introduced for first reading. But we also have a duty to consult. We have a duty to consult with our constituents, and we have a duty to consult with stakeholders. We have far fewer resources, of course, than a government department does in order to accomplish that, but it's still something that we try to do, and we take that job seriously.

We try to think through who the stakeholders are when we see a piece of legislation and contact them as quickly as we can to try and get some information. Sometimes that process takes a lot longer than we would like, and we're not able to incorporate all of the input from stakeholders that we would like to do, but we try to do that. I think the other opposition parties do the same thing. They try to consult. They try to talk to different stakeholders and get a good sense of what they think so that they are more informed when they debate the bill and can draft amendments in some cases in order to improve the bill. That is something that takes a bit of time. We do have some resources, nowhere near the resources that the government caucus has or the government itself has. We also need time to deploy those resources in order to do a better job on behalf of the people who elected us. That work makes this place more meaningful.

If the opposition isn't able to do its job and the government just pushes through legislation at a very fast speed, it renders this place meaningless, Mr. Speaker. It renders this place pointless. That is something that I don't think most members on the other side really want to see. It requires, then, some patience on their part, some forbearance, some recognition of the role of the opposition in the legislative process. If they're prepared to do that and prepared to

put up with some of the criticisms that they face from the opposition as well as some positive suggestions, then I think we can make this place meaningful and feel much better about the role that we all play here.

What's the point of sitting here and just being rubber stamps? There's no point. I don't think the government members want to see that either. If the government keeps persisting in some of these tactics – and I think particularly about the tactic around the Appropriation Act of setting a fixed amount of time, basically building closure into the standing orders, then adjourning debate on the bill, and then bringing the bill back just before the vote – it means that there's very little opportunity to debate. That's a tactic, Mr. Speaker. Yes, that's a tactic that I think represents an attempt to run roughshod over the principles of parliamentary democracy, including the role of the opposition.

If we don't have proper committee consideration on a bill, Mr. Speaker, we haven't considered the bill properly, and we haven't done our job, and that's why this motion should be approved. We should have a proper Committee of the Whole on Bill 21 because this is an important bill. It's a significant bill. It was in Committee of the Whole for a grand total of 21 minutes. I think we can make that more productive if we, in fact, bring it back.

Mr. Speaker, I want to just emphasize that this is not just about the opposition. This is about the government side and how the two sides complement each other in order to improve the products of this place.

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

Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Centre?

**Ms Blakeman:** No. I was rising to speak. Look at how fast I did that because I flexed my knees.

**1:10**

**The Deputy Speaker:** Okay. No one under 29(2)(a)?

Then I'll recognize the Member for Edmonton-Centre to speak to the amendment.

**Ms Blakeman:** Thank you. I'll set my ice bag on the floor here.

Thank you very much for doing this, Member for Edmonton-Strathcona. I'm sure that for the people that are new to the Assembly, this must seem like a very strange experience, but there's a reason for it. In Alberta we have an unusual situation where we've had a majority government in place for a very long time. What I've seen is that the government is growing more and more – I was just looking it up, you know, and I felt that the words weren't strong enough. What I really see is hubris. For those that have studied your Greek theatre – anybody? Anybody? Hubris. I bet that you know what it is. Yes, she does. Two people. Excellent. [interjections] All right. Settle down. Settle down. No competition on the hubris. It is about putting yourself above the gods, that you are so fantastic that you put yourself above the gods. Of course, anybody that's studied their Greek tragedy knows what happens when you put yourself above the gods. You come in for a terrible tumble, and they shoot you with thunderbolts and things.

The point is that there is a position, and in this House we're meant to have at least two sides working on something. Opposition is useful because it brings an alternative point of view, hopefully some constructive criticism, and some alternatives. Often I've seen government go back and change what they're doing because something was raised that was, in fact, useful and made it a better bill. But there's less and less respect from the government toward the opposition members.

I know that there's a family dispute, and family disputes are vicious. I mean, nobody fights like your brother or your sister. Nobody. That's a vicious thing. I'm sympathetic to the two sides here that are having a family dispute because I know it's hard on both of you. Nonetheless, you still need . . .

**Ms Notley:** This sounds like therapy.

**Ms Blakeman:** Therapy. Oh, jeez. Yes, I'm sure they could get involved in therapy, and I know that you'll all come back together and get over your family dispute at some point in time. Certainly, that happened with your federal cousins, so it's going to happen sooner or later to you.

You have two other opposition parties in the House, and we're working hard here. I'm not asking for a sympathy play. We do our work, we show up, we do our readings, and we bring forward things that we . . . [interjections] We're thrilled to have you with us, Mr. Speaker.

**The Deputy Speaker:** I listen well, hon. member.

**Ms Blakeman:** Thank you.

It's just wrong to be roaring past Committee of the Whole and taking that opportunity away from the opposition side of this House to even try to be prepared with amendments. You know, we have increased the number of Parliamentary Counsel that we have, and still I think some days I feel bad about what I'm asking them to do in turning around amendments very quickly. By the time we see the bill, it's on the Order Paper for the next day. You're trying to anticipate what you need to be sending through to Parliamentary Counsel as an amendment, and you want to get it right. I don't want to waste the House time. If I agree with the bill, I'll tell you I agree with the bill. If I agree with certain parts of it, I'll tell you that and move on. When I don't agree, I think I have a right to be able to bring up those amendments to try and make it better.

The Minister of Service Alberta is really looking to get on the record, and we're all looking forward to that because I can't hear him when he mumbles. He might as well just get his name on the list and get up and actually speak here. [interjections] I'm sorry. He mumbles?

**An Hon. Member:** He never mumbles.

**Ms Blakeman:** Oh, he doesn't mumble. Okay. There's something happening with my hearing, then.

What happened the other day was disrespectful. In moving so quickly – and I know it was hot on Monday. I did tell you this, didn't I? I told you that when it got to the warmer seasons, the air conditioning in this place takes a while to kick in, and it gets kind of saunalike here. I did warn you. If you look back in *Hansard*, I did. [interjection] Oh, somebody liked it. Well, there you go. But I noticed that other people didn't like it.

All of a sudden there was a big move to get out of this House as fast as possible, so the Government House Leader took advantage of that and plowed through Committee of the Whole.

You are not just allowed to bring forward amendments in Committee of the Whole; you're allowed to examine the bill word by word, clause by clause. That's the point. We're not to do that in second reading, where we're talking about the principle of the bill. You can be admonished for singling out particular sections, actually. You're not to be doing that when you're in third reading because you're to be talking about the anticipated effect of the bill when it comes into play. So the point where we can do that and get into the nitty-gritty of it, say, "Yes, we like this," or "No, we

don't like that," and do the amendments is during Committee of the Whole.

Now, what I've heard the government side say is, "Well, you know, you should put more people on," or "You should expect that these bills can come up at any time; everything that's on the Order Paper is live," which is why you see me hauling around every bill that's still on the Order Paper. It starts to get a bit heavy at a certain point, which means I have to start icing my shoulder, too. [interjection] Yeah. You just keep yours here. I noticed that. I have a set here as well, but I also need the notes that I've made or the research that I've done on it, so I've got to carry around the rest of it.

This is where the hubris comes in, that complete lack of respect for the amount of resources that we're working with. We've got two researchers. I'm assuming that the ND opposition has about the same number. Just trying to process all of the stuff that's coming across our desk and get that stuff through takes a while. It's not going to happen in 24 hours, which is the pace that we have the government moving at now, so it's perfectly appropriate that we use the parliamentary processes to say that you need to go back and do this properly.

Let's face it, kids – not being disrespectful; being fond and affectionate of all of you, of course. That process wouldn't be there if there wasn't a need for it occasionally. All of the parliamentary processes that are available to us always end up allowing the opposition to find our voice or to make our voice heard, and this is one of these opportunities.

Asking for a referral back to Committee of the Whole allows us to get those amendments up. There are a few things that I would do to this if I had the time to do it. I'm sorry; that sounds like I'm going to beat it to death. There are a few amendments that I would make to improve the act. I'm one of the people that keeps beaking off about the need for monitoring in this province, so why wouldn't I try and make a bill like this work?

Some of you will know that one of the Laurie Blakeman memorial speeches – oh, God. I'm sorry. I said my own name, and then I . . .

**The Deputy Speaker:** It's okay, hon. member. You admonished yourself. That's fine.

**Ms Blakeman:** Then I cursed. I'm sorry. It's just not working out for me tonight.

It's the regulations. That's it, the Edmonton-Centre memorial speech on regulations. This is a perfect example of this. All that's in this bill is that the minister can go away and make regulations on everything. There is no transparency with this. We don't get to see the regs until they're done, and then you've got to really dig for them and pay attention because it's not as though they, you know, get tabled in the House.

Indeed, here's a concept. They used to get referred to a committee called the Law and Regulations Committee, and they used to all be reviewed by an all-party committee that looked at the regulations.

**An Hon. Member:** Not in your lifetime.

**1:20**

**Ms Blakeman:** Yes, indeed, it was in my lifetime. It was. It was in my lifetime.

That, actually, is the Gary Dickson memorial speech because he was the one that referred to that most often and taught me about it.

There is an issue about the regs. How many of you know what's going to happen to the regs on this bill? Have you sat on a committee? Do you know what they're going to look like? No.

That's part of the process that has been removed by this government. That committee was completely disbanded and struck off the records in '09, I think. That's part of the problem with this bill.

When I go back and I start going around to all of my different agencies and organizations over the summer and talk about what we did in here, they'll say: well, what's going to happen? I don't know. I can tell that they're going to make a regulation about X, Y, and Z, but I've no idea what that's going to be. You've already heard a number of really good points raised about: why would we be empowering the government to raise an amount of money from the industry to fund the organizations that are already discredited? In particular, I went looking about the RAMP program, and I went looking for the one that gave me hell, and I found them both. The RAMP program was particularly discredited – what was the term I was looking for?

**An Hon. Member:** Useless? Violated?

**Ms Blakeman:** No, no. It was excoriated. It really came in for some very bad press. For a number of reasons it was considered not transparent. It had the majority of . . .

**The Deputy Speaker:** Are you still on the amendment, hon. member?

**Ms Blakeman:** Yeah, on the referral motion.

**The Deputy Speaker:** Thank you.

**Ms Blakeman:** Thank you. Sorry. Just let me find it, and then I'll have it. Oh, yes. All right. God. There are too many amendments on this desk.

It had a number of people on the committee. They could not agree on what was being put forward. It ended up being all industry representatives on the committee. It had no independence and no credibility at the end of it. Actually, the recommendation from a number of organizations is: get rid of it. Yet, what we're looking at here, what I'm hearing – and, again, I can't verify any of it because there's nothing actually written down – is that, in fact, that very organization, RAMP, is going to be one of the groups that continues to get funded.

The second group, the one that was mad at me, I'm pretty sure was the Wood Buffalo Environmental Association. When I looked them up, I could see why they were a little cranky with me. They have a number of things that work as an environmental monitoring agency in that they are transparent. They do publish; they even publish raw data if you really want to crunch the numbers yourself. It is rigorous. It's done by technicians. They're using a recent technology. One of the criticisms of them is that they are limited by the size of the network that they're pulling the information from. I think that's where this organization and I got into a bit of a spitting match before. It's one of the ones that has been chronically underfunded, so it hasn't been able to improve that network in any real way. It's organization based, not sector based. So guess what? That brings us back to the same problem in that the industry members on it significantly outnumber other stakeholders, and it reduces the credibility of the monitoring.

When we're trying to put together a piece of legislation that is about monitoring – I'm sorry, Mr. Speaker, I just have to say this one other thing. When I'm talking about referring backwards to the Committee of the Whole, several times I've seen this government this year do – I don't watch *Glee*, but they keep talking about a mashup, where they put the songs together. It's like different songs that they put together.

**An Hon. Member:** Medley?

**Ms Blakeman:** No. They call it a mashup. Okay, medley. Yeah. That would be our term for it, and we won't talk about what age that might be.

This act is putting together the section that's about environmental monitoring and how they're going to make the regulations and how they're going to get the industry to pay. Then, totally unrelated, it starts talking about the PIN numbers of people that are transporting or storing . . . [Ms Blakeman's speaking time expired] Oh, that cannot be, Mr. Speaker.

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

Standing Order 29(2)(a) is available for questions or comments. [interjection] Hon. Member for Edmonton-Centre, your time has expired.

The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Bilous:** Mr. Speaker, thank you very much. I want to thank the Member for Edmonton-Centre for her eloquent – she named her speech there. I can't remember the name that you've given it. Unfortunately, the Member for Edmonton-Centre was cut off mid-sentence, so we are all hanging, dangling in suspense here, and I would like to ask the member if she'd like the opportunity to finish that sentence so we can at least have a complete thought.

**The Deputy Speaker:** The hon. member. [interjections]

**Ms Blakeman:** Yes, you did. You got a number of thoughts. Now, Mr. Speaker, I'm getting a critique of the speeches that I'm doing at 25 after 1. I just so enjoy the positive reinforcement that I get from my colleagues opposite.

What I was saying was that we get this mashup, this medley, of almost unrelated ideas. We're talking about making regulations for monitoring, and then the next part of the bill is about the PIN numbers for the transportation and storage of hazardous waste. I keep going: what has happened here? You know when you get a magazine from the doctor's office and you get into the story or you're reading *Reader's Digest* and you get halfway through the little jokes section, then you go to get the conclusion and the page is missing? That's what it feels like with this bill, that there's a linkage missing or that two different pieces got kind of stuck together, which is another reason why it would be a good idea if we went back to Committee of the Whole and we respected what the opposition brings to this House.

I know you guys have been in power for a long time. I know that you guys over there are thinking you may not be there so much longer. Things aren't going as good as you thought. They're not going as well as you'd want people outside – oh, it got very quiet all of a sudden; isn't that interesting. It's not going quite as well as you thought, and you may not be there for very much longer. I know that I love to threaten you with this, and it is indeed part of my revenge scenarios that I think about when I'm truly angry with you all. You know, for you guys to have to sit over here and experience – thank you for your patience, Mr. Speaker. I know I exasperate you sometimes. For you to sit over here and experience the limitations that have been increasingly placed on the opposition over time by this very same government is a revenge scenario that I really enjoy. You guys would not be happy here.

We have learned to work within it. We've even learned to be cheerful about it, but you should not disrespect us, Government House Leader. You should not disrespect us. We have things to bring to this, and you should not be pre-empting our time off this.

[interjection] Well, this is the other argument. The Government House Leader is now saying that this is my fault.

I'm willing to accept the blame for a number of things, but me saying that I will get back here by a certain time in order to be able to move a bill is not a reasonable excuse for the Government House Leader to bring up a different bill that has not been on the prescribed government business for the day and then allow it to pass through a stage of reading that none of us knew was going to happen and were not able to prepare for. If you wonder why we're all so hot under the collar, that's what happened.

This bill was brought up in Committee of the Whole. We didn't know that was going to happen. We're not able to turn on a dime. We don't have those kinds of resources. We weren't prepared for that. It passed through. We couldn't even bring amendments forward because we hadn't submitted them to Parliamentary Counsel and didn't have them approved. The whole thing spun through Committee of the Whole in 21 minutes. I came back here, and that was it. It had passed. I didn't even get a chance at it. Now we're into Bill 21.

Really, having the Government House Leader say that this is my fault is a bit rich and also disrespectful. Not a good idea.

I'll go back to where I started, which was about hubris. Do not put yourself above the gods.

**Mr. Mason:** We're behind you all the way.

**Ms Blakeman:** Yeah. I'm out there leading this army that is not there.

But that's what it's about. I think this bill could be made into something that's very useful for everybody, but it's not useful now. No disrespect to the sponsor because I know that you're a new member and you're working your way through this. I hope it's been a good experience for you. But this is not . . .

**1:30**

**Mr. Mason:** What could possibly go wrong?

**Ms Blakeman:** Yeah. What could possibly go wrong? Well, you know, what could go wrong . . .

**The Deputy Speaker:** Thank you, hon. member. Your time has expired.

The hon. Member for Edmonton-Beverly-Clareview on the amendment.

**Mr. Bilous:** Well, thank you very much, Mr. Speaker. It gives me great pleasure to rise, partly to get circulation in my legs. I'm happy to speak to this amendment and to outline some of the merits and the reasons why I urge all members of the Assembly to support this amendment. As has been outlined by my colleagues, there are a significant number of reasons why Bill 21, the Environmental Protection and Enhancement Amendment Act, 2013, needs to be referred back to Committee of the Whole.

Mr. Speaker, I think it's telling when I look at – albeit I'm a newer member in the House here – the number of minutes and the amount of time that we spend on many of the bills in Committee of the Whole. You know, it's interesting and it doesn't do this bill justice that there were around 25 minutes of time spent in Committee of the Whole. It's frustrating because, first and foremost, especially for smaller opposition parties, Committee of the Whole, as you know, is a time when we can bring forward amendments, when we try to improve, ameliorate a bill. I mean, it's got its challenges when a very short amount of time has passed from first reading to when the bill is suddenly fast-forwarded to Committee of the Whole.

I mean, first and foremost, obviously, members need to go through the bill, need to interpret it, and need to consider what's in the bill, the merits of a bill, what needs to be either improved or amended to strengthen the bill or to ensure that we're writing the best possible pieces of legislation before they're passed. And this requires time, Mr. Speaker. Again, you know, the smaller opposition parties have fewer resources, fewer researchers. We, too, take pride in our work and in the amendments that we put forward. It's extremely challenging when there's a very short period of time to try to contact many of the stakeholders and many of the people who are going to be directly or indirectly impacted by the passing of a piece of legislation.

Mr. Speaker, it's not just the amount of time that is physically spent in this Chamber debating a bill at a certain stage that is very important. It's extremely important that there is time outside of the Assembly when members can inform themselves, do the research, and reach out to community members, to various organizations who have, you know, a myriad of experts and individuals who are much more familiar with the subject matter than many of the members pertaining to – you name it – different topics from A to Z that we debate and discuss in this House.

You know, this motion to refer, I think, is extremely fitting for this bill, and I do want to reiterate what the Member for Edmonton-Centre said. I mean, this is nothing to do with the sponsor of the bill or the intention of the bill. It's to do with due process and ensuring that we all live up to the duties and responsibilities that are placed on us.

We all have a duty to consult. We want to make sure that Albertans are included, are represented when we're speaking on behalf of the 3.7 million folks that live in this great province of ours, so it is important to consult, to spend an adequate and appropriate amount of time. Clearly, Mr. Speaker, when we look at when this bill was introduced to the time that we're at today, right now, there has not been a significant or a substantial amount of time given to this bill in this Chamber for us to pass this in good conscience.

Clearly, as was outlined by my colleagues, there was, I would say, a bit of a misunderstanding – I'm being very forgiving to the Government House Leader – in that there is a process that takes place, an agreement, if you will, Mr. Speaker, between the House leaders on the process for ensuring that all members of the Assembly are aware of what's going to be discussed on a given day, which I do acknowledge is a courtesy, to ensure that members can be well informed on what's going to be discussed in the House and to ensure that they and their researchers have an adequate amount of time to prepare, whether that's via amendments or just becoming familiar with the bill.

When I look at the number of pieces of legislation or bills that we have debated this week alone, Mr. Speaker, it is a significant amount of legislation. We've moved very quickly on many of the pieces. You know, this motion to refer back to committee I think is a nice way to gently tap the brakes and to say: let's look at how we can strengthen this bill, how we can improve it to ensure that we get it right the first time.

Earlier this evening we spoke, and there's a difference of opinion between the government side and the opposition side as far as getting it done right the first time versus passing something through just for the sake of getting it done and then worrying about improving it. You know, Mr. Speaker, it makes me think of a great little analogy of a student handing in a first or second draft of an essay, saying, "Well, this is it; this is the finished product," when in reality it's only the first or second draft. It needs revisions. It needs other sets of eyes. It needs to be improved, peer editing, before that final version is presented.

I can tell you that often, you know, once something is handed in, we don't – in putting our best foot forward or in making a first impression, you get one crack at it. I think it's important that we put our best foot forward, that we take the time to review this bill and get input from all parties but as well from as many members of this Assembly as we possibly can, Mr. Speaker. I mean, I think we all have the goal in mind of writing and producing the best possible pieces of legislation, and in order to do that, we need an adequate amount of time. There seems to be a shortage of time.

A point I'd like to make which has to do with this motion to refer, Mr. Speaker: I don't know if you're aware of the number of days that this Assembly sits in a given calendar year, but it's quite surprising. You might be quite surprised when you compare how many days we sit in the Alberta Legislature compared to many of our sister provinces. If you guessed that we are one of the ones who sit the fewest number of days throughout the country . . .

**Ms Blakeman:** They'll argue with that because they count evenings as a full day.

1:40

**Mr. Bilous:** I will qualify that. Thank you, Member for Edmonton-Centre.

However, you know, Mr. Speaker, it's quite interesting when I talk to friends and colleagues outside the Legislature. They're quite surprised as to the hours that we often keep in this Legislature, the hour of the day that we're debating legislation. Friends and constituents will ask: well, why are you debating in the wee hours of the night or into the morning important bills that are going to become legislation, that are going to become law, that are going to affect the lives of all Albertans? If we took more days to sit, to have a proper process and a substantial amount of time to debate legislation, we wouldn't have to be in here at 11 p.m. or 12, 1, 2 in the morning debating legislation. [interjections]

I can hear the hon. members from across the aisle saying that they enjoy it and they like it. Well, I'd like to ask them to look around the Assembly. The challenge with debating important pieces of legislation at this hour of the day is, I think it'd be safe to argue, that most members are not at their sharpest point at 2 in the morning. They're not the most wide awake. It really is taking away from fruitful and valuable debate, Mr. Speaker. The other thing is that there are members, understandably, who have families, who are called away, who can't be here late into the evening.

It just seems to make sense that – debate is important, and if we want to have the best quality of debate on bills before they're passed, then why not sit for more days throughout the calendar year to ensure that we do our bills and the constituents who we represent a service and do them just cause in ensuring that we get all the different perspectives on record, debated, discussed? You know, I think that that's something that's very important.

Mr. Speaker, part of the reason why this needs to be referred back to committee – again, there were few amendments that were put forward in the short 25-minute Committee of the Whole debate on Bill 21. I can tell you that I have significant concerns with the way the bill is currently written. This bill has multiple parts to it, but the biggest problem that I have with it is that, quite simply, the minister of SRD has too much power and authority via this bill. We need to ensure that there are counterbalances and that we're not just bestowing a substantial amount of power to one person or one post or a set of responsibilities.

There is clearly a need for new environment monitoring programs and processes. On that I will agree with the sponsor of this bill. However, giving those powers almost exclusively to the

minister is not the way to go about this. This really should be removed from government to an arm's-length organization that can be impartial.

Again, you know, something that is positive, a small step forward, is the increase in the amount of spending that will be on the monitoring from up to \$50 million. But how we're going about the process of establishing the agencies, of who's on them . . .

**The Deputy Speaker:** Thank you, hon. member. The time has expired.

Standing Order 29(2)(a) is available. I recognize the Member for Calgary-Mackay-Nose Hill.

**Dr. Brown:** A very brief comment, Mr. Speaker. Thank you very much. My comment with respect to this amendment that would send it back to committee is just five words. [Remarks in Latin]

**Ms Notley:** I can't ask him what that meant. Okay. I'd love to, but I don't think I can.

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

**An Hon. Member:** That's Latin.

**Ms Notley:** I get that it's Latin. Thank you for that.

I'm just wondering if the Member for Edmonton-Beverly-Clareview could quickly sort of outline some of the specific changes you might want to see if we had had the opportunity to make some amendments.

**Mr. Bilous:** Well, thank you very much. I'll thank the hon. Member for Edmonton-Strathcona as well. I'm not sure if the Member for Calgary-Mackay-Nose Hill was just demonstrating another language or what he was saying. Je peux parler en français. [Remarks in Spanish] Or I can switch into Chinese as well, but I don't know how fruitful the discussion would be.

**Ms Notley:** You speak Chinese, too? Wow.

**Mr. Bilous:** Yes. [Remarks in Mandarin]

To get back to the question from the Member for Edmonton-Strathcona, I think there are a few things that we need to ensure. One is that, you know, when we're talking about strengthening our targets, we need to look at strengthening or putting caps not just on intensity targets, but we need to actually have some hard caps. Unfortunately, on environmental monitoring in Alberta we don't have the best track record, to put it in a very soft way. The Member for Edmonton-Centre is giving me a look. Actually, our track record on environmental monitoring and protecting the environment is quite atrocious. Unless we pick it up, Mr. Speaker, I'm concerned for future generations and the state that the province is going to be in and the direction that we're heading.

I think again, you know, we do need to have a significant amount of monitoring. I'm frustrated by our federal cousins and how they've been shirking their responsibility, passing it on to individual provinces, where again had we strong legislation in this province to ensure not only that industry complies with our regulation and monitoring but that there are enforceable penalties for industry or polluters or those who are not complying with our environmental standards, I think that would be a step in the right direction. I mean, it's kind of ironic, Mr. Speaker, when you have a company that's bringing in \$10 billion of profit per quarter or let's just even say per annum and they're slapped with a hundred thousand dollar fine. Well, it's a joke, quite frankly. There's not much incentive. Again, if punishment is merely a slap on the wrist

for going against legislation, then I think it's not really going to act as a deterrent.

1:50

I think there are two different ways to look at this. We could look at positive reinforcement for companies that are working toward either lowering their pollution levels or coming in under what the targets are. I think the targets need to be reasonable. I think we need to look at what other provinces, other jurisdictions are doing and then to also have, like I said, repercussions for those who aren't going to abide by the law and who aren't going to work toward finding more sustainable approaches and methods of development in whatever industry that may be.

**The Deputy Speaker:** Are there other speakers? The hon. Member for Edmonton-Calder.

**Mr. Eggen:** Thank you, Mr. Speaker. I rise to make a few comments in regard to this amendment, that was brought forward by the Member for Edmonton-Strathcona, moving that the motion for third reading of Bill 21, the Environmental Protection and Enhancement Amendment Act, 2013, be amended by deleting all of the words after "that" and substituting the following:

Bill 21, Environmental Protection and Enhancement Amendment Act, 2013, be not now read a third time but that it be recommitted to Committee of the Whole for the purpose of reconsidering sections 2, 3, and 6.

This is actually my first opportunity to speak on Bill 21. I missed the whole rigmarole from yesterday, I guess. I think the big reason to have this amendment, of course, is because of the confusion that did take place yesterday in regard to Bill 21. You know, the fact is that I missed the opportunity to be able to speak to it as a result, so we are looking for some further time and capacity to debate the bill.

[Mr. Amery in the chair]

It's a very reasonable amendment, I think, especially considering sections 2, 3, and 6. It's sort of in the tradition, Mr. Speaker, of this Legislature that House leaders of every party work together in order to schedule things properly. It's no coincidence that we have the House leaders of at least three out of the four parties here tonight because, of course, this is kind of what drove them to this point. So I guess we are making a point here. By doing so, I think that we have to remind ourselves of the democratic tradition in this House and how it functions not just on paper but in a practical sort of way.

Being able to have clear means of communication I think is a perfectly reasonable way to go. When we have variations to the schedule, then even more so we need to communicate properly between the House leaders, and that disseminates down to all 87 members of the Legislature. You know, there's a sense of trust that's associated with that, and when trust is broken, it takes a little while to repair although we are a very trusting bunch, ultimately, and we're willing to look past it because we look to the present and the future more than to the past. Certainly, I know that things will get fixed here in the immediate and long-term future.

In regard to the legislation in general thus necessitating this amendment, you know, we just think that Bill 21 gives the minister too many new powers, and then that really stretches to all aspects of the bill. The minister is being given too much power in regard to designing the new environmental monitoring system when it should be done by an independent body. This bill also gives the minister too much power when it comes to exempting persons from the requirement to hold a PIN when moving hazardous materials. Finally, Mr. Speaker, this bill gives the

minister way too much power when it comes to removing any personal liability for those who may wish to delegate their authority as well.

Mr. Speaker, this amendment is reasonable, and I think it makes its point quite abundantly. I am glad to have had just a few minutes to speak on that, but now my comments have come to a conclusion.

Thank you.

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

**Hon. Members:** Question.

[The Deputy Speaker in the chair]

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

Seeing none, are there any other speakers?

The question has been called.

[Motion on amendment to third reading of Bill 21 lost]

**The Deputy Speaker:** Back to the bill. The next speaker. Hon. Member for Edmonton-Calder, you haven't spoken yet.

**Mr. Eggen:** No, I haven't spoken yet, and I will do so very briefly, Mr. Speaker.

In our view, this bill has not had very fair evaluation by the Assembly, and during second reading of this bill the NDP opposition has made it clear that we did want to debate a number of sections of this act. The NDP opposition also indicated to the Government House Leader that we had amendments. Oh, I'm sorry. And the Liberals, too, of course, and the Wildrose. I just got carried away. Thank you very much. I appreciate that. It was very appropriate nonverbal communication. The government did not honour this request. As a result, we weren't permitted to bring up some concerns about the bill.

As I've said before, the bill gives considerable powers to the Minister of Environment and Sustainable Resource Development to design and implement environmental programs in the oil sands, and she could do this with these new powers in this bill without the input of Albertans, First Nations, or the scientific community.

More importantly, this bill flies in the face of the government's commitment to Albertans to establish an independent, arm's-length body to conduct real and credible monitoring in the oil sands. This bill also makes changes, Mr. Speaker, to the current rules around personal identification numbers, which we believe could lead to misunderstanding or even fraud.

Further, this bill extends the immunity from liability for damages to anyone and everyone the minister chooses. This could likely apply to many contractors who will work for the government one day and then for an oil company the next. This has profound implications, Mr. Speaker, for the ability of Albertans to protect themselves and be compensated for nefarious behaviour committed by individuals who have not taken an oath to the government.

On behalf of Albertans we do demand that this bill, in fact, be hoisted so that the government has time to reconsider these mistakes. Albertans are demanding a real and independent monitoring of our important industry. This bill does not achieve this. The opposition from all opposition parties should be allowed to speak on behalf of the thousands of Albertans who, in fact, do oppose this bill. We believe that Albertans, Mr. Speaker, deserve better, so I am choosing to hoist this bill at this time. I have a motion to do so here, the amendment with the appropriate amount of copies with the original on top. If we could just distribute those.

**The Deputy Speaker:** We'll just pause, hon. member, to circulate the amendment. This will be amendment RA2.

You may proceed, hon. member.

**Mr. Eggen:** Thank you, Mr. Speaker. I will for the sake of expediency just read as we're distributing the amendment. I will move that the motion for third reading of Bill 21, Environmental Protection and Enhancement Amendment Act, 2013, be amended by deleting all of the words after "that" and substituting the following:

Bill 21, Environmental Protection and Enhancement Amendment Act, 2013, be not now read a third time but that it be read a third time this day six months hence.

Thank you very much, Mr. Speaker.

2:00

**The Deputy Speaker:** Other speakers to the amendment? The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, I thank the hon. member for moving the hoist, and that does entitle all members to speak again. We could carry this on for a considerable amount of time longer, but I think we have made our point. So I would propose that we vote on the hoist and then vote on third reading of Bill 21.

[Motion on amendment to third reading of Bill 21 lost]

**The Deputy Speaker:** We're back to the bill. Are there any other speakers on the bill?

Seeing none, does the hon. Member for Calgary-North West want to close debate?

**Ms Jansen:** Question.

**The Deputy Speaker:** The question has been called.

[Motion carried; Bill 21 read a third time]

### Government Bills and Orders Committee of the Whole

[Mr. Rogers in the chair]

#### Bill 24 Statutes Amendment Act, 2013

**The Chair:** Are there speakers? The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Well, this is wonderful. Thank you so much for the opportunity to be able to speak to Bill 24 because I along with, I'm sure, many other members of the Assembly do try and get out and do community events and get out from underneath the dome. In fact, I've been engaged in a number of those over the last couple of days, so I haven't been able to be present while this bill was moving through second reading.

This bill is not a record-breaker, but it's a new step, not one that I particularly approve of. No. I disapprove of it absolutely because what this is is another step this government is taking away from democracy and taking away from this Legislative Assembly. This is where people go: "Oh, my goodness. Two o'clock in the morning. What is she going on about?" But that's, in fact, what's happening.

We have had a very long tradition of what's called miscellaneous statutes in this House, and it was an opportunity for the government to make some very minor changes, not on content,

nothing consequential. It was typographical and, you know, name corrections when a bill got changed but never anything big, where it changed the content or the meaning of the bill. The deal was that it went through very fast, it tended to be brought in at the end of a session, and it would go through without debate.

The exchange for that was that the opposition had an opportunity to ask for anything they felt was not fitting within that definition of miscellaneous statutes to be removed and brought forward. Then the government could decide what they wanted to do. Whether they brought it forward as a stand-alone bill or whether they combined it with something else that was on the same theme was up to them. That was the exchange. So the opposition could ask for sections to be pulled out and could dispute that it was, in fact, minor, and the exchange was that when it came before the House, it went through without debate.

The interesting thing that's happened is that over the years a number of the bills have been disputed and, therefore, pulled out. Why? Because they weren't inconsequential. They weren't minor; they were fairly major. In some cases they were completely rescinding bills. There had been a mistake made in the drafting that was a flat-out mistake, and they needed to fix it, but the sponsor was embarrassed to admit that there was a mistake and didn't want it brought forward as a big old bill, so they wanted to slide it through miscellaneous statutes. In some cases way back they actually used to try and slide stuff through, hoping that the opposition wouldn't notice.

There are a number of examples where pieces have been pulled out. I know that when some of the parts of this bill were discussed and it was proposed that certain pieces be included in miscellaneous statutes, I for one had indicated that it wasn't minor. As a result, the Government House Leader or the government – I don't know who – has decided to create a whole new being called the Statutes Amendment Act which does not need the involvement of the opposition. They are not allowed to pull anything from it, but the exchange is that we get to debate it. So we will make sure to take advantage of that and, I hope, proceed with a fulsome debate.

The other piece that's long standing in here is that the speaking time that members have had has been consistently eroded over the last 18 years. Originally there was no limit on speaking times for any member in this Assembly. Then there was a limit of 30 minutes on any given bill and longer if it was an omnibus bill. So if there were more than two acts being changed in a bill, then it got even more time. That was then reduced to 20 minutes of speaking time for a government bill for any member, and then that was reduced to 15 minutes of speaking time for a government bill plus the 29(2)(a) for comments and questions. The speaking time for private members' bills has been reduced from 20 to 10. The total amount of speaking time for any member speaking in this House has been steadily eroded. If you put those things together, it is a taking away. It is an erosion. It is denying the opportunity, particularly for members of the opposition, to be able to contribute to what's going on here.

I know that the really right-wing view of Legislative Assemblies is that they should sit as little as possible, and I've often heard my colleagues across the way express admiration for Texas, which meets once every two years whether they need to or not. I know that some members on the other side were very keen on that idea.

What we have before us with the Statutes Amendment Act is that we're amending the Condominium Property Act, the Emblems of Alberta Act – there's an interesting story behind that one – the Perpetuities Act, the Surveys Act.

Then there's a long section on the updating of portfolio names. I thought the purpose of the government act was to be able to keep track of all of that stuff outside of actually going through and changing the legislation every time, but evidently not, because we're cutting and pasting a number of names and department names with the associated Societies Act, Alberta Housing Act, Animal Health Act, Auditor General Act, Crown's Right of Recovery Act, Health Disciplines Act, Fur Farms Act, Health Facilities Review Committee Act, Health Professions Act, Horse Racing Alberta Act, Hospitals Act, Judicature Act, Municipal Government Act, Notice to the Attorney General Act – boy, I didn't even know about that one – Proceedings Against the Crown Act, Public Trustee Act, Professional and Occupational Associations Registration Act, blah, blah, blah.

**2:10**

I think there are 15 pages of it where they're adjusting what delegated administrative organizations fit underneath and where "Minister of Justice and Attorney General" turns into "Minister of Justice and Solicitor General," with changes in the way that particular ministry is now referred to. At different places "Justice and Deputy Attorney General" is being replaced with "Deputy Minister of Justice," blah, blah, blah.

What's really coming forward in here? I did ask for and receive some explanation on the Emblems of Alberta Act. I thank the Minister of Culture's assistant for providing me with that information. But my questions are always: why do we need legislation? Why does this have to be handled by bringing it before the Assembly? What was the problem that made it have to come forward before the Assembly? Is it going to be fixed by legislation, is it going to be fixed by this legislation, and who's going to be really unhappy about it? Those were the questions I put forward to the minister's assistant, and in fact he answered them, so a gold star to him.

The Emblems of Alberta Act is being amended to add in the provincial shield of Alberta. The shield is what appears above the Speaker's chair there. It's what we commonly think of as the emblem that goes on the flag, with the wheat field and then the mountains and the sky and St. George's cross on the top. Then there's the actual crest, which is the one that you usually see in gold with the stag and the griffin and all that hoo-ha on either side of it. It, in fact, was not included as an official emblem of Alberta. [interjections]

The government deputy whip has a voice that particularly carries, so if I might be able to invite him to take his discussion outside, that would be very helpful. He talks well but doesn't listen. And there he goes. Okay. Good.

They had not in fact included it. You know the various emblems that we have. In fact, the most debate I've ever seen from government members ever on any bill was on the grass bill. Naming rough fescue as the grass of Alberta got more debate – I heard from more people on the government side than I've ever heard any of the government members debate on any bill before or since.

**Mr. Mason:** Even on the debate on the official rodent, which would be the prairie dog?

**Ms Blakeman:** There is no official rodent, leader of the fourth party. For shame.

But there is the official rock and the official bird and the official mammal and the official fish and the official tree and the official grass, and then there's the tartan. Then it turns out that we did not actually have the shield that was included, making it an official

emblem. What this is really about is – ta-dah – control. It gives the government the ability to . . . [interjections] Everyone is being terribly jolly and having little chats. Now, isn't that nice?

**Mr. Mason:** What about the official song? There was a good debate on that.

**Ms Blakeman:** No, no, no. We are not including any reference to the official song. We are so not including that. No. It's not in here.

So this is to include that and to give the government power to say: you may use this, or you may not use it. It's particularly interesting, given the age of enhanced technology now and digital printing, that lots of people are taking a screenshot of the shield and putting it on their letterhead: businesses, et cetera, et cetera. They don't even know to ask for permission, and frankly at this point they wouldn't have had to because the shield was not included under the act.

The interesting part is that when I said, "Who wants this?" or "What was the problem?" I was told that the Senate had requested the use of the shield for an Alberta Senator, and that's when it was discovered that the province couldn't give permission because they didn't have control over it. That's one of the stories. The other story is that the government was really PO'd that the Wildrose used the shield as part of their campaign literature. That's what really got everybody riled up. We'll let the minister stand up and tell us which one is true, but I suspect it's the Wildrose one because now they're using the official flower. Fingers on your buttons everybody. The official flower of Alberta is the wild rose. That would be an interesting copyright debate, about whether or not they get to use the little flower.

That's the reasoning behind the emblems of Alberta. Of course, they have to go through describing the whole thing and then making sure that they're putting it in as the provincial shield. Then the minister – oh, my God. How many times? They must just cut and paste it into every bill. The minister may make regulations respecting the dot, dot, dot and then fill in the blanks. In this case it's the use and display of it and how people are allowed to copy it, et cetera.

It's a reasonable explanation. Thank you. It was offered to me. Thank you again because, unfortunately, what the Government House Leader supplied to me didn't give me the information about why this was necessary. You know, surprising to all of you, I really don't like to make more legislation than we need to here. Those are always my questions. What's the problem? Do we need legislation to fix it? Is this legislation going to fix it? Who's going to be upset about it? Another way of saying: who benefits, and who doesn't? I'm fine with that.

The other problem that these omnibus bills cause for people like me is that I go: "Okay. I'm fine with that. I'm happy to vote for it." And then I look at something like the Perpetuities Act. You know what? I should be careful about what I say here because I have not read every single word in this. I got the impression that what was happening here was that if someone who owned land leased it to someone for a specified period of time – I'm sorry; this is where I need to do more work – this now gives the lessor the ability, once the specified time has run out, to continue on and actually to go further than they would have been allowed to previously except that it doesn't apply to a mineral lease. Oh, boy. I need to read more on that one. I'm sorry. I'll come back to it. This is Committee of the Whole. Great. I'll read through that one as fast as I can.

The Surveys Act, again, is pretty straightforward. I actually would have let it go through miscellaneous statutes. They seem to be having a heck of a time getting someone to take the job of



director of surveys, so they're actually having to change the act. In order to put somebody in the job, they've changed the description of the job. They're striking out "an employee under the Minister's administration who is" so that it just says that the minister shall designate "a surveyor as the Director of Surveys" rather than it being someone in the minister's own department. I don't know whether it's good or bad that they can't find someone in the minister's own department to take that job. I actually can't comment on that, but it sure does raise a question. I'm okay with the Surveys Act as well, and as I say I would have left that in miscellaneous statutes.

2:20

What I wouldn't have left in miscellaneous statutes is the Condominium Property Act because that's a bigger piece and a bigger change than something pretty minor. It's come about because of a court ruling and also because the state of our condominium act in Alberta is currently less than optimum. It's fairly antiquated, and it's just not covering a lot of the bases that it needs to cover.

Once upon a time – I don't think they do it much anymore; at least they don't do it in the fabulous constituency of Edmonton-Centre – they used to allow what they call bare-land units to be purchased. What's happened is that money was collected from the bare-land condominium owners and put into a fund and then used to fix up the roof or the exterior of the building or whatever. This is most often used in townhouse kind of complexes. A group of bare-land condominium owners took them to court and said: "You don't have a right to do that. We actually own the land. You can't take our money and then use it for that because I own this, and I've got the right to make the decision." And they won.

So now the government quickly had to react to this and change it. They could have brought forward an act. In fact, they did bring forward an act. I don't know why this put the Minister of Service Alberta at the point where he felt he had to work with the Government House Leader to completely eradicate a process that had worked quite well for a number of years and take the opposition out of the mix here. But he wanted to win, and I guess he did. I don't think that's a good thing for democracy, but he certainly knows how to throw his weight around and get what he wants, I must say. So very impressive. He could have just brought it forward as a change to the Condominium Property Act in the same way that he's now sponsoring the Statutes Amendment Act.

I will try and get up to speed really quickly on the piece that I wasn't clear on, which is the Perpetuities Act, and let others speak to this if they wish. [Ms Blakeman's speaking time expired.] My timing is perfect.

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

I recognize the hon. Member for Rimbey-Rocky Mountain House-Sundre.

**Mr. Anglin:** Thank you, Mr. Chair. I have but one question on the Perpetuities Act. I'm hoping that the hon. member could answer the question for me. The issue of mineral rights with regard specifically to freehold rights owners is a concern. Like many of the other opposition members, I haven't had time to go into the act in depth. I'm not a big fan of omnibus bills, but I understand why some of these omnibus bills are brought forward. If the hon. member could explain to me how freehold rights are protected within the Perpetuities Act with the transfer of mineral rights, that would go a long way to resolving or allaying some fears that particularly the freehold association might have.

Thank you very much.

**Mr. Hancock:** Well, Mr. Chair, I'll try to address that briefly for the hon. member. Essentially the Perpetuities Act sets out some rules. It's an embodiment, I guess, of the rule against perpetuities, which basically says that you can't have a contract which goes on forever. It has to stop at some point in time. Under the old English common law the rule against perpetuities essentially was, I think with respect to most things . . . [interjection] Sorry?

**Dr. Brown:** Life in being plus 21 years.

**Mr. Hancock:** Yes. So it was life in being plus some years, something like that.

Anyway, there was a rule against perpetuities. Like the hon. Member for Edmonton-Strathcona, it sort of seemed archaic, and I didn't remember the whole thing. We have perpetuated the perpetuities in our Perpetuities Act. What we basically said in the Perpetuities Act is putting some time frames around how long a contract without end can last. In the case of certain properties, including real properties, there's essentially a 40-year limit, and after 40 years there's no reversionary interest. In other words, after 40 years, unless there's something which specifically designates a renewal term or point or something which would break up the lease and allow the owner to reassert their ownership, they would not be able to claim it. It's somewhat akin to what we used to call squatters' rights. If you live on a piece of land over 10 years and nobody claims that you're on their land, they might lose the right to assert their claim. That's what the section of the Perpetuities Act essentially says, that after 40 years you lose your right to assert your claim.

There are a number of mineral leases in the province, private owners who own mineral leases who have entered into contracts with some company to develop those leases, to create performance on those leases, and there may be clauses in those leases which call for a prove-up rent or a continual rent, whether or not they're pumping, to keep the lease alive. If they haven't in those leases taken care of the issue around the Perpetuities Act, there's a question that's been raised as to whether or not they will after 40 years lose their interest. That question was raised in an article in a blog by a University of Calgary law professor. Now, it's not necessarily universally agreed that he's right, but it's raised the issue.

This is important now because the Perpetuities Act is just about 40 years old, so it's been just about 40 years since that rule came into place, and there may be leases out there where, if the professor is right about his interpretation of the law, a mineral owner who has leased their lands and has not taken care of this issue in the lease and is not getting renewal leases and that sort of thing and hasn't exerted their authority as an owner could lose their reversionary interest. In other words, the oil company or whoever took the lease might be able to forestall the owner from asserting their rights again if, in fact, they defaulted under the other terms of the lease. That was not intended in this circumstance.

This has been drawn to attention by somebody who's been teaching perpetuities and discovered a place where he might expound on this concept. I think that out of an abundance of caution it makes sense to protect the mineral owners who perhaps entered into those leases that may or may not have the clauses in there which will ensure that they get to continue to own and assert their ownership rights over that land, over that real property, those mineral rights that they have. We want that to happen, so it's necessary to pass this amendment to the Perpetuities Act to indicate that this 40-year guillotine, if you will, that may cut off their right to assert their ownership interest, doesn't apply to mineral leases that were entered into in that circumstance.

**The Chair:** Are there other speakers?

**Hon. Members:** Question.

**The Chair:** The question has been called.

[The clauses of Bill 24 agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Chair:** Opposed? That's carried.

**Mr. Hancock:** I would move that the committee now rise and report.

[Motion carried]

[The Deputy Speaker in the chair]

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

2:30

**Mr. Amery:** Thank you, Mr. Speaker. [interjections] You want to go home, eh?

Mr. Speaker, the Committee of the Whole has had under consideration a certain bill. The committee reports the following bill: Bill 24.

**The Deputy Speaker:** Does the Assembly concur in the report?

**Hon. Members:** Concur.

**The Deputy Speaker:** Opposed? So ordered.

### Government Motions

#### Adjournment of Spring Session

32. Mr. Hancock moved:

Be it resolved that pursuant to Standing Order 3(9) the 2013 spring sitting of the Assembly shall stand adjourned upon the Government House Leader advising the Assembly that the business for the sitting is concluded.

**The Deputy Speaker:** This motion is not debatable.

[Government Motion 32 carried]

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

**Mr. Hancock:** Thank you, Mr. Speaker. With much reluctance – it appears that we've covered all of the things which we indicated to members of the House would be under discussion for business today – I must move adjournment until 1:30 p.m.

[Motion carried; the Assembly adjourned at 2:31 a.m. on Thursday to 1:30 p.m.]

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