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First Session

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The Honourable Gene Zwozdesky, Speaker

Legislative Assembly of Alberta The 28th Legislature

First Session

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Legislative Assembly of Alberta

7:30 p.m.

Monday, November 18, 2013

[Mrs. Jablonski in the chair]

The Acting Speaker: Please be seated.

Government Bills and Orders Second Reading

Bill 33

Tobacco Reduction Amendment Act, 2013

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

Mr. Rodney: Thank you very much, Madam Speaker. Colleagues, I'm very, very pleased to rise today to move second reading of Bill 33, the Tobacco Reduction Amendment Act, 2013. Thank you for your support.

As an MLA I see this bill as supporting the quality of life of my constituents. Hopefully, you feel the same. As Associate Minister of Wellness I see this bill as protecting the health of all Albertans and a healthy future, especially, of our young people. Now, as a member of this government and as a proud Albertan I can tell you that I see this bill as reinforcing Alberta's position on tobacco reduction amongst our Canadian fellow jurisdictions.

Madam Speaker, I believe that all members of this Legislature do indeed share those feelings of commitment, and there's good reason for that. Tobacco, sadly, is responsible for close to 3,000 Albertan deaths every year, and in Canada smoking is responsible for almost a third of all cancer deaths and more than 85 per cent of lung cancers. But we also see the suffering behind the data. We see families robbed of parents and grandparents. We visit community centres and care homes in our constituencies. We see people who are struggling, people with portable oxygen supplies just doing what they can to catch their breath. We see young people in our neighbourhoods lighting up, and we think of the future that could be theirs.

Protecting Albertans from the harms of tobacco is why we have our new 10-year tobacco reduction strategy, which we launched just 12 months ago. A major focus of that strategy is preventing and reducing tobacco use among children and protecting them from the harmful effects of tobacco and second-hand smoke. It also aims to give newborns a better start in life by reducing tobacco use amongst pregnant women, thereby reducing the number of low birth weight babies.

Now, the tobacco reduction strategy acts on a combination of prevention initiatives, public awareness, education, and cessation supports. Stronger tobacco reduction legislation is part of that picture, and Bill 33 makes that happen in a number of ways, in fact five, to be exact.

Number one, it specifically prohibits selling or otherwise providing young people with tobacco products. We do have federal legislation but nothing here in Alberta. In fact, Alberta is the only province and one of only two jurisdictions in our country that does not have legislation to prohibit the sale of tobacco products to minors.

Number two, it increases package sizes and the number of units of certain products in a package to make them less affordable for our youth.

Number three, it bans the use of water pipes where tobacco smoking is prohibited. This is important because it protects Albertans from second-hand smoke that may be just as harmful as

tobacco. Additionally, tobaccolike products may potentially be a gateway to tobacco use.

I certainly realize that this may have an impact on businesses whose policy on water pipes helps to attract customers, but I believe they'll be very interested to know that businesses have a transition period of about a year and a half to prepare for the change. We're delaying proclamation of the water-pipe legislation for six months after the bill is passed, and it will be another 12 months before the ban comes into force. Madam Speaker, we know from experience that when smoking was first banned in public establishments, most people and businesses were able to adapt, and we do expect the same flexibility again. Some municipalities already ban the use of water pipes, and this section of Bill 33 creates an equal playing field across Alberta.

Point number four, banning smoking in vehicles with children present. Now, the Tobacco Reduction (Protection of Children in Vehicles) Amendment Act did receive royal assent back in March of 2012 but is not yet proclaimed. Bill 33 would bring the provisions of this legislation under the Tobacco Reduction Amendment Act.

Finally, Bill 33 also would bring the Prevention of Youth Tobacco Use Act into the Tobacco Reduction Amendment Act, and this will create a single, unified piece of legislation that supports a comprehensive approach to protecting young Albertans from tobacco.

Madam Speaker, we pass laws to protect the public good. Bill 33 will strengthen public protection from the health risks of tobacco and tobaccolike substances. We are very fortunate in Alberta that strong legislation will support a comprehensive, long-term commitment to tobacco reduction, and it is a testament to our commitment to Albertans and to their future. Hopefully, when the young generation of today is in this House representing their constituents, the fight against tobacco may be one they have read about and not one they still have yet to address.

With that hope in mind I offer my support for Bill 33, the Tobacco Reduction Amendment Act. I strongly encourage all members of this Assembly from all sides of the House to do the same. With that, Madam Speaker, I move to adjourn debate on Bill 33.

Thank you.

[Motion to adjourn debate carried]

Bill 38

Statutes Amendment Act, 2013, No. 2

The Acting Speaker: The hon. Minister of Justice and Solicitor General.

Mr. Denis: Thank you, Madam Speaker. I'm pleased today to rise and move second reading of Bill 38, the Statutes Amendment Act, 2013, No. 2.

Bill 38 amends several pieces of legislation, which I'll list as follows: the Alberta Personal Property Bill of Rights, the Civil Enforcement Act, the Court of Appeal Act, the Court of Queen's Bench Act, the Dower Act, the Family Law Act, the Fatal Accidents Act, the Judicature Act, the Motor Vehicle Accident Claims Act, the Police Act, the Provincial Court Act, the Recording of Evidence Act, and the Special Areas Act.

I will now provide some details about the proposed amendments. The proposed change to the Alberta Personal Property Bill of Rights would exempt the recently proclaimed International Interests in Mobile Aircraft Equipment Act from this act, consistent with existing policy. If the Crown enforces security in

aircraft under this international convention, it is a normal commercial transaction. It's not meant to be covered by the Alberta Personal Property Bill of Rights. The bill of rights does not apply to taxes, penalties, or normal commercial transactions as well as being carried out by the Crown. Current exemptions include the Personal Property Security Act and the Civil Enforcement Act.

Bill 38 would also make changes to the registered education savings plan contributions to ensure savings invested from postsecondary education and training are available to the child that they were intended for in the first place. Currently case law indicates that an RESP is not to be held in trust for a child, so it is still counted among a parent's net assets. Resultingly, Madam Speaker, if a parent has creditors seeking to obtain his or her assets to repay a debt, an RESP intended for a child's post-secondary education and training, which may have accumulated over several years, can be lost. Making this amendment would ensure that funds intended for a child's education and training will be protected to allow that a child can afford a better education and a better future.

Amendments are also being proposed to the Dower Act. Spouses who wish to waive their rights pursuant to the Dower Act must sign a consent form and make an acknowledgement that they understand the implications of this waiver. This acknowledgement must be made "before a person authorized to take proof of the execution of instruments under the Land Titles Act," who then completes a certificate of acknowledgement. The proposed amendments will require all certificates of acknowledgement of the Dower Act to be completed by a lawyer.

Now, Madam Speaker, this is a significant change because before you could simply go to a lay notary public or lay commissioner and have the document notarized. I wanted to thank the former Attorney General, the minister of agriculture, today for his contribution to this change, as this will protect spouses in Alberta by ensuring that they receive independent legal advice and fully understand the consequences of the surrender of dower rights prior to making a formal waiver.

Bill 38 also amends the Family Law Act. This bill provides clarity around the rights and obligations of a person who is declared not to be the parent of a child. An example of when this situation may arise is when a person has acted or has been treated as the parent of a child. Parentage then becomes an issue, and then that person is subsequently declared by the court not to be the child's parent. Bill 38 will make it clear that the declaration does not affect any rights and duties that have been exercised or any interest in property that has been distributed before the declaration was made unless the court so otherwise orders.

Bereavement damages under the Fatal Accidents Act were also increased by a regulation earlier this year. Currently this act refers to the previous amounts, and the new amounts are in the regulation. Bill 38, Madam Speaker, moves the new amounts from the regulation to avoid confusion.

7:40

The amendment to the Judicature Act will also provide for appeals relating to an application for an order declaring a person a vexatious litigant. There was quite a bit of press this year on what exactly a vexatious litigant is. It's an order given in the jurisdiction of the court for restricting an individual's ability because they have abused processes in the past. This will fill a legislative gap by providing parties to a vexatious litigant proceedings before a judge of the Provincial Court with the same right of appeal as to parties of similar proceedings before a Justice of the Court of Queen's Bench or the Court of Appeal. Basically, in a sentence, Madam Speaker, under this change to the Judicature

Act everybody gets treated the same, regardless of whether they go to the Court of Queen's Bench or the Provincial Court of Alberta.

The amendment to the Motor Vehicle Accident Claims Act will expedite payments of compensation to claimants injured in what's called a hit-and-run accident. I've been a victim of one of those before. This will be done at the discretion of the administrator when the claim is less than \$25,000, and this also reduces court costs.

Bill 38 also amends the Police Act to provide the Lieutenant Governor in Council with the authority to grant a serving senior police officer the designation of a commissioned officer. This would apply to those with the rank of inspector, superintendent, deputy chief of police, or chief of police.

The amendment to the Recording of Evidence Act removes obsolete references and corrects terminology to reflect changes in the management of transcript services in Alberta.

Madam Speaker, Bill 38 also amends the Special Areas Act to change the membership of the Special Areas Board from three members to four. This will allow for representation from each special area throughout the province. Currently board representation includes the government-appointed chair of the Special Areas Board and elected representatives from two of the three special areas on a rotational basis. There was also one special area not having board representation for a four-year period due to the 2012 amendment to the Local Authorities Election Act that has extended council terms from three to four years, effective October 21, 2013.

Bill 38 also includes amendments to three pieces of legislation affecting the courts, proposing that the Court of Appeal Act and the Court of Queen's Bench Act be changed to reflect the current complement of judges. The Provincial Court Act will also be amended under this bill to allow the Provincial Court to use electronic documents in proceedings, a significant step forward for the efficiency of our courts. Amendments also are proposed to provide the Lieutenant Governor in Council with the authority to make regulations specifying requirements and standards for electronic documents and electronic signatures, again a significant step forward to the modernization and the efficiency of our courts in this province.

Madam Speaker, the amendments to these pieces of legislation will help ensure that they're up to date and reflect changes in our province. In a rapidly growing province, over 4 million people today, it is especially important to make these changes so that our legislation is consistent and clear and can be understood by everyone in this province. Albertans expect and deserve clarity and consistency. With these amendments we'll help achieve that.

Thank you, Madam Speaker. As I see many people signing Christmas cards, I will join them, and I will now move to adjourn debate on Bill 38.

[Motion to adjourn debate carried]

Bill 32

Enhancing Safety on Alberta Roads Act

[Adjourned debate October 30: Mr. McIver]

The Acting Speaker: The hon. Minister of Transportation.

Mr. McIver: Thank you, Madam Speaker. I'm asking for support for second reading of the bill. As I expressed in my opening remarks, the bill essentially is intended to grant authority to municipalities to set the times when reduced speed limits take place in playground zones and also to grant the government the

authority to designate lane usage on Alberta highways. This is a right that municipalities across this province have had for a long time. Of course, we are going to give ourselves the right to do that now.

Beyond that, Madam Speaker, the bill deals with a number of administrative and housekeeping amendments, some meant to match Criminal Code changes by the federal government and some to strengthen or clarify Alberta's current legislation.

The Acting Speaker: Thank you, hon. minister.

The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Madam Speaker. I rise, too, to talk about Bill 32. I support many, many of the things that are in this bill. I especially like the government's efforts to reduce red tape and to make things a bit more effective and a bit more efficient.

One of the elements of the bill is where the registrar has the authority now to suspend a licence instead of automatically having to cancel it. This will reduce some red tape in case it's just something that a person has to attend to and can bring back in two or three days, not making them go through the whole process of having to fill out the forms. In today's world and in our competitive economy it's important to have these things.

I also like the idea of what the hon. minister just said about municipalities having the authority to set playground hours and playground zones as they do with school zones now. My party and I have always been great believers in local grassroots decision-making, and this goes a step towards that as well.

There is an element in the bill where policemen don't have to necessarily seize vehicles either. It's important if they're two or three hours away from, say, a metropolitan centre or some site of access to a tow truck. They have access to look at other alternative measures to enforce the law but make it more cost-effective and timely for them to carry out their important work. Again, we're always believers in our front-line workers having the best opportunity to do that as possible.

There are three or four elements of the bill that are of a little bit of concern to me and our caucus, and we've discussed it. Hopefully, we'll have the opportunity in Committee of the Whole to talk about possible amendments to this. One of the elements of the bill that looks like it could have a great effect to streamline is that this will give the minister the authority to close highways that have not and do not have a surveyed road plan. It seems a waste of taxpayers' money if a road is not being used to have to go out and get an expensive survey to do it, then to ultimately close it. But I think we have to spend some time at Committee of the Whole discussing, to make sure that the road is not being used, to make sure that adequate notice is being served to adjacent landowners, to landowners, and to county residents who may be in need of using that road. Again, at Committee of the Whole I hope this is something we can talk about at some length.

High-occupancy vehicle lanes or lane-usage designations. Many, many pros to this: environmentally, speed, government being able to set direction. There has also been some controversy about: do our highways have the adequate space for it? In some parts of America an extra lane designated for this use only seems to work best. There's some concern about the communication process and the process of making sure we have adequate room for buses and cars to, you know, adequately use the high-occupancy vehicle lanes.

Tonight at our sustainable resource development committee we heard Edmonton Transit and Calgary Transit say that potentially high-occupancy vehicle lanes are great to promote the use of alternate fuels. Potentially this is something that in Committee of

the Whole we can thrash out a bit, and we can earn our pay and make this legislation as good for all Albertans as we can.

An element to the bill that I think we are going to have to talk about and spend some time on in Committee of the Whole is that in the old law before a peace officer had the authority to stop someone, he had to have reasonable and probable grounds. Under this new law, Bill 32, the traffic amendment act, he only has to have reasonable grounds. In our due diligence, checking this with the legal community and people that practise in this area, reasonable and probable is a higher duty on the policeman than just reasonable is.

Our party has always been a great believer in civil rights. Our party has always been a great believer in protecting roads and protecting Albertans as well. There's a balance there, and there's a balance that, again, at Committee of the Whole I would like to hear some of the experienced minds in the Legislature have an opportunity to discuss. At this point in time I'm believing that this should go back to reasonable and probable grounds, but we can talk about that more in Committee of the Whole.

So, once again, Madam Speaker, in principle I approve of this bill, and I compliment the minister on his work. I look forward to Committee of the Whole. Thank you.

7:50

The Acting Speaker: Are there any other members who wish to speak to Bill 32? The hon. Member for Cardston-Taber-Warner.

Mr. Bikman: Thank you, Madam Speaker. I, too, like this bill in general. I think it's got an awful lot going for it and will certainly have my support.

I have reservations about some of the things that my hon. friend from Cypress-Medicine Hat mentioned, particularly with regard to the HOV lane. I just can't see how that's going to work given the existing highways that we have. There may be a time and a place for it. Maybe we've arrived at it. If so, I think that means an investment in infrastructure, and I hope that we would have the studies done to determine the volume of traffic and the impact that this might have. If we're simply reducing the number of lanes available to the majority of the vehicles, that's going to create bottlenecks and choke points.

Where I've seen this – and I've travelled extensively in the U.S. in particular. We see this all over the place, but it's always in locations where you've got more than three lanes going in each direction. A fourth lane, then, is designated as an HOV lane. In some cases it's on highways that have five and six lanes going in each direction.

That's the reservation that I would have in giving this my wholehearted support, but I hope that we can, being reasonable people, discuss this and see just where it would work and how it would work and then make an informed decision. Perhaps those studies have already been done, but I've haven't seen them yet. I would like to know that.

Thank you.

The Acting Speaker: Thank you, hon. member.

The hon. Member for Calgary-*Buffalo*.

Mr. Hehr: Well, thank you very much, Madam Speaker. It's always neat to get an opportunity to get here and speak in the Legislature to various bills and how they're going to impact people both today and tomorrow. It's the same enjoyment I take in adding a comment to every bill, and I understand the honour and privilege it is for all of us in this House to get to take part in this debate to discuss the issues of the day.

This is Bill 32, Enhancing Safety on Alberta Roads Act. It has a lot of interesting aspects to it. In my view, some of it is positive; some of it I have questions on. Of course, we'll be adding amendments to try to, hopefully, make this bill a little bit better, a little bit stronger, and in some places pick up the legislation and move it forward in a positive fashion.

This bill seeks to do a great, great many things. It allows the minister to close unsurveyed highway lands and return the land to the Crown or to the municipality where the land is located. It allows the province to control highway lanes, investigate HOV, bus lanes, and lane reversal as municipalities do; allows police to immobilize a vehicle instead of seizing and removing it, allows the registrar to suspend a permit instead of just cancelling it, allows persons to appeal permit suspensions to the Transportation Safety Board. It allows the designation of military police as peace officers; updates the wording by removing "1987" from the Motor Vehicle Transportation Act, 1987, and by removing "and probable" from the term "reasonable and probable grounds"; clarifies and updates references to the Criminal Code; adds the roadside breathalyzer as a device to determine the presence of alcohol in the blood; and allows municipalities to regulate playground zones and determine the times in effect.

Now, given that this is the first time that I've had an opportunity to speak to this bill and, in fact, to go through it in any fashion – I was just able to tonight. In the main there are lots of reasonable pronouncements being put forward. In fact, I think that it is an excellent move, allowing municipalities to regulate playground zones. They are the level of government closest to their people and understand the traffic patterns that occur in any neighbourhoods and the forms and fashions that people drive in their neighbourhoods better than we do here at the Legislature. This is an excellent move and idea. The time has come, and I believe city councils and municipal councils are fully equipped to be able to make those decisions better than we are here.

I think it's a good move to allow the registrar to be able to suspend a permit instead of just cancelling it. This seems to be a logical move that allows for people to use a little bit of flexibility in our system of governance around driving motor vehicles that may lead to people being more productive and lead to a more seamless transition when infractions arise. Updating some of the language and references to a roadside breathalyzer simply updates the act to reference the current technologies at play and allows for greater clarity in what our laws of the land state that is allowed to happen on our highway systems.

Just allowing police to immobilize a vehicle instead of seizing and removing it: that sounds like a very reasonable solution, allowing our police officers to have the flexibility and the assessment tools to be able to assess any situation and do what's best in the interest of time and best in the interests of public safety. It seems to be a positive move as well.

Some areas I do have concern about. I'm not certain how these HOV lanes and bus lanes and the like are going to be reversed and traversed and in what form and fashion this is going to take place. I would hope and I probably believe that the minister has given this a decent assessment and understands areas of the province that this is suited to be held in and where it would be unsuitable. I assume he's going to take it on a case-by-case basis and look where this can be feasible and safe and the like. Nevertheless, some questions emerge as to whether, in fact, we're adding an additional safety hazard to the road, whether Alberta highways are set up to allow for this to happen at the current time or whether additional infrastructure inputs are needed and can be put in to see us go to HOV lanes or carpool lanes and the like.

There's no doubt that other jurisdictions around the world have gone to this form of moving traffic as it tends to allow for people to make better decisions on their travel and allows for more environmental forms of travel. Under the concept of this, I would definitely be supportive, but I'd have to be certain that we're not compromising safety of the roads and ensure that Alberta roads are in fact set up for the changes. I'm certain the minister in Committee of the Whole will enlighten us further as to where and what situations he has in mind for these changes.

I will have to look at this further, but I would like to take a closer look at the moving of the words "reasonable and probable grounds" to "reasonable grounds." I'm not certain, but I tend to believe that reasonable and probable grounds are stronger words and a stronger precedent that police officers must be held to when encroaching on civil liberties, when being able to pull a car and driver over across on the side of the road and what his search and seizure powers that emanate from the act flow from, from those terms. When you go down to reasonable grounds, it seems to me on its face to lose some of that value. Maybe the minister in Committee of the Whole can discuss whether other jurisdictions have gone to this wording, what the legal implications are, if any, and what the repercussions are for people on a civil liberties front.

8:00

So if we take a look at that, you know . . . [interjections] I hear some banter going on, so I'm assuming it's going to be explained to me at some point in time. The cavalry is coming, Madam Speaker, in regard to an explanation. That's what I'm led to believe, so I'm looking forward to that explanation as to why my spider sense should be at ease and not tingling like it is.

Again, some of these questions can be answered in committee. I'm certain the minister will enlighten me as to why these changes are being pursued, but on the whole some of these look like very positive moves for road safety, and I'm looking forward to a discussion of them.

If you look at the intricacies of the Alberta road system, we have highways, byways, and roads going everywhere in this province. In fact, what concerns me is that we often spend I think it's roughly \$4 billion a year on building new roads and maintaining our existing roads. One of the interesting things is that under our current framework for building roads the dedicated cash that we raise through this only raises a billion dollars, and that's gasoline tax. So if we look at things as they are, if we look at what is actually going into subsidizing roads, if we're raising one billion dollars to pay for roads and we spend \$4 billion a year on building and maintaining roads, it seems to me to be quite a gap, and obviously that gap is covered by our royalty system and our bringing in wealth from the result of our nonrenewable resources. It seems like much of that wealth goes back into the building of roads.

I believe, honestly, the Minister of Finance held a recent economic summit, part 2, or something . . .

Mr. Mason: It was more like a little hill.

Mr. Hehr: . . . a little hill, where he actually discussed new ways to build roads and pay for roads. As you are aware, I believe we have to take a much more conservative approach to governing this province in terms of our finances and developing a system where we actually pay for what we use in terms of income tax and/or other arrangements. We simply cannot go down the path of spending all this oil wealth in one generation like we have for the last 25 years.

It's simply, in my view, short-sighted public policy that doesn't allow us either predictable or sustainable funding, nor does it, frankly, manage even to keep the lights and heat on. I see right now that we're headed to a situation where our financial picture, because of our overreliance on fossil fuel revenues and our utter refusal to pay for what we use through income taxes or other mechanisms, simply has led to shortfalls in social infrastructure and physical infrastructure and any ability to plan for the future and any ability to save for a day when either the oil and gas run out, which is probably not for a long while, or, more importantly, the world could move on.

In my view, that's a much more likely scenario and one that the members of this House – I don't think anyone could put a firm date on it. In fact, I've been suggesting, and, hey, I could be totally wrong on this, that we may have 50 years left where we have a strong and viable oil and gas industry, that has no doubt made my life easier, my parents' lives easier, and has allowed us to do a lot of reasonable things here in Alberta. But I think it's up to all of us in the House to take the precautionary principle and plan to be ready for that day when it does come about that maybe it's not as present in our lives as it is now. So I point that out.

What started that rant was the fact that we spend \$4 billion a year on roads and only raise approximately \$1 billion in derived revenue to go to the building of those roads. Nevertheless, returning to the bill, it looks like it has some reasonable, logical pronouncements in it that may go a long way to enhancing safety on Alberta roads, and hopefully the minister will enlighten me when he gets up and speaks again, to alleviate some of the concerns I have, and we'll go from there.

Thank you very much, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

We now have Standing Order 29(2)(a). Are there any members who are interested in making comments to the Member for Calgary-Buffalo or asking questions?

Seeing none, we'll move to the next speaker. Are there any other members who wish to speak on Bill 32? The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Very good, Madam Speaker. I know you struggle with the name of my constituency, but I appreciate the great effort that you're putting into learning it. Thank you.

I would like to speak briefly to this piece of legislation. I wanted to say that as Alberta grows, it's having increasing trouble or problems, congestion, particularly in and around Fort McMurray. One of my all-time favourites is the Deerfoot at rush hour, but other centres are increasingly showing more and more congestion. The QE II, which is probably a road many of us could drive in our sleep – we don't usually do that – is also plagued by congestion.

Just three weeks ago in Lethbridge the NDP held its convention, and we adjourned, actually, a bit early because of the storm that had settled in on the province north of Calgary. Some of us delayed our departure until the next day. I just wanted to put this on the record. I sent the minister a note about this already. The road was fine until just north of Red Deer. Even though the snow had stopped for hours – it was six, eight hours – there was a thick crust of very rutted ice on the highway that did cause a number of accidents. I saw one semi that went into an overpass just near Lacombe, and it slowed the traffic down. It was very dangerous. Many vehicles were in the ditch. The rest of the highway was clear, but this section for about 40 or 50 kilometres was a mess.

I took note of the company that was responsible for the road maintenance, and I kept an eye out for their vehicles. Their

snowplows were pathetic. They were basically dump trucks with a blade on the front. There were only two of them that I could see, and they were doing shoulders and exit ramps while this traffic was all careening and trying to stay in the lane and going at about 50 or 60 kilometres an hour. What they needed was heavier equipment. In this case I think probably graders might have been what was required.

I was very surprised that the road was in that condition considering the length of time since it had stopped snowing. This, in my view, has to do with lack of appropriate controls when we contract our road maintenance. Of course, we in the NDP would prefer not to contract the road maintenance, but I believe that even if you're going to contract most of the road maintenance, there needs to be some component of additional support from the province in terms of heavier equipment or at least stricter controls and requirements placed on the contracting parties.

8:10

The other thing that I want to sort of get off my chest about this, Madam Speaker, is the congestion on the QE II. I've been driving that road for many, many years. It used to be quite a pleasant drive, not too bad, unless you were on a Sunday night on a long weekend, and then you got what you deserved, I guess. It has become very heavily congested, and the system that the province has tried to get drivers to use, which is to drive in the right lane and pass in the left lane, which was working pretty well, is breaking down because both lanes are full of traffic. It really reduces the efficiency of the road.

I notice as well that there are lots of trucks passing other trucks or passing slower vehicles, which creates a real block on traffic. It often takes them 10 or 15 minutes to pass another truck because the differential in speed is very small. I think it's time that the ministry did some studies, and maybe the minister can respond to this because I'm sure they've done some studies about whether or not it's time to add an additional truck lane on the QE II and to have a designated truck lane as a way of reducing congestion on that highway.

I know there are a lot of people that are very anxious for high-speed rail, but I think that that is some time off, Madam Speaker, and until the government can resolve the bitumen bubble, which seems to be the cause of every problem, or otherwise just get better at financial management in the province, I think that it is going to be some time before that can be resolved.

So, having talked a little bit about that, I think this bill, which permits the minister to close highways and bridges that are unsurveyed and removes the authority of urban and rural municipalities to control their own highways or bridges if the minister desires – the concern, I think, that we have, and this may have been addressed by the minister because he was indirectly quoted . . . [interjections] That is a quote in a news article, Mr. Minister, without quotations. The minister said that roads are good as opposed to the minister said, "Roads are good." That is something that I don't think the minister would disagree with.

Maybe he could clarify the plans for bus lanes. Surely, as the article implied, the minister does not mean that we would be driving buses, putting bus lanes where shoulders are now. I think that was a concern. I know that the Minister of Justice wants to have less congested roads as well for his blue vans. [interjections] I think it's an inside joke. Nobody else got it.

So, Madam Speaker, reducing congestion on roads and improving safety is good for all Albertans, as is permitting municipalities to tailor an approach to school zone needs.

I might just throw this in, Madam Speaker. This is the bill that the minister announced with his billboard before it was introduced

in the House, so he must have great confidence in the discernment of his caucus colleagues in terms of their support for this bill.

I have some other questions, and one is the high-occupancy vehicle lanes. Where are they going to be put? Are they going to be put on 63? And so on. I could go through more. I have more comments about the specifics of the bill, Madam Speaker, but given that this is second reading, I just wanted to indicate that with a few concerns yet to be addressed, this looks like a good bill to us, and we would be prepared to support it at this time.

Thank you.

The Acting Speaker: Thank you, hon. Member for Edmonton-Highlands-Norwood.

We have Standing Order 29(2)(a). Are there any comments or questions to the hon. Member for Edmonton-Highlands-Norwood? The hon. Member for Calgary-Buffalo.

Mr. Hehr: I'd just like to make the comment that I will verify the hon. member's statement that the roads on the night in question, in particular following Red Deer up towards Edmonton, seemed to be in a state of disrepair, and there appeared to be a lack of attention and a great deal of danger out there on the road that evening. In fact, I have even more so noticed in that time that that apparent stretch of the road, the Red Deer to Leduc part of the road, is consistently, on an ongoing basis, not quite as well maintained as south of Red Deer. I'm not sure what parameters are in play. Maybe the weather is slightly different there.

I guess that on that fact I'm glad that the hon. member actually wrote the minister in this regard. I thought about it, but sometimes I think about it and don't always get to it. I'm glad you did. I would just like to confirm that that is happening. I was wondering: does the hon. member think it's due to a lack of capacity in having government services available in that regard, like, not having our own ability to clean the roads and service the roads in that capacity or maybe not close enough to detail to our contractor? Can you shed any light on why you think that may be happening?

Mr. Mason: Thanks very much, hon. member and Madam Speaker. In my view this is a result of the contracting out of roadway maintenance in the province of Alberta. We believe that a significant capacity in-house is required in order to make sure that our major roads are cleaned promptly and satisfactorily after a major snowfall weather event. There's a real history, as you mention, of problems in this section of road. I remember, going back 10 or 12 years, that there was a major problem with this road that one of the columnists of the day, I think Neil Waugh formerly of the *Edmonton Sun*, wrote about rather extensively.

We think it's very difficult to ensure proper roadway maintenance with external contracts, and the contractors will always try to manage the contract in a way that minimizes their costs. In this particular case it was my observation that they had insufficient and inadequate equipment to properly deal with a thick layer of ice that was on the highway at that time.

The Acting Speaker: On 29(2)(a) the hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Madam Speaker. I, too, would like to ask the Member for Edmonton-Highlands-Norwood a question. In question period I guess two weeks ago now I drew to light that one of the road contractors had been fined I think it was 200 times in the last three or four years over not performing. Our Member for Calgary-Shaw today mentioned that on 22X, the ring road, that 70 some-thousand-dollar fine per day is now in the \$3 million vicinity, and the answer appeared to be no end in sight to that. It

made me think of when we've talked about P3s in this House and the government's claim that for 30 years they can hold these companies accountable for maintenance and debt financing and these kinds of things. I'm wondering about your thoughts on whether you think that this government can hold the P3 companies accountable for 30 years when it comes to maintenance.

Mr. Mason: Well, hon. member, that's a really good question, and I've often wondered that myself. You know, the government is going to be here in 30 years, but we don't know which companies are going to be here. You know, further, we can't find out all the details of the contract because it's considered a business's confidential information, and it's not even subject to the freedom of information legislation that we do have. So I think that, yes, that's a very, very serious concern.

8:20

We don't support P3s. In a number of instances the government has had to take back these contracts because the company that got the contract finds they're unable to perform. They can't make money on the terms of the agreement. It doesn't make sense to us to proceed in that way. What we would do is ensure that there are sufficient assets and skilled staff within the Department of Transportation in order to take good care of our roads.

The Acting Speaker: Thank you, hon. member.

Are there any other members who wish to speak on Bill 32 in second reading? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Speaker. Like many of my other colleagues here said, this bill has the potential to possibly do some very good things in the form of efficiencies. I think that where we're at, if I particularly heard some of my colleagues correctly, is that this bill also has the potential to get unanimous consent across this Assembly, provided that there's some clarity on some of the concerns that will be brought forward in Committee of the Whole. I think that there will be some amendments brought forward; I've heard talk of that.

But I do have questions concerning language and, in particular, reasonable and probable, reasonable cause and probable cause. I'm open to some of the legal minds in this Assembly to explain, but as I understand it, it is not the same definition. It is actually uniquely different in terms of law enforcement and how that applies to what the minister is proposing in this bill.

To optimize existing highway infrastructure, that's hard not to support. That is something that I think is easy to support. So I would like to see that happen. But I will tell you, having some experience on the roads throughout North America that have HOV lanes, high-occupancy vehicle lanes, the critical factor that I think is important when we implement these is: do they get used properly? I'm not getting at the violators. Do we end up with empty lanes and a bigger tie-up because people are not adapting? It is a problem that some cities have experienced; it's a problem that other cities have not. Again, it all goes back to efficiency.

In the process of debating this bill and looking to get as many MLAs to support this bill, I was wondering if the minister could answer that concern at some point on how this government will evaluate it once it's implemented. Will there be an ongoing evaluation process to really look at the efficiencies if an HOV lane is created, say, for the Deerfoot? It is something that you want to do, but you want to get the most efficiency out of it. Just doing something doesn't necessarily mean you're always efficient. It always has to be re-evaluated over time. Of course, as most people know, there are generally times when HOV lanes are opened back

up to single drivers, and that is generally posted. I think most jurisdictions have implemented that. I found that to be more efficient than just the HOV lanes that are solely restricted.

Again, it is the number of questions that I think some of my colleagues have on this side of the House, in my caucus. All in all, I think that the idea of bringing this bill forward and creating more efficiencies is something that generally anybody can support.

I'd like to ask the minister if he possibly could at some point in the process answer the question dealing particularly with military police. Will their jurisdiction then be increased? How would that be perceived in the public, particularly near those military bases? How would that authority be used? I'm not necessarily opposed to that because it actually provides more efficiency, but I also know that there is this overlap in agreement in law enforcement, any law enforcement, when they have to cross into another law-enforcement jurisdiction. I just would like clarity on how that crossover on law enforcement will take place and what the public can expect by having the military police allowed to enforce this new act.

These are some of what I think are basic concerns. They're not overly troubling. It would be nice to have some clarification. I would hope that this government would be open to any amendments that come forward, providing the amendments provide clarity and consistency within the act. I don't think that's an unreasonable request to come from this side of the House. I think it would be reasonable to presume that the minister would love nothing more than to have a full consensus to support this bill and to get on with the business.

With that, Madam Speaker, thank you very much. I look forward to the debate.

The Acting Speaker: Thank you, hon. member.

We have Standing Order 29(2)(a) for comments and questions. The hon. Minister of Transportation.

Mr. McIver: Thank you, Madam Speaker. Just by way of comment and, hopefully, some clarification that's been requested along the way two or three times now on the issue of reasonable and probable grounds versus reasonable grounds, my information here is that there was a Supreme Court case in 1993, entitled *Barron versus Canada*, in which the court ruled that reasonable and probable grounds and reasonable grounds are equivalent. I shall endeavour to have that looked up and tabled in the House as soon as I can, but I think that might be the clarification that several hon. members here have asked about.

The Acting Speaker: Thank you.

We still have four minutes left under Standing Order 29(2)(a). The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Speaker. I have some spices that I have to cool off by speaking. Thank you for the resource. I will look it up, too. Providing that it is consistent with your understanding, I don't see where there would be a problem. Again, there are enough legal minds in here, and if there is any inconsistency, I hope we can correct that.

Again, on the face value of first reading this bill, to support a bill that would make us more efficient and help the traffic flow, particularly in our major urban areas, to create a better safety system for our commuters, that is something that, I think, once convinced, I will definitely support. I think my colleagues will. I think that all we need is to make sure that the language is suitable, and then this minister could probably have a consensus right across the floor. I think that would be a very good thing to show that we can have nonpartisan work and nonpartisan support for a

bill. I would like to see that happen, and I look forward to the debate.

Thank you, Madam Speaker.

The Acting Speaker: We still have a few minutes left under 29(2)(a). Are there any other members who wish to comment or ask questions of the hon. Member for Rimbey-Rocky Mountain House-Sundre?

Seeing none, we'll go back to the bill. Are there any other members who would like to speak in second reading on Bill 32?

The hon. minister to close.

Mr. McIver: Closed.

[Motion carried unanimously; Bill 32 read a second time]

Bill 37 Statutes Repeal Act

[Adjourned debate November 7: Mr. Olson]

The Acting Speaker: Hon. minister, because someone did speak on your behalf, if you speak again, you will be closing debate, and I see that we have other speakers, so we'll have to wait for you.

The hon. Member for Airdrie.

Mr. Anderson: Well, I'm sure we can make this quick, Madam Speaker. Regarding Bill 37, Statutes Repeal Act, it's obviously a piece of legislation that has our province catching up with the rest of Canada and implementing a formal process to review unproclaimed legislation, and we have a lot of unproclaimed legislation.

8:30

One of the pieces of legislation that I still cannot figure out why this government has not proclaimed – every time we have a discussion on unproclaimed legislation I keep bringing it up – is the Mandatory Reporting of Child Pornography Act. We need you to implement that and proclaim it. That is absolutely an important piece of legislation. We've been saying it for years. Proclaim it. It's important. There's no reason for it not to be proclaimed. That was the first Wildrose private member's bill, actually, that ever passed in this Legislature, from the Member for Calgary-Fish Creek. It's a very good piece of legislation, not because of that fact but because it is a serious issue. I hope that in the spirit of making a formal process to streamline and review unproclaimed legislation, they will use that new-found spirit to proclaim important pieces of legislation such as the Mandatory Reporting of Child Pornography Act. There really is no reason whatsoever not to get going on that.

There are many laws on the books in Alberta that we need to go through, of course, on an ongoing basis to clean up legislation, repeal old and outdated laws, and so forth. One of the things that our caucus, the Wildrose caucus, has proposed and something that former Premier Ralph Klein had on and off throughout his tenure here as Premier was essentially a dumb rules committee. I think that we need to have another dumb rules committee.

What the dumb rules committee would do – and I don't know if that's exactly what it was called, but that's kind of what it was known as in the public – was to look at rules and regulations that were outdated or unnecessary or old and not needed but also look at rules and regulations that were impeding economic growth, probably not on purpose, probably unintentionally. They would look for those things, and the public and ministers and private members and so forth could come to that committee and say: look,

this is a real problem, and it's really quite unnecessary, so perhaps you could get rid of it. There was, I believe – well, I don't know. I thought Mr. Ty Lund was in charge of it for a while, but I could be wrong. Whoever it was, I think it's a great idea, and I think that the government should think about bringing it back.

I could think of some of these health regulations, for example, where during the floods we had restaurants that were opening up, essentially, street kitchens. These were high-profile restaurants, restaurants that have a very long, good track record for food safety. They opened up street kitchens to feed volunteers during the flood, and AHS came and shut them down, citing various different regulations for food safety and so forth. You know, obviously you need food safety regulations, but again that's something that maybe could be looked at and said: "Look, you know what? There's obviously a regulation here that is hampering relief efforts when they're needed and just good Samaritanship, if that's a word, out there." Maybe that's something that we could look at.

I've talked to many senior Albertans, particularly senior women, just salt of the earth people, who run different fundraisers. You know, there are 10 or 15 of them that will get together, and they'll bake pies and all kinds of food, like a bake sale, to raise money. These folks have had problems in the past because they're not using, for example, stainless steel kitchens all the time to cook their pies and so forth. They've had problems with AHS, again, coming in and shutting them down or making them upgrade their community kitchen, which they don't have the money to do. Nobody has died or even gotten sick in the past off of these things in those cases. Like, it's just overboard, and it's silly. You want to make sure that you have these regulations, but there are times when you need to review those regulations and say: "You know what? Maybe this is going a little bit too far."

Again, in this spirit of, obviously, looking at unproclaimed legislation to hopefully proclaim it a little faster and also just cleaning up old, outdated, and stupid regulations that hamper volunteerism or economic growth or whatever, I think that the government should look at, perhaps, bringing a stupid rules committee back and letting them do some good work because there are a lot of stupid rules out there.

Of course, fewer laws mean, generally speaking, smaller government. Not only that, but if you have fewer dumb rules and fewer silly regulations that are outdated and unnecessary to enforce, that also means that enforcement personnel, whether it be in the environmental enforcement area or the law enforcement area or health safety and so forth, can go out and enforce things that do matter, that actually will improve public safety or food safety and what have you. It allows you to make sure that you can have those civil servants doing the things that will actually help Albertans rather than focusing time and effort on shutting down local bake sales and so forth or keeping volunteers from having a nice hot meal while they're cleaning up floods or other community problems and so forth.

The Wildrose will introduce two amendments to Bill 37, and I will get into more detail about those, obviously, in Committee of the Whole. I hope that the minister will speak with us, speak with our Justice critic, his counterpart here, the Member for Lac La Biche-St. Paul-Two Hills, on it. The first is an idea to reduce the period from every five years to every three years for reviewing this unproclaimed legislation and outdated laws and so forth.

The second is to ensure that every bill that is being repealed under this formal process will be voted on through individual motions, ensuring that a fulsome debate is permitted and that the government can't use this process to sneak through – not that they would ever be a sneaky government. We know that they would

never try to ram something through like Bill 28, for example, without proper consultation and so forth. But we don't want them to use this process to sneak through and repeal different legislation that is not housekeeping in nature or something that, perhaps, isn't outdated and old, that needs to be left alone, and so forth. We think that it's very important that each individual law, et cetera, is voted on separately. We don't mind having it all at once, but let's try to have specific votes on each of them. It shouldn't take too long. I mean, there are a lot of dumb rules, but hopefully over time the amounts of votes could decrease and we could have, you know, fewer bad rules to throw out.

That's it for my view on Bill 37, and I look forward to Committee of the Whole.

The Acting Speaker: Thank you, hon. member.

We'll move on to the next speaker. The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you so much, Madam Speaker. Well, this is an interesting bill. It repeals a whole bunch of sections of a whole bunch of bills. It's interesting to get a look at this, to take a step back and look at the big picture. You find that there's an enormous amount of legislation in this province that has never been put into effect, never proclaimed, and generally was either unnecessary, wrong, or unconstitutional. That surprised me.

8:40

Well, it didn't surprise me that much. But it surprised me a bit to see it all here in aggregate, to see this collection of legislation that this government at the time told the Assembly was necessary and essential and we had to have it. Opposition often put forward amendments to take some of the stuff out, but it had to go in, according to the government, and in it went, and now we're taking it all out. It's not bad that we're taking it out, but it just strikes me as a bit dumb to put it in in the first place, Madam Speaker. I think that it really illustrates a problem, a lack of foresight on the part of the PC government.

I mean, there are some bigger examples that I want to get to. Maybe Airdrie can remind me of the numbers. [interjections] Bill 50. There was 36 and 24 and 19. I remember Bill 19 – I remember it well – where I was single-handedly taking on this attack on private property because the Wildrose wasn't even here. Here I was, the NDP standing up for property owners in the province. Of course, the government realized later on – well, I mean they basically almost got skinned alive in rural Alberta – that they had to change it and that there was a better way to do it, so many of the amendments we had put forward were actually incorporated in some of the bills which I will refer to as retreat bills, when they back down.

That's a separate example. But, you know, how many hours do we spend debating this legislation? How many hours and how much money does the government spend having lawyers draft this legislation?

Mr. Denis: Got to keep the lawyers in business.

Mr. Mason: I know that the hon. Justice minister wants to keep the lawyers in business, as he just said, but perhaps we could do it more productively. That, I think, is kind of the point here.

There's nothing wrong with getting rid of most of this stuff, but I suppose we'd like to ask the government to explain why, when they promised a tax credit for tradespeople on their tools, it's never been proclaimed. We passed something in the Landlord's Rights on Bankruptcy Act, a section that is ultra vires provincial jurisdiction. Why did we do that? Why did the government keep

bringing forward these bills, ignoring opposition amendments, passing the bills, only to turn around and repeal them en masse up to 20 years later? I'd like to ask the hon. Justice minister if he's confident that we've got it right this time. Have we actually fixed all the legislation that needs to be fixed, or are we going to have to go back and do it again?

Madam Speaker, I did want to make one positive reference to this legislation, and that is sections 2 to 5, that generate a report on not-enforced legislation and automatically repeal legislation that isn't dealt with by the end of the year. You know, I often wonder why it is in our system that once the Legislature has passed a piece of legislation, the government still has the authority not to put it in place. This is a very undemocratic aspect of our parliamentary system, in my opinion. Once the Legislature passes something as a law, it should be the law, and the government should have the responsibility to enforce it. But they've got this thing where they can have it both ways. They can pass legislation, but they don't have to put it into force. We see that time and time again, sometimes for political convenience.

A long time ago they passed a Health Act that set up a charter of rights and people that were supposed to go around and help people navigate the system. Instead of making the system more navigable for everybody, they set up an office that can perhaps help a few thousand people at best in a year out of the hundreds and hundreds of thousands of people that are involved in the health care system. Only a very badly designed, complex, Byzantine health care system would require a special office to help people navigate it. That should be the role of the nurse practitioner or your family physician, Madam Speaker, quite frankly.

Anyway, I'm a little off track. The point that I wanted to make is that the government did not proclaim that legislation and attempted today, with much fanfare, to proclaim a piece of legislation passed a long time ago by this House as a political stunt to try and show Tory delegates that the Premier was doing a good job for something that's coming up next weekend. That's how the government plays with legislation.

When we pass a law in this place, Madam Speaker, it should be a law that's needed, and it should be a law that's well thought out, well drafted, and well debated. It should become the law, and it shouldn't just become a political plaything for the government, that they can hold it back if they don't want to put it in place. They can pass a piece of legislation for show, that they have no intention of ever using, and then not proclaim it, or they can pass something and then sit on it until they want to get a second announcement out of it just at a critical time politically for them. These things are an abuse of the legislative process and ought not be allowed.

I think the government has much to be accountable for with respect to its legislative agenda and its lack of planning and foresight, and I think it would be far better to simply pass good legislation in the first place than bring forward statutes repeal acts.

Thank you, Madam Speaker.

The Acting Speaker: Standing Order 29(2)(a). The hon. minister.

Mr. Denis: Thank you very much, Madam Speaker. I just have a comment and then a question to the hon. Member for Edmonton-Highlands-Norwood. One of the acts that actually is repealed here is the Masters and Servants Act. It may seem somewhat of an absurd title in 2013. But my point is, just contrary to this member's comments, that we can't just look at things always as hindsight being 20/20. You have to look at it in the context of that particular time. Perhaps a hundred years ago, when the Masters

and Servants Act was relevant, it was something that was very important. Clearly, it's an act that is obsolete, is not even used. We believe in governing less in certain areas, and obviously we have a bill like this that will institute a process to ensure that we do govern less.

I wanted to just beseech the member. Earlier he had made a comment about me driving a blue van. I actually do not drive a blue van. They're rather expensive, and it's kind of costly to have one on a minister's salary. This act does not mention any blue vans, Madam Speaker, and I'm wondering if this member could comment, actually, on whether or not he thinks that there should be reference to blue vans in this legislation.

Mr. Mason: Madam Speaker, I'm shocked to my core. The minister does not realize that my comment with respect to blue vans was to do with a previous act, and he's therefore completely out of order.

The Acting Speaker: Thank you, hon. member.

Under 29(2)(a) the hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Speaker. I was wondering if the hon. member could answer a question for me after he gets finished with his speech on the bill. Who makes the decision on whether it gets proclaimed or doesn't get proclaimed, and what is the process for making that decision once a bill passes the third reading and has left this House? Clearly, there must be a democratic process in place that says that we're going to proclaim this bill versus not proclaim a bill.

Mr. Mason: Thank you, hon. member. Well, after full public, open debate by a Legislature, representing all of the people of Alberta, the bill then passes to third reading, and then it goes and sits in limbo. I don't think that's a correct political term, but it sits there until the cabinet decides to proclaim it. The cabinet, meeting secretly and, of course, only representing the government and one party, makes a decision on whether or not what the Legislature has democratically decided is good enough or not.

Thank you.

8:50

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

Mr. Strankman: Thank you, Madam Speaker. I, too, would like to address a question to the hon. member regarding the Wheat Board Money Trust Act. I find it interesting that the member did not address the disbursement of those funds. I was wondering if he could explain to me his logic and reasoning there. There are some sums of money that have been in that fund since 1920. I was wondering if he could expound on that.

Mr. Mason: Actually, Madam Speaker, I would be unable to do that at this time.

The Acting Speaker: Thank you.

Are there any more questions or comments under Standing Order 29(2)(a)?

Seeing none, are there any more speakers on Bill 37, Statutes Repeal Act? The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you very much, Madam Speaker. It's a privilege to speak to Bill 37, Statutes Repeal Act. I must say that I actually enjoyed the comments of both the Member for Airdrie and the Member for Edmonton-Highlands-Norwood in regard to this bill. It spurred some thoughts of my own, and I will endeavour

to try and put them on the record in some reasonable fashion forthwith.

If you look at this bill, it does seem to encompass a whole host of repeals and revisions and amendments that are no longer going to be needed or necessary in this province. I guess we can look at it as: that's a positive. It's the government doing its due diligence, looking at whether or not legislation on the books is serving its purpose at this time. It goes about a relative process that eliminates stuff that is not necessary. I guess the government has to be applauded for doing that from time to time and trying to streamline legislation to make sure there's a method to the madness or some rhyme to the reason and the like.

As both members pointed out, often, from this side of the House anyway, it doesn't appear that that's necessarily the case when the abundance of legislation gets thrown onto the floor of this Assembly, seemingly gets passed, and then, we learn, goes into limbo. I think that was actually a very effective place. I'm not sure if limbo actually exists anymore. In fact, I think the Catholic Church has moved away from having limbo as an actual method in its doctrine. I learned this from my father, actually. Growing up, limbo was a concept and a construct, but I believe that it is no longer in church doctrine, and they've been enlightened on that front. Nevertheless, in the context of legislation I believe that was a proper term.

I'm looking at this and the like, and some thoughts came to my mind on how at times we try to put fences around rules or legislation that is in place that, to use a term, tries to tie the hands of future governments. That inevitably leads to us making a political announcement and a big much-ado-about-an-announcement that legislation is coming into place that serves a political purpose, but it actually serves to tie the hands of future governments and doesn't allow them to react in the manner that they need to.

In fact, I don't like it when governments do that, and I've seen it from time to time here in Alberta. I guess the most cogent example of that would be when around 2005 this government made the law that we shall never go into debt again. Essentially, it was the government of the day in full froth and bravado saying that this was going to be a rule to guide us for all time.

We put that into legislation, and in my view it was short-sighted and done for a political purpose. It was political messaging. When we do legislation on that front, that serves a political purpose and not necessarily a legislative purpose, that leads to problems later on. The problem again came up this year, when we needed to take an act regarding our fiscal framework, that actually allowed us to see things in a reasonable and clear fashion, and it had to be changed because of a political rule that got put into place, that thou shalt not go into debt ever again. The government of the day found itself in a spot that, because of a fiscal structure that, in my view, is unsustainable and unable to allow for government planning, allowed them to go back and rewrite the rule that said, "Now we can go back into debt again," and that's how we have the new I believe it's called the Fiscal Management Act.

I see that as part of the trouble here when we write legislation. It tends to be for a political purpose, not a legislative purpose, and allows the government of the day to then go out and do their messaging. I guess another example of that that recently happened was in this legislative session on Bill 28, when the hon. Minister of Municipal Affairs put forward his amendment to the MGA that was going to allow him to have capacity to go in and solve problems that were happening on regional planning boards.

I said at the time that I understood full well the reasons why the minister was going about this and that it actually had a valid purpose to it. The trouble was that he tried to do the legislation not

in an open and transparent fashion but merely by tinkering with existing legislation, trying to make it appear as though he was only dealing with the Edmonton capital region when, in essence, he was looking at being able to do this throughout the province of Alberta instead of putting in a proposed bill that would have outlined in a reasonable and fulsome fashion the reasons why the minister was changing the process, some various fences around what he was trying to do, some definitions and some ability for regional planning organizations to have an ability to try to come to a consensus and try to solve their own problems before the minister would intervene.

We saw in that instance a government that tried to do governing by stealth – that was what I would like to say – where they were trying to achieve a purpose in a closed-door manner. It wasn't open and transparent. Not that I didn't understand the minister's reasons for doing it – I understood that – but if he was going to do the legislation, he had to make it more open, more transparent, set out the reasons why the minister was moving forward on Bill 28 and the necessity of having the minister play a role to break some deadlocked regional planning mechanisms like the Calgary Regional Partnership and the Edmonton capital region.

A lot of times I see a lot of this stuff needing to be repealed and reworked because we're trying to do things with a political purpose, not really with a legislative purpose. I think that if the government of the day would keep that in mind and try to introduce legislation that has reason and common sense to it and stop with the political theatrics and trying to do legislation by stealth or the like, it would serve this province in a much more reasonable fashion and allow them to govern in a much better fashion, and people would be appreciative of that fact.

9:00

This is an interesting act where we see that pivoting a little bit, Madam Speaker. I, too, have seen legislation in my time in this House that gets passed, and then we never see it come in to be the law of the land. We never see the final stamp of approval put on that act. I, too, would be remiss in the fact that I think that legislation, if it has gone through the process of us debating it, of us working hard to make it better, and if the government of the day believes that it was worth bringing to the floor of this House and worth being passed, it should be assented to relatively quickly. Otherwise, why waste our time? Why go through the act in itself and the like? I would agree with the hon. members who spoke before me in that oftentimes we are just using these as political documents that we can wave around, announce, reintroduce, gerrymander, and save for a later date when it would serve a political purpose, not actually bettering the lives of the citizens of Alberta.

We should always remember that when we do our legislation. We should keep that in mind, and whether we're serving our political ends or are actually bettering the Alberta people's lives, we should try and adopt the second of those two principles.

Thank you, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

Standing Order 29(2)(a). Are there any members who wish to comment or ask questions of the Member for Calgary-Buffalo?

Seeing none, I would ask: are there any other members who wish to speak to Bill 37 in second reading? The hon. Minister of Justice and Solicitor General under 29(2)(a) or to close debate?

Mr. Denis: Actually, neither, Madam Speaker. I would like to move that we adjourn debate on Bill 37.

[Motion to adjourn debate carried]

Government Bills and Orders
Third Reading

Bill 31
Protecting Alberta's Environment Act

[Debate adjourned November 7: Ms Blakeman speaking]

The Acting Speaker: Are there any members who would like to speak in third reading to Bill 31, Protecting Alberta's Environment Act? The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Is there anyone else that can go first? Thank you very much.

The Acting Speaker: Hon. member, you've already spoken to this bill in third reading.

Mr. Mason: I have?

The Acting Speaker: Yes, sir.

Mr. Mason: I can't believe that. Okay. Thank you.

The Acting Speaker: Are there any other members? The hon. Member for Cardston-Taber-Warner.

Mr. Bikman: Thank you, Madam Speaker. I know that I surely have not spoken to this bill in third reading. I did, however, talk about it and feel it's important on a number of fronts. Certainly, it's important to measure what we're doing, and as I understand it, this strangely named bill is all about measuring. I do believe that unless things are measured and monitored, they can't be improved. It's important for that measurement to be as objective as possible, and I think the bill intends that it be objective. Nevertheless, there remain the powers in the minister and the cabinet to appoint, and in fact that seems to be the intent.

So I think that on the face of it, recognizing that we are an exporting province and we wish to be able to export to customers around the world, some of whom are in jurisdictions that are very concerned about the environment, are looking to us to give them the reassurance that we are developing and bringing our resources to market in an environmentally sustainable way, that we're friendly towards the environment, that's an important perception. We know that perception is reality, so we have to do it in a way that is, in fact, real and genuine and not just showy, not just in a way that some might suspect as pretense.

We have good laws in our province. I think that if those laws were enforced, we wouldn't be having some of the issues that we are having with the perception of our province, that are allowing some to use it as an excuse to perhaps badmouth the industries, particularly the resource industries, and I think that's a shame.

Many people who have served in this Legislature have helped develop some of these laws, and I think they developed them in good faith and voted to support them in good faith. I know that we on this side of the House have been supportive in the sense of proposing amendments that we have thought would help in fact do some of the things that the names of the bills might lead one to believe was their intended purpose, but we've learned to our chagrin and dismay that that hasn't always been the case.

I think it's important that we get this bill right and that it does what our customers want it to do and what the people of Alberta want it to do and, I truly believe, what the industry itself wants to

do. But I think it begins with, again, enforcing the laws that we have now as opposed to simply proposing new ways to do the old things. New can be good, but just because you can do something, doesn't mean you should.

I hope that this bill will achieve its stated purpose, but I think the methodology is still a little suspect. Thank you.

The Acting Speaker: Thank you, hon. member.

We have Standing Order 29(2)(a). Are there any members who wish to comment or ask questions of the Member for Cardston-Taber-Warner? Is this under 29(2)(a)?

Mr. Strankman: Yes. I would like to ask the member: he had made some comment in regard to the formation of a new science board that's reported in this bill, and I was wondering if he could comment a little more on his concerns.

Mr. Bikman: Well, again, we've talked about this, of course, and we're assured that there will be some requirements, some sort of screening that suggests that the background of these people will actually be in science and in the science regarding specifically the areas where they're going to be evaluating what the measurements and what the data mean. We've also mentioned that we think this data needs to be available to all the stakeholders, those who may be, in fact, guilty of not being as attentive to things as they need be, but there need to be specific qualifications laid out in the bill to make it a good bill and to enhance the perception of it being a good bill.

It isn't enough just to say that we've got an act that's going to protect the environment. If it's really all about measuring it, we want to make sure that measuring is done properly and that the data that those measurements produce are converted to information in an appropriate way. The actual data themselves, objectively evaluated by customers and potential customers that are looking to see if we are doing our job: our own citizens, in fact, can verify that by seeing the source data and seeing what parts of that data were actually used to produce the information that's being released and what parts were ignored and why they were ignored. If it was redundancy, well that's one thing, but if it was because it wasn't in support of the conclusion we wanted to reach, then that's prejudicial, and I think it will be detrimental and contrary to the intent of the act.

The Acting Speaker: Thank you, hon. member.

There are two and a half minutes left on 29(2)(a). Are there any other members who wish to comment or question the hon. Member for Cardston-Taber-Warner?

Seeing none, are there any members who wish to speak to Bill 31 in third reading? The hon. Member for Calgary-Buffalo.

9:10

Mr. Hehr: Well, thank you, Madam Speaker. I'll be brief as I've spoken to this bill twice.

The Acting Speaker: Hon. member, I'm sorry. We've been told that you have spoken in third reading to this bill.

Mr. Hehr: I will stand down. Already sitting, though.

The Acting Speaker: Thank you, sir.

Are there any other members who wish to speak to Bill 31?

Seeing none, I'll call the question.

[Motion carried; Bill 31 read a third time]

Government Bills and Orders

Second Reading

(continued)

Bill 41

Premier's Council on the Status of Persons with Disabilities Amendment Act, 2013

[Adjourned debate November 6: Mr. Oberle]

The Acting Speaker: The hon. Member for Calgary-Shaw.

Mr. Wilson: Thank you, Madam Speaker. I appreciate the opportunity to rise and speak to Bill 41, the Premier's Council on the Status of Persons with Disabilities Amendment Act, 2013. You know, I'm sure, as the hon. associate minister said in second reading earlier, this is mainly just a housekeeping bill. There's not a lot of meat to this. It is nice to see that the government is extending this beyond its original mandate. I believe that if we've learned anything in the last eight months in this province, it is that individuals and those families and service provider networks, self-advocates, and a lot of people are very passionate about our services for those in the PDD system, and this bill does go to strengthen the council's role.

But I do have a couple of observations that I've noticed in here, and a lot of it just seems like platitude and fluff if I'm being honest. I'll give some examples as to why I say that because it's not just me trying to oppose this. I will absolutely be supporting this, but it just seems odd to me that we would be adding clauses in here. Section 3(1) presently reads that the council may

- (a) advise, report to and make recommendations to the Government on matters relating to the opportunity for full and equal participation of persons with disabilities in the life of the Province . . .
- (d) identify and review current and emerging issues and policies at all levels of government affecting and concerning the status of persons with disabilities.

But we're going to add something in that says:

- (g) advise the Government regarding the alignment between policies and strategies affecting persons with disabilities and the principles of the United Nations Convention.

I understand the UN convention. I don't understand why we need to basically state the exact same thing again. Perhaps the minister may be open to just changing some of these to condense this a little bit.

Another example, Madam Speaker, of something along the same lines is that if we look at presently section 3(1)(f), it says:

- (f) make referrals and recommendations to and consult and collaborate with all levels of government, government agencies, volunteer associations, businesses, universities and other persons on matters affecting and concerning the status of persons with disabilities.

Now we're going to add in:

- (i) advise the Government on reviews and development of policies, programs and initiatives and their implementation with respect to the effect on services to persons with disabilities.

I just don't understand what it is that we're actually achieving by adding this in. It just sounds like we're repeating ourselves somewhat. It just may be, I guess, justifying the paper that this bill is written on, but it doesn't really seem to add a whole lot to it.

One thing – and I don't know if the minister is able to comment on this as I speak to it. There is a quick question that perhaps he could address when he closes debate if he is going to close debate today. It may be a little bit difficult to get the attention of said

minister, but I will speak away. They are amending section 4 to insist that

the Council must include persons with disabilities or individuals who have involvement and experience with disability issues.

I absolutely agree. A big step forward. This is a winner. I think that it's kind of a shame that we've had this act in place for as long as we have without that being mandated in this act, but I think, you know, for whatever reason better late than never. What I would like to see and perhaps . . . [interjection] A quick second. It wasn't meant to be, I suppose.

I'm wondering if the minister would comment on whether or not there would be room to implement . . .

Mr. Oberle: Point of order.

The Acting Speaker: Hon. member, a point of order has been called.

The hon. Associate Minister of Services for Persons with Disabilities.

Point of Order Relevance

Mr. Oberle: Madam Speaker, the subject matter of that hon. member's speech should be confined to his thoughts on the bill. Whether or not I'm listening is hardly for the debate on the bill. As you may notice, I am in fact listening, but I do also choose the right to completely ignore him. I would ask him to confine his remarks to the bill.

The Acting Speaker: The hon. Member for Airdrie on the point of order.

Mr. Anderson: I don't know what citation he's using on that, but I think that the member was obviously commenting on the bill, wanting the minister to be interested and listening. He obviously cares very much about the opinion of the minister. It's clear the minister doesn't care very much for the opinion of the member in return, from his own comments.

Obviously, there's no point of order here. I'm sure the member will continue to comment on the bill, and whether the minister is listening or not, as the minister says, is completely up to him. He has every right not to listen or to listen as he wishes.

The Acting Speaker: Thank you, hon. member.

I think that we have established that the hon. Member for Calgary-Shaw should speak on the bill.

Mr. Wilson: Acknowledged, Madam Speaker. Thank you.

Mr. Anderson: Now everyone is listening.

Mr. Wilson: Clearly.

Debate Continued

Mr. Wilson: I guess that regardless of whether or not I'll get a response, I'll just say what I was going to say, which was that I was wondering if it would be, I guess, appropriate to also include individuals who are part of the service provider network in this province that are dealing with the delivery of services to persons with developmental disabilities and whether or not that is something that the minister may consider adding in as a mandated section of this act because we do have it mandated that not more than 15 members will be on this council and that no more than two of them will be Members of the Legislative Assembly. I just

believe that with that latitude perhaps we should consider including those who are, you know, dealing every day with individuals and clients in this system. That was basically the thrust of what I was hoping the minister may comment on as he closes debate.

With that, Madam Speaker, I will gladly sit down. Thank you.

The Acting Speaker: Thank you.

Are there any other members who wish to speak to this bill in second reading? The hon. Member for Calgary-*Buffalo*.

Mr. Hehr: Well, thank you very much, Madam Speaker. It's truly a privilege to speak to Bill 41, Premier's Council on the Status of Persons with Disabilities Amendment Act, 2013. To be fair to the government, I am very happy that they do have a Premier's Council on the Status of Persons with Disabilities. In fact, it's been in place since 1988. These amendments, at least at first blush, without going into the act in full fashion as of yet, at least on appearances try to integrate some of the goals and aspirations of the disabled community in a more expansive role in line with what the government's policy of the day is into the various facets of people with disabilities in Alberta, both the successes and the struggles that they're having, and having their voice at the table to hopefully advise government on not only existing policy but future policy and the direction of what is going to happen with government policy as it respects the wide range of people with disabilities in this province.

9:20

If we look at this on a broader scale, I think estimates are that anywhere from – I'm pulling numbers out of the sky right now – 10 per cent, possibly more, of the Alberta population has a disability at this present time. In fact, you know, if all of us hope to get to be age 75 or over, which I think most of us in this House wish to do, 50 per cent of the population over 75 has some form of disability. With those being the numbers, I think it's pretty important for us to not only consider, hopefully, in an altruistic fashion what happens to people who are living with disabilities in Alberta but also for selfish and pragmatic reasons to be concerned about the plight of people with disabilities because if we live to be 75 or older, most likely 1 out of 2 of us will have a disability. That's just some information that I hope we as legislators in this House remember. Oftentimes we may not think of ourselves as having a disability or ever going to have a disability, but statistics being what they are, well, it's in the cards for 50 per cent of us, so that's something to be cognizant of.

Something I wonder about is how much the government is listening to the Premier's Council on the Status of Persons with Disabilities. Even in the last year we've seen numerous times when I think the disabled community has been at odds with government policy. We saw that in the dramatic changes to the persons with developmental disabilities funding that occurred as a result of the introduction of the budget. I wonder if there was a consultative role with the Premier's Council on the Status of Persons with Disabilities when that endeavour went down the pike. You know, I just wonder about the massive changes to home care that essentially gutted a lot of not-for-profit home-care systems that had been put in place over the course of time in Alberta, that were serving a disabled population and allowed them to live their lives in a robust and personally rewarding manner. All of sudden those contracts were taken from them and given to large for-profit corporations that may or may not have their best interests at heart.

I wonder what role the Premier's Council on the Status of Persons with Disabilities had in advising the government down that path. Maybe the minister could comment somewhat on how he engaged this group prior to the Ministry of Health going down that path. I know many of my fellow Albertans with disabilities have had their lives impacted by that change and not in a positive fashion. I'm just wondering whether there was any consultation on that.

I'll also note that there was talk about this at least a year ago. You know, many people on welfare in this province either have a disability or some form of mental disability, a large portion of them. The fact is that Alberta has the lowest welfare payments by far of any of the provinces in this great nation. I wonder whether the Premier's Council on the Status of Persons with Disabilities has had any consultative program or process with the government on that front.

I will applaud the government for having a status of persons with disabilities act. In fact, numerous people who serve in that capacity I believe do their level best to bring information to the government. I question how much the government actually listens to them and is concerned about the plight of people with disabilities and, in fact, if the last year is to be judged, whether persons with disabilities have been adversely affected disproportionately more than other groups in our society in light of the recent budget woes that have come down the pike.

Oftentimes I'm left at a loss for words, Madam Speaker, that we don't ask a little bit more of our wealthy citizens and, instead, take it out on our citizens who have the least or have the most difficulties or have the most struggles. It appears to me that that happened in abundance over the course of the last year with the implementation of what happened in the last election instead of asking those with the most in society to maybe share the pain of what is transpiring currently in Alberta.

On that note, hopefully the government can think about its actions over the course. But I should ask them why they chose to take it out largely – well, not largely but on some people with disabilities, some groups who can be seen to not have maybe as strong a voice, who maybe don't vote in as great a mass as other citizens and the like, why they made a conscious choice to go down that path instead of asking others to do a little bit more and maybe impact their lives even slightly to allow a group of people who are struggling to do a little bit better.

Anyway, those are my comments, Madam Speaker. I look forward to looking at the act more closely and commenting on it in committee and at third reading of this bill.

Thank you very much, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

We have Standing Order 29(2)(a). Are there any members who wish to comment or question the Member for Calgary-*Buffalo*?

Seeing none, are there any members who wish to comment on Bill 41, the Premier's Council on the Status of Persons with Disabilities Amendment Act, 2013, in second reading? The hon. Member for Edmonton-*Highlands-Norwood*.

Mr. Mason: Excellent. Madam Speaker, thank you very much. I'm pleased to speak to Bill 41, which amends the Premier's Council on the Status of Persons with Disabilities Act. Overall the bill will broaden the council's existing role, and it will also increase the sunset clause, which has previously been extended through order in council to seven years. It will now include explicit mention of the UN convention on the rights of persons with disabilities and provisions permitting the council to "provide input," "advise the Government," and "support . . . the relationship

between the Government” and service providers. It also adds an excellent provision requiring that the 15-member council include persons with disabilities or individuals who have been involved with disability issues, and that’s a very positive thing.

So in general, Madam Speaker, we’re supportive of the bill, particularly section 3, that requires that persons with disabilities or individuals who have had involvement and experience with those issues be included. But we can’t help but think that this is a public relations exercise primarily designed to mend fences with a significant group in our society that has just received a thorough beating from this government. It has created through its actions in the last budget distrust through its budget cuts and broken promises from the spring. So hoping to repair this, perhaps, this breakdown in trust with the disability community, the government is strengthening the Premier’s Council on the Status of Persons with Disabilities.

There are a couple of problematic issues, Madam Speaker, as far as we’re concerned. First of all, in proposed clause (g) of section 3(1) there’s a mention of the UN convention on the rights of persons with disabilities, but there’s no requirement for the government to ensure alignment between Alberta’s policies and the UN convention. The clause says that the council can advise. The government needs to make a clear commitment to aligning with the UN convention on the rights of persons with disabilities and taking that advice that it may receive from the council and turning it into action.

9:30

Beyond that, Madam Speaker, the public deserves to know where we are failing to live up to international standards, which is really my second point. We believe that it’s vital that the board’s annual report include recommendations on where the government is missing the mark. That would bring the public into the conversation about how government can improve the lives of persons with disabilities in a very direct way and improve accountability. The board has had success with providing recommendations in the past. In 2002 the Alberta disability strategy compiled by the council put forward 168 separate recommendations. The role of providing recommendations is found directly in the council’s mandate.

Madam Speaker, it’s troubling that none of the past three reports have contained recommendations to the government on how to improve the lives of persons with disabilities. We’d like to see this council empowered to provide recommendations in the public forum, where others can then hold the government accountable to make sure that changes are made.

Public recommendations are important because this government has consistently shown that they need to be pushed into providing the supports Albertans need and that they will cut services if they are not constantly reminded and pressured on how crucial these supports are to vulnerable Albertans. We saw this spring, when the PC government announced \$42 million in cuts to people with developmental disabilities, that we can’t trust this government on their own to do the right thing. Again, with this government closing the Michener Centre, a care facility for persons with developmental disabilities, we’ve seen another attack on disabled Albertans.

We believe that in the public interest we will put forward amendments that the board provide public recommendations on how the government can contribute to improving the lives of

Albertans with disabilities. One thing that the bill clearly lacks, Madam Speaker, is an explicit mention about making recommendations in their annual report. It might be arguable that recommendations are part of the council’s larger role, but we think that it should be included in the legislation.

Madam Speaker, there are some things missing from the bill, in our view. Generally, expanding the role of the council is a good thing. Making mention of the UN convention is a good thing, but of course the bill stops short of making a real commitment to implementing the United Nations declaration on the rights of persons with disabilities, and we think that it needs to do that. We need to make sure that the council is engaging the public in these issues with concrete recommendations made in the public forum that allow a more public discussion of the issues facing persons with disabilities and the solutions that might be found with the assistance of the government.

With those changes it would be an outstanding piece of legislation, Madam Speaker, and one that we would be very happy to support.

Thank you.

The Acting Speaker: Thank you, hon. Member for Edmonton-Highlands-Norwood.

We have Standing Order 29(2)(a). Are there any members who wish to comment or question the hon. member?

Seeing none, I would ask if there are any members who would like to speak to Bill 41, the Premier’s Council on the Status of Persons with Disabilities Amendment Act, 2013, in second reading.

Seeing none, I’ll call the question.

[Motion carried; Bill 41 read a second time]

Bill 43

Alberta Economic Development Authority Amendment Act, 2013

[Adjourned debate November 6: Mr. Campbell]

The Acting Speaker: The hon. Minister of Justice and Solicitor General.

Mr. Denis: Thank you very much, Madam Speaker. We have made a good amount of progress tonight, and I wanted to thank the opposition members for their co-operation. Being that I’m such a great guy, I would like to move that this House is adjourned until 1:30 p.m. on Tuesday, November 19.

The Acting Speaker: Hon. minister, we need to adjourn debate on the bill first.

Mr. Denis: I would move to adjourn debate.

[Motion to adjourn debate carried]

Mr. Denis: I would make two motions: first, that the Member for Edmonton-Highlands-Norwood give me a ride home in his blue van and, secondly, that this House stands adjourned until 1:30 p.m. tomorrow.

[Motion carried; the Assembly adjourned at 9:36 p.m. to Tuesday at 1:30 p.m.]

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