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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.

Tuesday, November 19, 2013

[The Deputy Speaker in the chair]

The Deputy Speaker: Please be seated.

Government Bills and Orders Second Reading

Bill 35

Financial Administration Amendment Act, 2013

[Debate adjourned November 19: Mr. Allen speaking]

The Deputy Speaker: Are there other speakers? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Speaker. I'm going to ask my colleagues to support this bill, but I will say, in contrast to what the Member for Fort McMurray-Wood Buffalo was stating prior to the break, that this isn't just a housekeeping bill. This is a correction bill. It would be housekeeping if the previous bill had been in force, say, for at least a fiscal year or maybe even a couple of years. What this bill is actually doing is correcting the mistakes that probably shouldn't have been made in the first place. Although I agree with it coming forward to close loopholes and to make some changes, the fact is that had we taken the proper amount of time and constructed the first bill properly, we certainly wouldn't be here today. Again, it's an argument of why we should not hastily craft and push through this Assembly a piece of legislation.

This bill, particularly, would close possible legal loopholes, which is something that is positive, and it's interesting listening to the arguments that were made prior talking about taxes and revenue, a little history lesson going way back, I think, to the late '80s of this Assembly, if not definitely the late '90s. What is a shame is what we're doing in the sense of borrowing. As you know, our party would not be very welcome to increasing taxes, and I suspect the party across the way is very hesitant to raise taxes, but it is still . . .

An Hon. Member: You never know.

Mr. Anglin: Well, all you have to do is get up and say so, and we'll have to hold you to account.

What we look at and what we focus on is the spending, and there's nothing wrong with looking to control waste and to reduce spending, particularly where we can get a bigger bang for the dollar and more efficiencies. To this government's credit they brought a couple of bills forward just recently talking about being efficient, and that is something that we would definitely support, but there needs to be accountability and transparency to be efficient. How do you measure that? How do you track it? These are the questions that were brought before the House earlier that we wanted to support, legislation where we can track the spending, where we can see the outcome and arrive at a conclusion that we're getting a big bang for the dollars spent. Although this is the Financial Administration Amendment Act, the fact is that it's all about financial administration. Not to get into the debate of the previous two speakers talking about increasing in taxes, we would be more focused on making sure that the spending was more efficient and that there was less waste and that there was a better value for every dollar spent, and I think that's something that all members of this House could support.

With that in mind, I'm going to ask, certainly, on this bill that we support it in the end. I'm not sure if anyone's bringing any amendments forward. I would evaluate that on its own merit if one came forward, and if it makes sense, I would support it, and if it didn't, I would go with this bill. I'd ask my fellow colleagues here in my own caucus to give this bill consideration, support the bill, and get on with the business of holding this government accountable to spending efficiencies, which is what I think we do best.

Thank you very much, Mr. Speaker.

The Deputy Speaker: Thank you, hon. member.

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

Seeing none, I'll look for the next speaker. The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Mr. Speaker. I rise to speak to Bill 35, the Financial Administration Amendment Act, in second reading here. It's interesting that the government is looking at opening up a bill that this government just amended a few months ago under the Financial Administration Act. Clearly, the message to us and to Albertans is that they didn't get it right the first time, and they're hoping for another kick at the can. Now, clearly, we can see that the government is making up rules and legislation on the fly. They're poorly drafting bills, they're rushing them through, as we saw in our previous sitting, in our spring sitting, with extremely late nights, and they have no plan, very little strategy or clear picture on what they're trying to do and how to get there. So they're having to go back to fix previous mistakes.

The challenge with that, Mr. Speaker, is that at the same time that this government is trying to clean up their own blunders and make amendments to their poor drafting of bills, Albertans are unable to get a real, genuine, and valid sense of the financial health of the province. They're the ones that are bearing the cost of this legislative incompetence of the government. So a question that comes to mind is: how do we know that this financial management is being accurately reported to all Albertans when guidelines, rules, and legislation continue to change? It's challenging to keep up with.

A number of issues were raised this spring, Mr. Speaker, when Bill 12, the Fiscal Management Act, was brought in. If you recall, it was debated at great lengths. This amendment bill brings those issues back to the forefront, so I'd just like to touch on some of the concerns that we share.

One of the major issues with the act is that, again, it still does not provide for real, genuine savings, despite the government's claims. We've heard from Albertans throughout the province that this is something very important to them. You look at families in the province that will budget and make savings accordingly to plan for the future, and here we have a bill being reopened, yet there is still uncertainty around that.

As well, Mr. Speaker, given that it permits the government to scoop money out of the capital fund when they run a deficit by reporting only operational expenses, it simply just leaves this PC government with the power to hide the real problem and dollars rather than fix the real financial issues, issues that have been at the core for the Alberta NDP, which are addressing our extremely low royalty rates, the Klein-era tax cuts, and a clear lack of long-term planning.

So with a proper focus on getting Alberta's fair share and saving more appropriately, there would have been no need to make such a bizarre change in financial accounting because there would be no embarrassing details to hide, which really does beg the question that when this government continues to change the

way they present information, especially when we're looking at financial information, many Albertans begin to question and wonder: why the change, and what is the government trying to hide?

Mr. Speaker, the reality is that a lack of real, genuine savings means that this government has had to shuffle money around every time the price of oil doesn't meet our expectations. It's extremely difficult to plan properly when this government doesn't know what dollars are coming in and how to manage them. Money getting shuffled around, as we've seen even in the last few months, has very real consequences for our province and for Albertans in our province. We've seen this in this session, as the province made massive cuts – \$147 million, for example – to postsecondary education. Now, changes to the enrolment, changes to staff, programs, services have had a real impact on people's lives.

Then, at the turn of a hat, suddenly the financial picture changed, and they were able to put some money, again, only a third, back, although you might think they put it all back and then some, the way they were patting themselves and each other on the back. Unfortunately, while nobody in our postsecondary system is going to say no to getting some of the money back, these types of changes, where there's a massive cut one day and some money put back the next, again, have a serious impact on the lives of people.

7:40

I encourage my colleagues on the other side of the House to ask themselves: if they were a top researcher, would they take a teaching position in the province of Alberta if they wouldn't know if they have their job from one week to the next because they don't know if the dollars are there or not? If they were students, would they want to study in Alberta when they don't know if supports are going to get knocked out from under them one day to the next? It creates real uncertainty, and that's something that shouldn't be and doesn't have to be.

My point, Mr. Speaker, is that with proper planning and, again, a genuine conversation on our revenue in this province, these types of decisions and cuts and really playing with the lives of Albertans, you know, with the stroke of a pen or looking at the fluctuations in our world prices for a lot of Alberta's resources – that's asking too much from people in the sense that if there was a stronger long-term plan and there was adequate planning and resources and revenue, then these types of decisions wouldn't have to be made at the drop of a hat, again, having such a negative impact on so many lives of people in the province.

You know, Mr. Speaker, we support this act very cautiously, but we do support it for the reason that it does fix some of the technical mistakes that this PC government made when they originally changed the rules in the spring. I just want to end on the note that it leaves that bad financial management taste in the mouths of a lot of folks. This is what Albertans were complaining about, how this PC government is managing our financial resources. Again, this bill just illustrates very clearly that they couldn't get it right the first time, and again they're still scrambling to try to make changes. Like I said, it sends a message to Albertans as far as the competency of this government in managing Alberta's resources. So it's with a cautious . . .

An Hon. Member: With a heavy heart.

Mr. Bilous: Thank you for that. Yeah. Not necessarily a heavy heart, but with some hesitation I do support this bill. I think it's very important for the government to realize the message that this is conveying to Albertans and that there are still issues at the heart

of the matter that have not been resolved or addressed, like I had mentioned, the fact that we have a revenue issue and the government's refusal to look at ensuring that programs and services have a stable budget so that Albertan families can plan for the future. That is something that I strongly recommend to the government.

Thank you, Mr. Speaker.

The Deputy Speaker: Hon. members, Standing Order 29(2)(a) is available.

Seeing none, I'll recognize the next speaker. The hon. Member for Airdrie.

Mr. Anderson: Thank you, Mr. Speaker. Obviously, the Financial Administration Amendment Act, Bill 35, makes a lot of changes to the Financial Administration Act that will legislate changes in administrative practices and close possible legal loopholes. While this bill makes no significant policy changes, these administrative changes would not have been required if the province had not passed its flawed Bill 12 in the spring. It would also not be required, necessarily, if the province was not planning on borrowing significant amounts, billions of dollars, in fact, for infrastructure projects.

So although I will support this bill for administrative purposes, to make it easier for the government to do some things like allowing it to issue securities electronically and clarify some aspects under the Financial Administration Act that are unclear and so forth, I think it is very important in second reading here to have a discussion about – let's put it this way – what Bill 12 did and what Bill 35 as kind of an appendage to Bill 12 or a clarification of Bill 12 in certain spots does and about this government's extreme left-hand turn that it has taken with regard to our finances.

The Premier and her government warned Albertans, of course, that Budget 2013 would be historic. Indeed, it was, but it was historic for all the wrong reasons, Mr. Speaker. The back-in-debt budget, as it is now known, was shocking. The provincial government racked up its sixth consecutive deficit, with a real cash deficit if you include the infrastructure cost of \$5.5 billion. This government has also plunged our province back into debt. This year the provincial government plans on borrowing almost \$4 billion in debt. That number may go up; it may go down. I don't know exactly how the flood is going to be accounted for on the balance sheet with the feds putting in money and so forth, but as of Budget 2013 let's assume that the flood is evened out by the amount of money that is given by the federal government. It's \$4 billion in debt, and it essentially will double the provincial debt in one year from roughly \$4 billion to roughly \$8 billion.

What's more alarming is that this government plans to quadruple our debt to \$17 billion by 2016. In five short years this government has almost entirely vaporized our once \$17 billion rainy-day sustainability fund, and the heritage fund is worth less now, when adjusted for inflation, than it was when first established in 1976. It is literally the most incompetent squandering of wealth in this province's and possibly this nation's history. [interjection] The minister of office upgrades over there is laughing because he knows that he's contributing to this debt with his profligate spending and irresponsibility, and it's that attitude that has us in the mess that we're in.

Unlike the Premier, who didn't spend very much time in Alberta during the 1990s and early 2000s but now spends a lot of time disparaging those years of proud fiscal prudence and prosperity, I remember the Alberta advantage very well. Growing up in Alberta, in fact, at that time, Mr. Speaker, was great. The

schools that I attended in the so-called Dark Ages, that the Premier alludes to, were actually quite excellent. In fact, I received almost a year of free credits at a top U.S. college just because I happened to be an Alberta grad, for no other reason than that. [interjections] Holy, man. Are you okay with the hon. member, the minister of advanced education, yapping and snarling and . . .

Mr. Anglin: Sounds like an angry Muppet.

Mr. Anderson: Yeah. He does sound like an angry Muppet, doesn't he?

The Deputy Speaker: You've got the floor, hon. member, and I'm listening, so carry on.

7:50

Mr. Anderson: The economy was strong at that time and still is today, and it was creating jobs. Businesses were flourishing, and home values were appreciating. As a province we had a collective purpose. The majority of us, although, of course, I'm sure that the minister of advanced education and others weren't in this boat, were united in a goal to pay off our \$23 billion provincial debt and build a job-creating machine through low taxes and job-friendly policies that we proudly called at that time the Alberta advantage. The Alberta advantage was not a derogatory term, as the Premier sees it. It was something that we were very proud of and, I feel, should still be proud of.

In fact, it is not an exaggeration to say that the entire direction of our nation was profoundly altered for the better by a relatively small but principled and feisty province during that time. But as the Premier often says, that was then and this is now. In 2008 our province had almost no debt and \$17 billion in the rainy-day sustainability fund. By election 2016 we will have a \$17 billion debt and virtually no rainy-day sustainability fund.

We in the Wildrose have proposed a financial recovery plan to get the provincial budget back on track and to ensure the long-term sustainability of core social programs. Our two-year plan would eliminate the operating deficit immediately in 2013 and eliminate the entire cash deficit by 2014. It would prevent any new taxes or tax increases from being introduced without a provincial referendum, and it will implement a Wildrose balanced budget and savings act once the budget is brought back into balance and would restrict future spending increases to inflation plus population growth indefinitely and save some of our resource revenues for future generations.

The Premier contends that anyone who doesn't agree with her decision to go back into debt is an extremist, yet right before the 2012 election she stated: Alberta does not have a debt, and we will not incur debt; that is fundamental to what Albertans are proud of, and we are committed to making sure that continues. That's what she said before the election, but now, Mr. Speaker, after the election, debt is hope according to this Premier.

The ugly truth is that this Premier's views on structural debt have been discredited by the lessons of the ongoing world debt crisis. It is she and her party that are taking us back a generation. It is she and her party that have proven to be fiscally extreme. I find it a wonderment and absolutely amazing to tout this massive accumulation of debt. The Finance minister and the Premier will often say: we've met with the banks, and the banks and the experts in the banks tell us that borrowing money is good, that we should borrow as much as we possibly can. Really? The banks are asking you to borrow lots of money? This is shocking, Mr. Speaker. Absolutely shocking. I mean, with that kind of thinking it's definitely going to be the case that we are going to not just be \$17

billion in debt but many more billions of dollars in debt in the future.

Obviously, banks and construction companies and folks like that want us to borrow and spend as much as we possibly can. Clearly, they do. We need to make sure that we balance the requests of society and of our people with what we have. We need to live within our means. We cannot put building what we must have or what's being asked for time and time again on the backs of our kids. We can build what we need, Mr. Speaker. We can build what we need with \$4 billion a year, which is 15 per cent more than the average of the four largest provinces.

Mr. Horner: I thought it was \$5 billion.

Mr. Anderson: Fifteen per cent more. It's \$4 billion, and then it goes up over 10 years to \$5 billion with the rate of inflation and population growth, Minister. I'm glad you've read the document. [interjections]

The Deputy Speaker: Hon. members, the Member for Airdrie has the floor, please. Thank you.

Proceed.

Mr. Anderson: Anyway, we must not, Mr. Speaker, mortgage our children's future because we are unable to prioritize today. Four billion dollars a year for infrastructure is a reasonable amount. Yes, it means that a couple of projects will have to be put on hold for a year or two or maybe even three, but the great thing is that under a Wildrose government we will put up an infrastructure priority list.

Mr. Dorward: Free money.

Mr. Anderson: Free money, he says.

We will put up an infrastructure priority list that will be completely transparent, will be objective in nature, and every community will see every single request for infrastructure that has been made by the school boards, by communities, and so forth. They will be put in order. Everyone will see it, and then they'll know that when money is spent on infrastructure, that \$4 billion, it will go to the top projects. Those projects will be moved off the list into the being-built or built column, and everything else will move up. The city of Edmonton has such a list. The city of Calgary has such a list.

Mr. Horner: The Minister of Infrastructure has such a list.

Mr. Anderson: No, the Minister of Infrastructure does not have that list, Mr. Speaker.

Mr. Horner: It's on his website.

Mr. Denis: Just check the website.

Mr. Anderson: Just check the website. That's right. Just check the website.

The Deputy Speaker: Hon. members, please.

Mr. Anderson: Anyway, I know I get under their skin, and it's a pleasure that I have in life, but it is because what I'm speaking is true, and it bothers the heck out of them.

But you know what? The great thing, Mr. Speaker, is that we have a democracy in this province, and the false claims that were made and the false promises that were made prior to this past election I believe will be dealt with at the next election by the

people of Alberta. They know full well what's on the line this time. They know they've been manipulated, they know they've been told fairy tales by this Premier and this government, and they know that their government will have run up by then \$17 billion in debt, and that is unacceptable to them. They have put up and been patient with a lot, but they will not put up with and be patient with this government mortgaging our kids' future for their political gain and then allowing their incompetence to create the economic and financial havoc that it has on our balance sheet.

We're looking forward to that, but in the meantime we'll continue to remind this government of their obligation to keep their promises, just like the Premier said before the election: Alberta does not have a debt, and we will not incur debt. We will not incur debt, she said. How can this government justify what they're doing right now when they have the Premier on record saying that right before an election? It's a lack of credibility that this government has, Mr. Speaker, and it's because of mistruths and misdirection like that.

The government should be ashamed, and they should be ashamed that instead of saying that they're going to do everything in their power to get out of debt as quickly as possible and put out a plan and say, "We're going to build infrastructure, but we're going to decrease our debt over time and pay it back over time, and this is how we're going to do it," they attack the opposition, who is simply committed to the principles that were firmly established by Premier Klein in previous governments to live within our means. If they won't live within their means, a Wildrose government will, Mr. Speaker.

Thank you very much.

The Deputy Speaker: Thank you, hon. member.

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

Seeing none, I'll recognize the next speaker.

Seeing none, the hon. Minister of Finance and President of Treasury Board to close debate.

Mr. Horner: Well, thank you very much, Mr. Speaker. I'm not exactly sure where to start. We had the hon. Member for Lac La Biche-St. Paul-Two Hills talking about that somehow the Progressive Conservative mantra is now debt is hope. They've taken two words and matched them together and decided that this is what will resonate as rhetoric with Albertans, again somewhat of the misdirection that they're known for, and that's okay. They can do that. I think Albertans see through that. Of the 12, 13 open houses I had around the province when we were talking about, you know, the way that we were going to build Alberta and build the infrastructure that we need, Albertans understand that we need to use all of the means necessary to us.

The hon. Member for Lac La Biche-St. Paul-Two Hills talked about operational deficits and capital deficits and cash deficits. You know what? I'm going to leave what he talked about because his colleague from Airdrie just filled the void. I have to maybe jump around a little bit here because I'm going to try to answer a few of them.

The Wildrose Alliance is trying to convince Albertans that they have a \$50 billion, 10-year capital plan that they will pay for with something other than what we are doing. They refuse to tell Albertans how they would pay for that. They simply say: we'd do it a different way. Okay. So let's look at the ways that they won't do it, Mr. Speaker. Well, they won't use P3s, started by Premier Klein because it was of value to Albertans, which has saved Albertans close to \$2.2 billion. But they won't use that. Okay. So they won't use that one.

8:00

They won't use capital financing because that's debt like you'd have on your house or your car or businesses would have on their warehouse. In the history's lowest interest rates we've ever had, when your savings and the Alberta heritage savings trust fund are earning almost double what interest rates are, they won't use that. They would rather take cash and plow it into – well, no, they won't do that either, Mr. Speaker. The hon. Member for Airdrie is on record as saying that it's terrible that we blew through \$17 billion of net financial assets and didn't get anything for it. Well, Mr. Speaker, we got assets for it. We built capital with it.

So if he won't use P3s and he won't use capital and he won't use cash, how is he going to pay for \$50 billion worth of capital over the 10 years? He's not telling Albertans. He's not being very open and transparent about that, and I'm a little concerned that perhaps they're talking about raising taxes in that land over there.

Mr. Speaker, we have the hon. Member for Edmonton-Highlands-Norwood suggesting that this Finance minister will talk about raising taxes when he leaves this chair. I have talked about taxes. I have talked about the fact that Albertans were very loud and clear with us: live within your means first, before you start talking about digging into our pocket.

We are going to do that, Mr. Speaker. In fact, we have had a zero per cent increase in our operating expenditures this year. That's the first time that's happened in a long time. Far below population and inflation, which is what the Wildrose Alliance suggests to Albertans they would do, which, again, is interesting because that would actually raise the budget from where it is today if we were to go to population plus inflation. I guess they're not telling Albertans all of that. So we've had the smallest increase in operating expenditures in memory.

He talks about the real cash deficit. Here's another piece that the hon. Member for Airdrie talks about a lot: change in net financial assets; we've blown through \$17 billion; somehow we didn't get anything for it. Mr. Speaker, \$5 billion of that \$17 billion was the unfunded liability growth in pensions. We're doing something about it. I haven't heard what they're going to do about it. And \$7 billion or \$8 billion of that is the assets that I spoke about earlier that we put in the ground. Those are schools, hospitals, and roads that we built with that sustainability fund.

So he talks about incompetence. Probably, I would suggest, the incompetence is not understanding what a financial statement is or good financial management, Mr. Speaker. The incompetence is coming from that side, not our side.

The hon. Member for Edmonton-Beverly-Clareview – love it. We won't tell Albertans what the health, financially, of the province is. In October 2013 the Auditor General released a report. I would encourage the hon. member to perhaps read some of it. On page 6, the sixth paragraph down – this is the Auditor General's report I'm quoting from, Mr. Speaker:

The fact that none of our auditor's reports on financial statements contained a reservation of opinion means that Albertans can be sure they are receiving high quality information from the government on the province's actual financial performance.

I would suggest to you that that's telling Albertans exactly what it is.

The other piece, Mr. Speaker, is when he says that the health of the province's finances must be in terrible disarray because we changed to this new system, this bizarre system. Generally accepted accounting principles have never been referred to as bizarre. The Alberta Chambers of Commerce and the accountants' association . . .

If the hon. member could remind me of the actual – what is it? The chartered accountants of Alberta?

Mr. Dorward: The Institute of Chartered Accountants of Alberta.

Mr. Horner: . . . the Institute of Chartered Accountants of Alberta have endorsed what we're doing, Mr. Speaker, and from the letters that I've received, in fact, we have had a lot of comments and kudos about the fact that we've separated the operating from the savings and the capital plan so that Albertans have an understanding of what we're actually talking about when we talk about operating, savings, and capital.

Mr. Speaker, this province has the strongest financial position of any jurisdiction in North America, bar none. That is borne out not by us but by the credit-rating agencies that rate all of those jurisdictions in North America. Triple A, and they would give us another one if they could. There is nothing wrong with the finances in this province.

When we talk about debt, the hon. members in the opposition, as I've already said, won't tell Albertans how they would pay for the capital. In fact, they're trying to hide it because \$5 billion taken out of our operating expenditures today when we had a zero per cent increase would mean a \$5 billion cut in core services, yet the hon. member talks about increasing core services, restoring them.

Mr. Denis: Which way is up?

Mr. Horner: Exactly, Mr. Speaker. There's no way to understand which way these hon. members are trying to lead Albertans or mislead Albertans. I'm not exactly sure which way it's going.

Mr. Speaker, he talks about an infrastructure list that the Wildrose Alliance would provide, you know, the capital plan. Well, I find it very interesting. Today their leader was talking about the signs that we're putting out there and how they're party colours and all that stuff, taxpayer funded. Well, I have a copy of their A Better Way to Build Alberta plan for capital. Note the colours. Those would be Wildrose Alliance colours. Note the big Wildrose Official Opposition on the front. This is a fabulous picture book. There are no dollar numbers in here, but it's a fabulous picture book. Somebody in here is maybe running for leadership; I'm not sure. There's a fabulous picture book in here.

Again, there is no list of priority assets in this thing. In fact, there's no list of assets in it at all. There's no list of construction. There's no list of priorities. There's no list of dollars. There's no explanation. [interjections] I hear a lot, but I don't see anything.

Mr. Speaker, just in closing, all of this over a piece of legislation that really is about ensuring that we can move dollars from one year to the next, that we can do things that bring our issuance of bonds and securities into the 21st century, that we can actually be more efficient with Alberta taxpayers' dollars. The opposition, while saying they're going to support it because they understand from the briefings we've given them that this is needed, that this is something we should do, take the opportunity to spew a whole raft of things that would just simply make Albertans think they must live in the worst place in the world. Yet everybody else is coming here because, we believe, we're the best place in the world.

Thank you, Mr. Speaker.

The Deputy Speaker: Thank you, hon. minister.

[Motion carried; Bill 35 read a second time]

Government Bills and Orders Committee of the Whole

[Mr. Rogers in the chair]

The Chair: I'll call the Committee of the Whole to order.
The hon. Deputy Government House Leader.

Mr. Denis: Thank you very much, Mr. Chair. At this point in the evening I'd like to ask for unanimous consent so we could move to one-minute bells for any divisions.

[Unanimous consent granted]

8:10

Bill 30

Building Families and Communities Act

The Chair: I recognize the Member for Calgary-Shaw.

Mr. Wilson: Great. Thank you, Mr. Chairman. I appreciate the opportunity. It feels good to get back into some committee work here. Let's talk about some amendments to some legislation. I'm not going to spend a whole lot of time with a lead-up as to what the purpose or the intent of these amendments is. I have shared them all with the minister, so I'm sure that his responses will be equally quick as to whether or not these will be accepted.

An Hon. Member: Did he get back to you?

Mr. Wilson: Unfortunately, I have not heard his thoughts on them, but I am quite excited to, so without further ado I will table the first amendment, Mr. Chairman.

The Chair: We'll just pause for a moment, hon. member, and have that circulated. If the pages could bring the original. Hon. members, this will be amendment A1.

Please proceed, hon. member.

Mr. Wilson: Thank you, Mr. Chairman. The intent of this amendment is quite simple. It is to ensure that the members of the council, whichever region they are being asked to serve in within the province, live or reside in the region that they are going to be asked to serve. If members could refer back to legislation and the sections that are being repealed from the Persons with Developmental Disabilities Community Governance Act, you'll find that this actually is right in there as what used to be subsection (3), "Each member of a Community Board must be a resident in the region for which the Community Board is established." So, quite simply, the intent of this amendment is to ensure that the individuals who are serving on these councils, which have great potential to add value to the work that the Human Services department is doing, are actually residing in the area in which they are operating to ensure that local decision-making is happening and is consistent with, I guess, the mandate and what the suggested mandate of this council is.

So, with that, I'd be happy to hear any response that the minister may have or any of my other colleagues.

The Chair: Thank you.

Speaking to amendment A1, the hon. Minister of Human Services.

Mr. Hancock: Thank you, Mr. Chairman. I want to start by thanking the hon. member for the courtesy of providing me with copies of the proposed amendments. I believe it was yesterday afternoon, and I did have a chance to look at them as I promised I would. I want to be sure that he understands that I very much appreciate that because I'm always interested in ideas that can make bills and legislation in this House better, and I look forward to that. I would have to say and just let him know up front that, unfortunately, having looked at them, I'm not going to be able to recommend acceptance of any of the amendments tonight, and I'll be happy to provide rationales.

This one is one that I was tempted to say yes to because it is absolutely the intention of the regional councils that they come from the region. That is exactly what regional councils should do, reflect the nature of the region, reflect the demographics of the region. So every intention is to have members of the councils come from the regions. In fact, the hon. member has been good enough to create a parallel structure in the amendment that says “the desirability.” So it’s clear that it’s not a must; it’s desirable.

I would have actually no real problem with this particular amendment. I haven’t had an opportunity to get agreement from caucus or explain it to them, but I wouldn’t have any problem with this particular amendment, Mr. Chairman, because it is the intention that the members of the council would come from the regions that the council represents, and it would be the intention that the process of selecting them would involve applications from people within that region. The fact that he’s included the same structure, the desirability, means that if for some reason there was an exceptional reason why you’d want to bring somebody else in, you still could.

It’s a fairly friendly amendment. I would just say that I haven’t had the opportunity to consult with our caucus members, but I have no problem with the amendment.

The Chair: Are there other speakers to the amendment? The hon. Member for Edmonton-Decore.

Mrs. Sarich: Yes. Thank you very much. I would just like to perhaps ask, if I may, a question for clarification on this particular amendment. Should there not be an individual or member that would be appointed from the region or if there wasn’t enough of a pool of people available, what then? Maybe the minister or the person that is providing us with the amendment could provide some insight to that because there may be a time, Mr. Chairman, that somebody may not be available from a region, so the appointment may have to come from outside. Is there flexibility to allow for that, or would there be a different situation? Just a question.

The Chair: Hon. Member for Calgary-Shaw, did you care to respond?

Mr. Wilson: Sure, Mr. Chairman. I believe that, as the minister alluded to, the way the amendment is worded, it would allow for that exception if that were the case. It suggests that it’s desired that the individuals who serve on the councils are from the region in which they are asked to serve, but it in no way says that they absolutely must be. As all of us as elected officials I’m sure are aware, boundaries can change. It allows the ministry to change the regional makeup or where those boundaries lie without it necessarily meaning that they have to find a whole new board just because they’ve decided to change the region in which it serves. I believe that the intent is true, that it just suggests that if you are to serve on the Calgary region, that you should live within Calgary or the northwest region or wherever these regions are. At this point they’re not mandated or even listed in the bill, where the regions are going to be.

I hope that may appease your question. I’m wondering if the minister could even clarify because I had a little bit of confusion as to the way he started his response to this amendment and the way it ended. I was getting mixed messages, so perhaps some clarification if he could.

Thank you.

The Chair: The hon. minister.

Mr. Hancock: Thank you Mr. Chair. Certainly, the message I intended to convey was that I wasn’t going to be able to accept any of the amendments, but I should have ended it by saying: with the exception of this one. This one I don’t have any problem with because it is the intention. It doesn’t need to be legislated, but it is the intention that those councils come from the region. The way that it’s worded it reads “the desirability of,” so you could appoint somebody from outside the region if that was desirable for expertise reasons or whatever.

The Chair: Thank you, hon. minister.

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

Mr. Anglin: Thank you, Mr. Chair. I had that same mixed message. As far as I’m concerned, if the hon. member is going to accept this amendment – I stood to support it – then I would take it right to a vote. We can call the question on it and vote.

The Chair: I’ll call the question, then.

[Motion on amendment A1 carried]

The Chair: The hon. Member for Calgary-Shaw.

Mr. Wilson: Thank you, hon. minister and hon. colleagues, for entertaining that and for incorporating it into the bill.

I will table another amendment if I may, please.

The Chair: We’ll have that circulated, hon. member.

For the record, hon. members, this will be amendment A2.

Hon. Member for Calgary-Shaw, please proceed.

8:20

Mr. Wilson: Thank you, Mr. Chairman. We talked in second reading about, and many of the other members in this House also alluded to, you know, the desirability and the mandating of having a co-chair who is aboriginal on each of these councils and that the co-chairs, aboriginal and nonaboriginal or whatever it is that the other co-chair is, have meetings. Now, the intent of this amendment is simply to increase the frequency of the meetings beyond once per year. I would be happy, if the minister would be so inclined, rather than to vote this through as an entire one block amendment, if we could perhaps go line by line to get an understanding of where they stand on each of the three suggestions here.

Again, my struggle with the intent of a piece of legislation like this is that if you’re going to have these councils and you’re going to present these councils to the Alberta public as a strong voice and a strong conduit of information between what’s happening on the ground level in communities and what’s got to happen through the ministry and the direction the minister should take, it just seems a little bit odd to me that it would only be mandated that the co-chairs and the aboriginal co-chairs meet together as a group once per year. It just seems like it’s a bit of a wasted opportunity, Mr. Chairman.

So the intent of this is simply to increase the frequency of those meetings to semiannually, or twice per year. I believe that my goal, as it were, if we were to look at which of these were most important to me, would be section B, which relates specifically to section 5, by amending it so that particularly the aboriginal co-chairs are meeting as a group more often, exactly twice per year. I think, as we can all accept, the situations that we find our aboriginal peoples in, their overrepresentation in a lot of the social impacts in this province could suggest that this could be needed and/or be a positive step forward.

With that, I believe I've stated the case as to why I believe that this amendment should be accepted. Again, I look forward to engaging with the minister further.

Thank you.

The Chair: The hon. minister.

Mr. Hancock: Thank you, Mr. Chair. Well, I appreciate the concept behind the amendment. Obviously, we want these councils to be effective, and to be effective, the councils not only have to meet in their own regions, but they also have to come together to compare across the province what's happening and to meet with the minister.

The bill as it's framed suggests at least annually, and I think one should be cautious about requiring or mandating more frequent meetings than that. They can have more frequent meetings than that, but if you start to pile them up and you say that the co-chairs of the council shall meet semiannually – that means three times a year, because biannually would be twice a year, so semiannually would be interpreted as three times a year – and then the aboriginal co-chairs would have to meet another three times a year, and then the minister and the co-chairs shall meet together annually, and the ministers and the co-chairs of all councils shall meet, that adds up to a lot of meetings outside the regions.

So rather than try and nitpick how many meetings they're going to have, I think we should be comfortable with the assurance that the act mandates, requires the co-chairs of the councils to meet together once a year, and the aboriginal co-chairs to have another meeting at least once a year, and each of those, either at the same time or in a different meeting, to meet with the minister at least once a year. That's a minimum, and it's appropriate to legislate in the bill the minimum amount of meetings. But to start requiring by law a multiple cascading of meetings makes life for everybody involved extremely complicated, and I wouldn't recommend it.

The Chair: Thank you.

The hon. Member for Calgary-Shaw.

Mr. Wilson: Thank you, Mr. Chairman. I guess this is why I opened by suggesting that perhaps we deal with each of these individually. You know, when you look at the way that the bill is currently written, section 4(2) says, "The Minister and all the co-chairs of all Councils shall meet together annually." It does not say at least annually. It does say at least annually in section 4(1). Similarly, in section 5(2) it says only annually. It does not say at least annually.

In my understanding of the way in which this is worded, semiannually would be two times per year. Parliamentary Counsel advised us that biannually would actually mean every second year. Again, the intent is just to simply make this, as opposed to only meeting annually – and, hey, if it were to say at least once annually, I'd be perfectly fine with that. But, again, that's not the way that the bill currently reads, which is why the amendment was suggested.

The Chair: Are there others? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. I listened to the hon. minister, and what I'm concerned about is – I can understand not wanting to force unnecessary meetings, but what I'm trying to understand here, which would sort of form my opinion for either supporting or not supporting the amendment, is the importance of the actual councils and the importance of the co-chairs. As it's written, it talks about the opportunities and challenges throughout all

regions. To me, as I understand the wording of opportunities and challenges, these could be significant to the communities and these could be significant to the well-being of even individuals. What I'm concerned about is that if we don't pass this amendment and it's only a requirement that they meet once a year, could that have the potential to put an unnecessary lag before an important opportunity or challenge is addressed? That is how I view this.

Again, I understand both arguments, but what I'm more concerned about is to make sure that there isn't a long delay when there is something that is recognized and somebody is waiting to bring this forward. Could that happen under the way the bill is actually written now? That's kind of the question I have.

When meetings are normally called, the idea is that these issues and concerns are generally brought forth at every meeting. If I understand the minister correctly, there will be two meetings a year, but two different parties would be meeting once a year. These challenges and opportunities seem significant to me, to the point that I'm not sure that it's a burden to say: meet twice a year. If it is a burden, I'd just like to know why.

I think the whole intent here is to make sure that we have this consistency. So, as I look at it, having that extra meeting a year doesn't seem to be an imposition or a burden upon the council members. If it is, then I would like that explained so I understand it better, and maybe the other members here would. I think the whole key here is to make sure that if there are challenges that come forward, they are addressed in a timely fashion so that everyone else can benefit from this.

I'd be happy to hear from the minister on that very question.

The Chair: The hon. minister.

Mr. Hancock: Thank you, Mr. Chairman, I think it's important for us to reflect on what the primary role and function of the councils will be, and that is to engage their communities and discuss the social issues and the social impact on their communities. That means that we're asking volunteers to play a very dynamic role in their community. They will be meeting in that context, I would assume, with the school boards in their area, to have joint meetings there.

In Edmonton, for example, or the capital region area here we have a group that now meets together called the Joint Action for Children Committee. It's the school boards, the social agencies, and others. It's a great organization. They come together once a year to make sure they're all on the same agenda.

I would see community engagement councils performing a similar function in their regions. So they would meet with the school boards, they would meet with the health advisory councils, they would meet with the FCSS organizations, and they would initiate discussions in the community on issues of social importance to those communities. They would engage in the community. That's a fairly significant and active role that we're asking them to play.

I don't want to mandate in an act how many meetings they have on a provincial basis with the co-chairs. We want to make sure that they meet at least annually. We want to mandate and indicate that the minister will meet with them annually, and that happens now, I can advise, with the CFSAs, for example, and we'd want to continue that. There's no good reason why they couldn't have more meetings if they wanted to. But the focus of the engagement council is engagement of the community and the act of bringing together those voices and those discussions in the community.

I'm very conscious, having been on a number of volunteer boards, of how much of your life that can actually take. It's a balancing act, and rather than mandate that they have to meet that

many times – and I would clarify that it should be clear in the act that the co-chairs of councils meet together. That's all the co-chairs. That's the aboriginal co-chairs and the other co-chairs. Then there's a second annual meeting with the aboriginal co-chairs, which we're doing because we specifically want to highlight and understand that there is a particular focus that needs to be placed with respect to aboriginal communities. So that's already two meetings, and I really do not want to detract from the activity and the engagement in the local area.

8:30

Now, if the council co-chairs said that we needed to have another meeting, I can tell you that this minister would be very interested in having that extra meeting. I can't speak for all ministers; there will be other ministers in this portfolio. But I can say that that's something that we've always – I don't think I've missed a meeting that I've been asked to come to with the CFSAs, for example, as they've met. They've been actively engaged in the social policy framework discussion, and we've participated there.

We want to make sure that they're effective, that they have the ability to carry out their mandate, and that they play that active functioning role talking with all of the groups in their community that they need to talk with so that they can be well informed for a discussion to inform government policy, for example, and so that they can also work with the municipal governments in their area because there needs to be co-ordination in that area.

These are councils which will have a fairly broad mandate. Everything under Human Services will fall within their mandate, and that means there are lots of people to talk to. So to say that they have to come and talk to the minister, to me, two times a year as co-chairs and another two for the aboriginal co-chairs in addition to that, and perhaps some more, I don't think is prudent. If it wants to happen, it can happen, and I'd be very favourable to that. But I would like to see them get up and running and make those contacts in their community in their first couple of years at least, really embed themselves in the community, really become part of the social discussion in the community, and then we can see how often we have to meet to make sure that that input and that engagement is effectively contributing to overall policy and to the assurance role that they will have in terms of whether government policy and activity is actually hitting the ground in those communities.

The Chair: Are there others? The hon. Member for Edmonton-Strathcona.

Ms Notley: Thank you. Well, I must begin by saying that this is a bit of an awkward point for me to begin this discussion, having not been able to be here for the discussion in second reading and having assumed that the rather broad range of amendments that we'll be discussing tonight would have been discussed over more than one evening commencing at 8 in the evening. I'm now having to sort of start my discussion with sort of the overarching view of this bill, and of course, we're speaking to the amendment, so I can't. I have to speak to this amendment and sort of dive right in without giving a bit of context to why I have some significant difficulties with this bill.

In short, one of the problems that exists with this bill, to me, on first reading and second reading and, indeed, having listened to the discussion by the minister is that these councils are really not going to be terribly effective. They don't meet the needs of the people who work very hard within this community, who are looking for genuine opportunity for consultation. Really, they're extended sort of communications tools for the government. They

should really be run almost out of the Public Affairs Bureau. In fact, because of their structure, they're not in a position to really effect significant change; they're simply in a position to talk.

I know this minister loves to go around and talk with people about things, but when you're dealing with the critical, critical issues that are all lumped together under this Human Services ministry, a ministry which is basically overseeing that which is awkward and something that we'd rather limit the opportunity for people to talk about in the province, and you lump them all together and say that this council is going to be our way to engage with Albertans on issues of how we serve adults with pervasive developmental disability, how we serve children who are at risk, how we serve families who are at risk, how we deal with children's mental health, how we deal with poverty, how we deal with immigrant challenges for new Canadians in communities, how we deal with hunger problems in regions across – I mean the issues are gargantuan. Yet it's all wrapped up together under this Human Services ministry, and then these little cheerleading teams are going to set out into the community to talk and talk and engage and talk.

Well, you know, Mr. Chairman, I have been an activist my whole life. I've been an antipoverty activist my whole life, and I can tell you, speaking from that perspective, that going to meeting after meeting after meeting after meeting, listening to people talk around and around and around in circles with the same problems coming up year after year after year with nobody making any changes and the same mistakes being made over and over again: my desire to engage in that particular forum becomes extremely limited. The fact of the matter is that the way this minister is structuring this, that's exactly what's going to happen with his little cheerleading advisory teams.

To get back to the amendment that we're dealing with right now, that is particularly evident in this minister's response to this quite reasonable request by the Member for Calgary-Shaw to suggest that the minister might want to meet with these councils more than once a year. Given the significantly important stuff that they would be talking to people about and given the significant nature of these issues and the life-changing impact of these issues and the many, many, many different matters that now fall within his ministry's jurisdiction, the idea that they could meet once a year and give any kind of meaningful respect to the opinions of the activists and the advocates and the self-advocates and the community members within each community who actually in good faith choose to participate in this dog-and-pony show is just silliness. It can't happen. It won't be meaningful.

They have virtually no staff. They are volunteers. It's simply going to be an opportunity for people to sit in a room and talk and maybe an opportunity for these folks to promote the government's so-called record on it. That's all it's going to be. If you want these to be meaningful, then the fact of the matter is that the minister has to commit to meeting with these people more regularly.

There is no better example of how necessary this is than the train wreck of governance that we saw this spring when this government decided to take \$45 million away from the PDD budget. It was clear that there had been with these other boards that existed – and quite honestly I'm quite okay with that part of this bill in terms of what it does with the PDD boards. But the fact of the matter is that there was a much greater level of consultation going on there, yet it was a disaster when the government proposed to make a whole series of changes. Quite honestly, what I am hearing from people within that community, even though the draconian funding cuts have been taken off the table for the time being, is that they want an opportunity for meaningful consul-

tation and opportunities for collaboration in at least that sector, the PDD sector.

They will not get that meaningful collaboration and that meaningful engagement through the structure that is described in here. Under no circumstances will that happen. You would need to have working groups of key decision-makers within the government working with key stakeholders that the community has identified and have those people meeting weekly for probably at least the next six months in order to navigate their way through the debacle, the governance debacle, that this PC government created this spring with their top-down changes, or attempts at changes, to the PDD system.

So if you use that as a case study, Mr. Chairman, there is absolutely no way on the planet that this structure could accommodate that kind of change or the need for consultation that that kind of change generated. Under no circumstances could it. And under no circumstances could that be managed by the minister meeting with them once a year. I mean, that's just utterly ridiculous. There's just a complete disconnect from the level of engagement that the community is looking for on one hand and the level of engagement that is guaranteed through the mechanism described in this legislation on the other. There is no way this consultation structure can be anything other than an opportunity for a few hand-picked people to go out into a community and hand out government press releases, and that's pretty much it.

If they are only meeting once a year, then what's going to happen is that they'll come back and say, "Well, this is what these people thought about your press release, and this is what other people thought about your press release," and that's going to be about it. If it comes to rolling up your sleeves and actually sitting down to figure out how we can deal with some of these incredibly heart-wrenching challenges that exist in different communities across the province, there's utterly no way it can be done through the structure that this minister is proposing in this bill.

8:40

So I think there are a lot of changes that need to be made in this bill if the objectives that the minister says he wants to achieve are to be achieved. I think the amendment that was put forward by the Member for Calgary-Shaw is one very small example of the changes that need to be made in this bill. I think that, in fact, they probably just need to completely re-evaluate what they mean by consultation, what they mean by collaboration, and how it is they intend to engage in a transparent and predictable and reliable process of engaging with all those partners that they claim they want to collaborate with through their social policy framework.

If collaboration means that a hand-picked group of people get to meet with the minister once a year, well, that's not collaboration. If collaboration means that a bunch of other folks meet with the minister behind closed doors as a form of crisis management, well, that's hardly surprising, but then all that really is is a bunch of people meeting with the minister behind closed doors as a form of crisis management, with other members of community not knowing that it's going on and people being played against each other and all that kind of stuff that actually goes on in the community right now, quite frankly.

This act is about taking power away from the CFSA's, some of which had a great deal of staff and authority, and away from the PDD boards, which also had a great deal of staff and authority and probably too many resources, and centralizing it in the ministry. As a rule that's not necessarily a bad thing in order to ensure that services are more integrated and there's more co-ordination and that gaps are filled, so I have no problem with that model. However, if what we're talking about is providing a genuine

opportunity for the community to engage with the ministry after all that authority has been centralized, well, then you need to provide for a genuine opportunity for the community to engage, and this bill doesn't do it.

I suspect that the minister has heard from people within the community because I certainly have heard from people within the community that this is a million miles away from what they anticipated when they talked with the minister about ongoing consultation and ongoing engagement with the work that they do and working collectively with the government on that.

I would support this amendment because at the very least it allows for the possibility of there being more than one meeting a year with the minister. I think that's an incredibly modest and polite step forward, but it's better than where we're at now.

With that in mind, I would urge my colleagues to support this amendment.

The Chair: Are there others? The hon. minister.

Mr. Hancock: Thank you, Mr. Chairman. It won't be my habit to respond to everything immediately, but I think there are some very important statements that need to be responded to there. If this hon. member thinks that by creating these boards, that will be the only avenue of public consultation on any issue in the Human Services area, she's sadly misinformed. I certainly didn't inform her of that, so I'm not sure how she's been misinforming herself.

The reality is that, for example, there's an associate minister responsible for persons with disabilities, and that minister has had two tele town halls with families. I participated in one of those with him. I know that there has been a newsletter established directly for families and that there's a website available directly for families. The level of engagement with families of persons with developmental disabilities has gone up rather substantially since the concept of dissolving the boards and bringing the service delivery into consolidated regions was brought forward.

The hon. member and families can be assured that with respect to persons with developmental disabilities and their families, there's no expectation that their only line of communication with government would be through a regional council. The community engagement council is to engage on broader public policy issues and to keep the discussion going that was so very effectively started on the social policy framework and continued in *Together We Raise Tomorrow* and to understand that there needs to be an ownership of social issues in the community and it needs to be that engagement.

But I can assure the hon. member that when it comes to discussion on issues of service delivery, issues of policy importance within a specific field, that is not the only engagement process there is, and that's not the only communication. If she wants any evidence of that, all she has to do is look at the last six months – the last two years I'd say, but the last six months specifically – about the level of engagement. The associate minister has been on tour in the province twice, into communities, meeting personally with families in large and small groups. No one has been excluded. There have been meetings on the issues.

The Associate Minister of Family and Community Safety has already engaged with and had meetings with people involved directly in those areas. I have had and continue to have meetings with stakeholder groups and others directly involved in those areas. There is a lot of work that's being done in this area, and that work will not stop because an engagement council has been created.

But the engagement councils are a necessary form of ensuring that when we take away the board governance model of the

CFSAs and the PDDs, we don't lose the community governance aspect of engagement of community, informing government policy in that methodology, and the assurance that needs to happen with independent people in the community saying: "This is what's happening. This is how you're missing the mark in our community with the program delivery that you've got, and these are the holes that need to be filled."

So there is a need for both aspects of it, but we're not going to achieve that aspect of community engagement by forcing these councils to meet incessantly, either with themselves or with the minister. They should be allowed to set their pattern, their structure, what works in their community, how they will engage their community. But that will not be the full sum of engagement for any particular organization, group, or individual who is involved with any aspect of Human Services. I can tell you that we have a Premier's Council on the Status of Persons with Disabilities. I have an Occupational Health and Safety Council. I have a labour board, which provides some policy input from time to time. There's the Workers' Compensation Board, which provides policy input in areas. There are a lot of other ways of providing input to the minister and the ministry on social programs.

What this is going to do is to ensure that there is a community governance model which brings all of those voices, all of those active people – and Albertans are great volunteers, great participants in their community, particularly on the social agenda – together in a comprehensive way so that there's a comprehensive and co-ordinated voice from regions to participate in that discussion, not to be the exclusive owners of that discussion.

Ms Notley: I certainly appreciate the minister's input in this and taking the time to get up and respond although it does really sound like: well, on one hand, this bill is supergreat because it's going to accomplish all these objectives, but on the other hand, if you're worried that it's not really structured to accomplish all these objectives, we're also going to accomplish them in other ways, too. Then the question becomes, "Well, then, why the bill?" which, of course, relates to, really, "Why the bill?" and relates to the previous comments of the minister. [interjection] Absolutely. I'm fully aware of the consultation that occurred over the summer and into the early fall with primarily the associate minister and stakeholders in the disability community.

Dr. Swann: Crisis management is what I would call it.

Ms Notley: The Member for Calgary-Mountain View refers to it not as consultation but as crisis management, and he actually nailed it in that respect because it wasn't like the associate minister was out there meeting with families every day, touring the province before they decided to cut \$45 million to implement an assessment program that families had been promised would not be used to cut funding from their loved ones. No. This started after the fact because the outcry was so impassioned and so outraged at what it was that the government had done.

The fact of the matter is that this structure will not prevent the same mistake from happening again. The fact of the matter is that this structure does not accommodate the level of discussion that needs to go on, particularly in the face of this minister's – I can't remember if it's the framework or the moving forward or the antipoverty or whatever it is we like to call his discussion forums on any given communications day, where it talks about moving away from the provider of services to being the facilitator of services and working as a team with community members, including, you know, Safeway, to provide support to people who

are struggling with poverty issues in the province. When you start taking things apart like that and creating a patchwork collaborative model where everybody is in charge but no one is in charge, then meetings become even more critical.

8:50

Now, I'm not saying that these councils are those meetings. Clearly, they're not, and clearly that's not what the government intended. But I will say that the need for discussion and collaboration will increase. Just to be clear, there's nowhere in the legislation that requires the level of meeting that the associate minister engaged in this summer. It was the community and advocates for that community that necessitated that level of consultation after the government embarked upon a strategy which displayed a profound absence of consultation and awareness of what was going on in the community and how things worked. As I said, there's nothing in the way this structure exists now that would change and ensure that that didn't happen all over again because there's not enough opportunity for discussion through this mechanism for it not to all happen all over again.

Now, if this is not adequate for the level of consultation that is required to do the job well, fine. That's certainly one reasonable interpretation that one could apply to what the minister just said. The idea of people working in communities to get to know each other and to talk and to work through these things when nobody has any resources and nobody has any authority is naive. Those meetings will stop if it's just for people to sit around the room and feel good about themselves. These meetings occur and matter if people have decision-making authority or if they have resources. They stop very quickly if it's just about people sitting in a room singing *Kumbaya* over and over again year after year. That's really all this, unfortunately, allows for.

The other thing I was just going to point out is that, yes, the associate minister did do a lot of meetings and has a lot of ongoing relationships now being established with families. I don't see the level of regularity or structure having been established with the service providers as of yet, and that is a problem. One wonders what that is about and why there's not a similar level of co-ordination with those folks because in the absence of that you actually create a whole different sort of level of dysfunction.

It's great to have people go out there and pass out the minister's press releases, you know, every now and then, but I think he's going to find that these become as ineffective as many of their other councils. The minister mentioned the council on disabilities. We know that they at one point made a grand series of recommendations, about 10 years ago, almost all of which have been ignored and never to be replicated. Since then they just create little annual reports, which describe the meetings they have with people, which of course doesn't exactly amount to a particularly effective use of anybody's time.

I'm afraid that that's what we're really going to do here and that this really is more about looking like we're talking to the community and listening to the community than it really is about ensuring a structure and a mechanism to actually talk to and listen to the community. If it was about the latter, I am struggling to understand why the minister would be reluctant to allow the possibility of more than one meeting a year by the minister by accepting the amendment, which would just say: at least once a year. That's what the member was proposing, simply adding at least once a year rather than once a year. Yet that has been rejected because meeting more than once a year would be far too onerous.

My other suggestion would be, of course, rather than having people with disabilities, senior support issues, child mental health

issues, hunger issues, unemployment issues, poverty issues, labour issues, immigrant education issues all in one gargantuan ministry, perhaps the Premier ought to demonstrate enough respect for the importance of all the issues that are covered within that ministry to provide for more than one minister. Then the ministers would have time to meet with all the people they need to. That's just another idea, to actually have a minister, not an associate minister, who is responsible for these things.

Anyway, the fact of the matter is that at this point there is no way this structure will accommodate the level of communication that's needed to actually work with the community members, that these folks intend to download a good deal of the – I don't want to call it poverty prevention – community support work that is under the authority of this superministry. It's unfortunate that we're not looking at the very small change that was proposed just a short time ago, that is being deliberated on right now.

The Chair: Thank you, hon. member.

I'll recognize the hon. Associate Minister of Services for Persons with Disabilities.

Mr. Oberle: Thank you, Mr. Chair. The hon. Member for Edmonton-Strathcona is absolutely right. Absolutely right. This bill does not envision or codify the communication structure that is necessary – and I would add right – that has to go on. This bill does not do that. Considering that that's not the intended purpose of these councils, I would say that there's no reason why it should encompass all of those communications needs.

Now, I've held a couple of portfolios. My learned colleague and boss, I suppose, has held a lot more than me. I don't recall any specific piece of legislation that codified how many times I should consult with the stakeholders that were affected by my department, nor would I consider that a worthwhile piece of legislation. The fact of the matter is that if you're going to do your job, you have to talk to people. I certainly have endeavoured to do that in the corner of Human Services that I'm responsible for, and I know the minister has. The other associate minister has as well. I think everybody does that.

Now, Mr. Chair, that is absolutely not the intended role of these councils, and that's why that's not covered in this bill. She's right. It's not covered in this bill, nor should it be. While we're moving to strengthen regional engagement, a regional governance capacity-building and quality-assurance piece through these councils, at the same time my role as associate minister or the other associate minister of Human Services or the minister has other duties and other consultations to do, and we'll do them.

The fact of the matter is that you could argue that the fact that we had operational boards and actually still do until this legislation is passed and enacted actually probably hindered our consultations with families directly, our relationship with them. I think we've done a tremendous amount to heal that relationship, and I use that word kind of deliberately. I think we're done a tremendous amount. We post all kinds of information on the website that's designed specifically for families. We do a newsletter directly to families. I did the provincial tour. We've done teleconferences. I'm actually in the middle of a tour right at the moment. To me, to execute my job, that's what I have to keep doing. That fact that we're bringing the operations into the government strengthens my ability or some future minister's not only ability but responsibility to do that.

You just simply can't do the job without talking to stakeholders, particularly in this case with vulnerable stakeholders. When you make moves, you affect lives. I don't for a second downplay the gravity of this situation. I just merely point out that that is not the

intended role, nor given our experience with regional boards would I argue that that would be an effective role for those boards. I don't think it would lead to success. That's one of the reasons we're internalizing it. The other is – and I can certainly speak with some authority on the PDD side – that I have yet to meet anybody out in the community that thinks it's a bad idea to dissolve the PDD boards. The families are frustrated with the relationship with the boards. They want a relationship with the department, with the minister. I've endeavoured to give that to them, and, again, that's complete and separate from this bill.

So you're right. It doesn't enshrine that need to consult. It can't, and that's not the intended role of these committees.

Ms Notley: Well, again, I appreciate the associate minister getting up to discuss this as well. Again, to reaffirm what he's already stated, I do think that there's pretty much probably consensus across the board on the impact of this bill on the PDD boards. I think we all agree that the outcome as a result of this bill is a good one and that the PDD boards as they previously existed don't exist anymore and that the government is engaging more directly.

9:00

The concern I have is, well, first of all, going to the objective of the bill. It's interesting that we say that this isn't the objective of the bill, yet in the preamble of the bill, whereas – well, I don't want to read the whole thing, but really if one were to read the preamble, you would think that that was exactly the objective of this bill, to achieve all these grand things that the ministers now both have acknowledged cannot be achieved in terms of collaboration, communication, and consultation structures through the councils which exist in the bill. So it's interesting because if you read your whereases, one would actually expect then to see a rather involved structure flow from those to set up the kind of consultations and collaborations that would avoid – and we're using this as a case study, it seems – the occurrences of the last six months in PDD.

That's why I'm confused, because the bill purports at the whereases to do more than what it now appears both ministers are suggesting that it will do. That being said, though, I'm wondering if the minister can respond. He once again, similarly to the senior minister, talked about all the engagement with families, and that's good. It's never bad. It's always good to talk to families, and if you didn't know before, you know now that there is no more ardent a group of advocates than the families who are caring for their permanently disabled children, whether they be adults or not.

But we have a system where the front-line services are currently being delivered by a number, a huge range of service providers across the province, so my question is: what's happening there? Because obviously there have been some broken trusts and some bad relationships established with a number of different service providers across the province as a result of the conflicting messages that came out over the course of the three or four months after the budget was introduced.

I have heard from some of those, from a number of them – I mean, just so you know, I'm in contact with a broad range of those service providers – that they are interested in setting up a much more sort of crystallized, reliable structure for consultation and problem solving and dealing with some of the issues that the minister himself has raised in the past. For instance the whole issue: is IQ cut-off the right way to go or not? Are there people currently not eligible for services who should be eligible? Are we providing services in the most effective way possible? How do we deal with that growing number of people who are not currently eligible but we suspect ought to be eligible?

All those kinds of good questions which have been raised in the course of this discussion need to also be discussed with the front-line providers. What are the structures? What is the work that's going to be done to work with them? Again, if you look at the preamble of this bill, one anticipates that this is the mechanism through which that work would be done, and it's just a bit confusing that we've got a statutory instrument here. I mean, you know, I love statutory instruments. I love when we get to come into the Legislature and actually talk about legislation and then have something to point to over time. So I'm happy that we're doing this, but it's interesting that we have a statutory document in order to create a relatively small group of councils that have a relatively limited and infrequent role in this large endeavour we're engaging in, but we don't have a statutory document that outlines some of the more necessary mechanisms that need to be in place to actually get the job done, which are more complex than these little councils.

So my question to the minister is: what's going on, and what can we anticipate in terms of a regularized, predicable, transparent structure for problem solving with the front-line service providers that this government has developed a relationship with and reliance upon over the course of the last, you know, four decades of providing services to adults with developmental disabilities?

Mr. Oberle: Mr. Chair, the hon. member argues that she actually agrees with the bill. I think I should clarify that because they have the most backwards way of agreeing with something. I've got to tell you that.

Might I point out that in the preamble it says, "whereas all Albertans share the opportunity and responsibility to contribute to and benefit from Alberta's prosperity and quality of life." Well, by that statement, Mr. Chair, I think we should enshrine the royalty regime, the tax regime, and everything else in this bill if that's how that hon. member would fashion legislation. It states some higher order of principles of the fact that we believe Albertans have a right to participate, to belong, to contribute, to be engaged, and the part of that that's being addressed by this bill is the engagement councils. It doesn't say anything about the other engagement processes that are happening.

The hon. member mentioned another one, the relationship with service providers. Again, I would agree. Absolutely I would agree that there is a responsibility. I wouldn't agree with the member that the relationship with the service providers is at some broken level of trust because of – I forget the wording – four months after the budget. I don't agree on the cause.

However, I will agree that we had a less than desirable relationship with service providers, and I'm very happy to inform this hon. member that all through this spring I also engaged with service providers, including tele town halls, and the tour that I'm doing right now also engages service providers. I consider them to be valuable partners in this exercise.

That being said, there's another reason that the boards shouldn't be between us and the people that we have a relationship with. So we're setting these boards into a different role, one, actually, I might add, that they designed after years and years of experience. This report came up from the bottom, not us dictating how these new boards should be fashioned. The recommendations in this bill were passed to us by the CFSAs and the PDD boards working together about what a new role for them might look like.

We need to have a relationship with families and service providers, and we're putting ourselves directly in that role. This is a different role, one that the boards agree with, one that's going to be a very positive addition to the scene, and I urge all hon. members to support the bill, Mr. Chair.

The Chair: Thank you.

Ms Notley: Well, I just did want to quote one other clause in the preamble, which, you know, silly me, I took somewhat seriously and expected to see something that might be linked to it. "Whereas a co-ordinated approach to the delivery of social-based programs and services provides clarity among all partners on expected outcomes, roles and accountabilities," one might expect to see some legislative outline for how that might be occurring. That's what I was looking for from the minister because I think we've all agreed now that the councils will not be linked to that particular whereas. They may be linked to the "engagement of communities" whereas, but they're not particularly linked to the co-ordinated approach to the delivery of the programs and all that kind of stuff.

Mr. Oberle: No. It's linked to the dissolution of these boards.

Ms Notley: I'm not looking for boards. It doesn't need to be boards. What we need to know is how it's going to work because right now we have very precious little legislation about how this is going to work.

Now, we are going to get into that in more detail with our other amendments, but I just want to say that I still think the minister should allow for the opportunity to meet with these councils more than once a year. Just to be clear, nobody was proposing that we mandate more than two godawful meetings. I think the idea was that we structure it so that it's at least once as opposed to just once.

I'm getting nods from Calgary-Shaw that there was willingness to discuss that.

Mr. Oberle: It already says engagements.

Ms Notley: Not for all of them. It doesn't for all of them.

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

Dr. Swann: Thanks, Mr. Chair. I won't be lengthy. I just wanted to make a friendly amendment to the amendment to suggest that with the credibility and the shall I say strained relationship with these communities the government has an opportunity to build an extra indicator of wanting to build a more confident and structured relationship with these communities. My friendly amendment would be that you would be willing to meet at a minimum annually or more often as needed. That would simply send a message that you are not rigidly going to hold to an annual meeting. You are simply saying that at a minimum you would meet annually and that your doors are open and you are willing to meet more often as necessary. I wonder if the Member for Calgary-Shaw would accept that as a friendly amendment, Mr. Chair.

9:10

The Chair: Hon. member, it would have to be in the form of a subamendment. No, we can't just do a friendly amendment on the fly like that.

Dr. Swann: Okay. Let's call it a subamendment, then.

The Chair: Well, it would have to be prepared ahead of time and reviewed by Parliamentary Counsel, hon. member, but I realize good intent.

Are there others, or should I call the question on the amendment?

[Motion on amendment A2 lost]

The Chair: We're back to the bill. The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you very much, Mr. Chair. Again, in the spirit of trying to strengthen the bill and offer a stronger message to the community, I have an amendment here that I'll circulate.

The Chair: If you'd have that circulated, we'll just pause for a moment, hon. member.

Proceed, hon. member.

Dr. Swann: Thanks, Mr. Chair. Well, one of the strong messages that we've heard from a number of organizations, families, and persons with disabilities themselves is the need to feel that they have an influence and that they are actually being heard, their voices are actually being heard. This amendment to Bill 30, the Building Families and Communities Act, reads that the act be amended in section 2 by adding the following after subsection (3):

- (3.1) The membership of a council must include at least one member who has involvement and experience with
- (a) developmental disabilities, and
 - (b) child, youth and family services.

This might be interpreted as too prescriptive, but frankly, Mr. Chair, what the community is looking for is a serious indication that their interests, their experience, their concerns are being addressed and honestly and effectively being communicated, and no one outside of individuals with these kinds of lived experiences can adequately communicate these. So it's an attempt, I guess, again, to add to the credibility of this bill, to the sincerity that is being perceived by the community in this bill, and it's a serious attempt to ensure that the voices and the experiences of families, individuals, and caregivers are being reflected in these boards.

Thank you, Mr. Chair.

The Chair: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Mr. Chair. It's my honour to rise and speak in favour of this amendment. One would think that this condition or this proposal would have been included in the bill. Now, one thing that I've learned in my short period as a member is to never take anything for granted, and don't take the government at its word, or you will be disappointed quite regularly. This amendment ensures that there is representation from families in the PDD community or a representative who has experience and involvement in child, youth, and family services.

I think this is very, very crucial. Far too often, again, in my experience, this government will pass legislation that imposes changes on people or groups of people but then doesn't have any representation from the very community that they are imposing change on. Lord knows that there are many examples within the aboriginal community of bills that are passed that affect them where they don't have a voice or a seat at the table.

I think this amendment not only sends a message to communities or to families with, you know, family members or friends with developmental disabilities, but this also ensures that we have a voice and that experience at the table, which I think is very, very important, Mr. Chair.

You know, I would consider this almost as a friendly amendment. This is just clarifying one of the seats at the table of this council but, again, ensures that at least one voice is coming directly from life experience. I mean, they're coming from working in this field or having a family member with developmental disabilities. I need to outline, Mr. Chair, that they're going to bring a wealth of experience and knowledge to this because they've had to navigate through a system for however many years

accessing supports or knowing where to go to find information. I think the minister may be quite surprised or find it quite useful to have at least one member on the council having this kind of background experience.

I will urge all members of the Assembly to support this amendment.

Mr. Oberle: Just a friendly word of advice, Mr. Chairman, to the hon. Member for Edmonton-Beverly-Clareview, which would be that if you want to couch something and call it a friendly amendment and rely upon the co-operation of government to understand your point of view, then it's generally a bad idea to start off that argument by saying: in my experience the government can't be trusted, and nobody should believe a word they say. Generally, you know, that sort of makes people get their backs up a little bit. Then they can't understand: why on earth would I want to (a) listen to you and (b) co-operate with you? Then you start to talk about: in my experience. Relative to, for example, the hon. Minister of Human Services or the minister responsible for the Treasury Board, in front of me, that hon. member's experience amounts to approximately a week and a half.

You know, if you want to have a spirit of co-operation and generate some debate and co-operation here, then treat people with respect, which is what the rules of order of this House were designed to do. They're not designed to use words to insult people.

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

Mr. Anglin: Thank you, Mr. Chair. I'm going to try to employ my skills with sensitivity training as I speak to this. [interjections] Come on, now. I'm working on it. I'm working on it.

Mr. Chair, with the greatest respect, I would actually ask the hon. member: is this too prescriptive? Now, we are looking at volunteers, in all seriousness. There's no question about it. Anyone who's been involved with volunteers – and I think most everyone here probably has at one time or another. The hon. minister talked about it earlier and the many boards that he volunteered to be part of. As everyone knows, if you get a volunteer once, you can overwork that volunteer very easily. But here we are trying to put in a requirement, when we look to get these volunteers, that at least one volunteer would have this type of experience.

Now, we don't set out in the amendment or there's nothing laid out in the amendment that says at what level that experience is. The way I interpret this is that what the hon. member is looking for is someone who has involvement and experience with – and it lists it out – developmental disabilities, with child, youth, and family services. To me, I think that gives the government a little bit of flexibility, but it also gives a little guidance when trying to put this committee or these committee members together.

9:20

I suppose the question I have is: would this limit you in actually finding volunteers, or is there enough of a pool of volunteers out there that you could reasonably say that you could easily find one member with some experience? That would be the overriding question here. You don't want to limit it so that you're turning away volunteers. Clearly, if you have the opportunity to get quality volunteers, particularly one quality volunteer on each of these councils, you would have a better ability to do much better work.

Again, the question for the minister is: would this language be too prescriptive, or can it be interpreted in a broader context, as

I've just described, which is that the minister himself decides what that level of experience is, what that level of involvement is to help pick or to assign the volunteers to this council? I'd be really curious about that. I suppose it's how you interpret it. Clearly, if it's interpreted in a very narrow, prescriptive way, it might be too restrictive, but if it's a broader interpretation – and maybe the hon. member who submitted it could reply – I could get a better understanding of how this would actually be implemented if it were accepted.

With that, thank you very much, Mr. Chair.

The Chair: Thank you, hon. member.

For the record, hon. members, we are debating amendment A3. I recognize the hon. Minister of Human Services.

Mr. Hancock: Well, I'm actually pleased for the intervention from Rimbey-Rocky Mountain House-Sundre because I think that he's hit the nub of this. I appreciate that often in legislation government wants to build frameworks because that's what legislation actually does, and then within those frameworks you create the actual operating processes that happen. The opposition tends to want to be very prescriptive because this is where they get to debate the issues, and they like to have it itemized.

The hon. member has actually hit on the nub of a question. As you're putting together – and I have now a considerable amount of experience in trying to put together groups, committees, operating boards, advisory boards, and all sorts. You go out and try, as we do, as the act mandates – actually, I always forget the name of the act, the agencies and councils act. You have a competency-based process. You go out and invite applications. You go out and encourage people to put their name forward. Oftentimes you actually have to go out and recruit, particularly if you're looking for a chair for a particular committee. You want somebody who is actually going to be able to make it work and be able to devote the time.

It's a combination of things that go into actually putting together a good board or committee, and then you have to look at the balance of talents that you need to have. In the case of a regional board like this you have to look at the geographic balance so that communities are appropriately represented or at least have somebody on them. You have to look at the demographic balance. It's a real art form, actually. So rather than being prescriptive – you know, that's why the act is phrased the way it is – about “the desirability of achieving a diversity of qualifications, backgrounds and experience among members of the Council” and “the desirability of achieving a reflection of the demographic make-up of the region,” that speaks to precisely what we're talking about.

In a council of this type there are two main mandates. One is the community engagement, and one is the assurance role. You have to have talented people who are actually good at doing that, and then you have to balance it with the regional makeup and the demographic makeup. Then, of course, you have to actually have people who are interested in the topic, people who are actually going to invest their passion and their time, and that means that you are going to get people who actually are the people you're talking about: people who are engaged with developmental disabilities or with persons with developmental disabilities, people who are engaged with the child, family, and youth enhancement area but also people in other aspects of social issues.

When you get prescriptive, you often end up narrowing the talent pool, if you will, the people who are prepared to step forward to contribute, to a point where you don't really have the ability to put together the type of council which may be as effective as you could have. While I think the objective is laudable

– these councils should have people who are intimately familiar with developmental disability issues. If they're not a person with a developmental disability, then somebody who is perhaps a family member or has involvement and experience, yes, and they should have people who are involved with child, youth, and family services.

I can tell you that in a number of the consultations that we've had over the last couple of years in Human Services and previously, when I was Minister of Education, some of the most powerful input and advice came from lived experience. Bringing together street youth in Calgary to talk about education and what might have made a difference for them and what the barriers to success were: that was some of the most powerful input.

Now, I can tell you as well that the group of street youth that came together to provide that input were not going to be participants on any council we put together. They would participate when you asked them, when you engaged with them, when you made it an express opportunity for them to come and be participants, and I can say that about a number of other groups. I've met with a group of mothers who had intimate involvement with the child welfare system. In fact, in the whole group that came together all of them had children who had been apprehended and were wards of the government, and all of them had had intimate involvement with the child welfare system when they were youth and lived in as many as eight and I think in one person's case 12 foster homes as they were growing up.

The input and advice that they provided was absolutely powerful and invaluable. Their learned experience: just amazing. But, again, none of them were actually willing to be on a board or an agency. That wasn't where they were in their life.

I appreciate the idea that you should have the experience of people who have involvement and experience in these areas on the board, and I think you try to seek them out. You certainly try, when you're putting together boards like this, to get the best mix of people to bring both the capacities to engage the community and the capacities to understand whether you're hitting the ground with the programs, absolutely, and having lived experience on those boards would be something that would be a very valuable contribution.

Most important is that those boards could in fact engage subcommittees in specific areas and involve a broader group of people in their discussions and their processes. Certainly, they must be able to reach out and engage with those people who don't normally come in. That's a very important part of any engagement process. All of that comes together to make an effective engagement council and an effective what I would call a community governance model.

But being prescriptive at the front about how many people and how many meetings and all of the qualifications that go into selecting each of the members makes it difficult, in my opinion, to create the right kind of board for each region. Each region, in my view, will be different, actually, in terms of the makeup of the council. It might be different even in terms of the numbers. You might have to have a larger council to engage a broader group or to engage all the people that are available to provide their talent in one area and a smaller one in another area. The demographics, the makeup of our communities, while they have very similar issues across the province, they also have very distinct differences across communities. The makeup of a council like that is an extremely important and a quite difficult task, and one of the most difficult in this very active society that we have today is finding the people who are prepared to devote their time, passion, and energy to making this type of a council.

Particularly when you're on the leading edge of actually establishing and creating it, the first two years, I think, of really setting up community engagement councils are going to require a particular type of committed individual to make sure that they set up something that will have legs and will live on. Simply passing the act isn't going to mandate that. It's not going to create that. It will be created by the initiation process of member selection, of leadership selection, of working with them on mandates and understanding what the roles and expectations are in creating the relationships. That's all a very important part of this, and that's why while I understand the nature of the amendment and why it would be brought forward, I'd ask that you not actually be too prescriptive in setting up and doing this because of exactly the issues you raised.

9:30

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

Dr. Swann: Well, thanks very much, Mr. Chair, and thank you, minister, for your comments. I would like you to take one more consideration of it in the same context that you would ask for a board in the automotive industry to be made up of people who understand automotives, in the same way that you would want effective membership on a health advisory board, that you'd want to have health professionals involved, in the same context that in terms of advising on a daycare operation, you'd want to have women with children.

This is an opportunity to say to this community: we recognize your unique expertise in this, and we are going to insist that your voices be at the table and that your voices be heard, subject to being able to find somebody that is able and willing. It is simply sending a message that I think would add to your credibility, to the sincerity of this bill, and, in fact, to the effectiveness of this whole process.

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

Ms Notley: Thank you. A few comments. I almost did a point of order when the associate minister was up speaking with reference to the Member for Edmonton-Beverly-Clareview, but I decided I would simply wait until I had a chance to engage. On that issue with respect to the experience that the Member for Edmonton-Beverly-Clareview brings into this Assembly, let me begin by saying that he may look half the associate minister's age, but that is simply the benefit of good genes. It is in no way indicative of . . .

An Hon. Member: Where does he buy them?

Ms Notley: Want to go shopping at the same place, do you?

Anyway, the fact of the matter is that it has nothing to do with age. It has everything to do with experience, and the Member for Edmonton-Beverly-Clareview actually comes into this House with a remarkable level of experience, that I would challenge anyone over there to match when it comes to these particular issues. He's worked with children and youth at risk; he has volunteered with groups that work with adults with developmental disabilities; he's taught high-risk youth professionally; he's worked at the EYOC. I'll get to the amendment, but I need to respond to the suggestions and the points that were made by the minister without anyone suggesting that he maybe ought not to make them. I think that's kind of not well thought out, when one questions the level of experience that that member brings into this House because, quite frankly, members on the opposite side could benefit a great deal from his life experience and so, too, could these councils.

Now, on the issue of the councils themselves the associate minister also suggested that it was somehow inappropriate and that his feelings were hurt for the member to say that some Albertans don't completely trust this government when it comes to appointing representative people to boards and agencies. I would just say that, you know, we don't really have to go very far, Mr. Chair, to look at, oh, let's see, Alberta's premier environmental protection agency, headed by the former head of CAPP. This has to do with whether or not we should be providing directions with respect to who would be on these councils, and therefore it is relevant.

The fact of the matter is that when I tell people from outside of the province that our primary environmental protection agency is headed by the former head of the Canadian Association of Petroleum Producers, they are gobsmacked that such an incredible breach of good governance would occur. When I tell them that the chief operating officer of that organization just had his record characterized by a Queen's Bench judge, that went unchallenged by this government, as having overseen an unprecedented level of bias against environmental advocates who were opposed to industry in the department of environment, people are shocked.

The fact of the matter is that this government has a record which does not engender trust, and the associate minister – this is one of the things that comes with being part of a 45-year-old government that gets to administer \$40 billion a year. Sometimes people say they don't trust you. And you know what? You're just going to have to deal with that because that's your record.

Moving on to the issue of whether the amendment put forward by the Member for Calgary-Mountain View ought to be supported, we would support it. As has been stated, these councils are a replacement for both the CFSAs and also the PDD boards, and I have heard from many people in the PDD community in particular that they are quite concerned about their issues and concerns being overwhelmed by the quantity and quality of other very serious issues that are addressed through the former CFSA boards.

The minister talked about appointing boards with a demographic representation. Well, the fact of the matter is that demographically people who are disabled or have involvement with the disability community are not a large section of the population. Their needs are acute, and they must be respected, but demographically they are not as significant a portion of the population as, say, other demographic groups would be. So if demographics are what you're looking at, if the ability to engage community – i.e., have you worked for the Public Affairs Bureau in the last five years – are the criteria, well, then people in the PDD community are concerned that that voice will be lost.

Now, the fact of the matter, as I'm sure both the minister and the associate minister are aware, is that the previous community boards did have some members that were appointed by nomination from members of the PDD community. All we're suggesting is that there should be room for one representative person on these councils. Simply appointing people that the minister in his discretion and in the course of a 25-minute long explanation thinks will work well with the community because they're successful at engagement, I think is sort of the summary of what he said, isn't good enough, and it doesn't allay the concerns of those marginalized groups who happen to also be small in number. Let's remember that both the CFSAs and the PDD boards dealt with very marginalized groups.

So while, you know – yes, the minister is quite right. If they could, they would pass a law that says: the minister shall make laws in consultation with the Lieutenant Governor, and that would be the end of the Legislative Assembly meetings until the next

election. Conversely, the opposition would like to probably prescribe exactly what the minister wears to work every morning. There is a balance to be achieved. What we're recommending and what we are suggesting on behalf of all marginalized groups who are impacted by the work of the council is that there should be a guarantee of some representation on that council for those groups. This is hardly revolutionary.

I think it's a reasonable amendment to accept, and I'm quite surprised that the minister is being so insistent that he needs to maintain the discretion to not have at least one member from these marginalized groups on the councils. I wish that they would reconsider, because I certainly will be supporting this amendment.

The Chair: Thank you.

Are there others? The hon. Member for Calgary-Shaw.

Mr. Wilson: Well, thank you, Mr. Chair. I will be brief. I just did want to throw my general support behind this, the intent of this amendment, anyway. As much as I respect the hon. minister's comments around the prescriptive nature of this, I think that my colleagues in both the Liberal and NDP caucuses have hit the nail on the head. What we're doing with this bill is dismantling PDD boards, CFSA authorities, and I think that this is an eminently reasonable suggestion, that our boards should have at least one of these individuals listed on them. I don't think it's an unreasonable request in terms of making sure that these are well-rounded councils that will be able to achieve the stated goals that we see in the preamble of the bill. I would just suggest that I will be supporting this amendment, and I would encourage my colleagues to do the same.

Thank you.

The Chair: Thank you.

Other speakers on amendment A3?

Seeing none, I'll call the question.

[The voice vote indicated that the motion on amendment A3 lost]

[Several members rose calling for a division. The division bell was rung at 9:39 p.m.]

[One minute having elapsed, the committee divided]

[Mr. Rogers in the chair]

For the motion:

Anglin	Notley	Wilson
Bilous	Swann	

9:40

Against the motion:

Allen	Fraser	McDonald
Bhardwaj	Fritz	Oberle
Brown	Goudreau	Olesen
Calahasen	Hancock	Pastoor
Cao	Horner	Rowe
Casey	Jansen	Sarich
Cusanelli	Jeneroux	Starke
DeLong	Kubinec	VanderBurg
Denis	Leskiw	Weadick
Drysdale	Lukaszuk	Webber
Fawcett	McAllister	Xiao

Totals:	For – 5	Against – 33
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[Motion on amendment A3 lost]

The Chair: Back to the main bill. The hon. Member for Edmonton-Strathcona.

Ms Notley: Thank you very much, Mr. Chair. Bill 30, as we've already discussed to some extent this evening, is named the Building Families and Communities Act, and we've spent a bit of time already speaking about what the preamble suggests that the act is trying to do. Of course, the name of the act is Building Families and Communities. The act deals with the PDD legislation, and it talks about "a co-ordinated approach to the delivery of social-based programs and services [that] provides clarity among all partners on expected outcomes, roles and accountabilities."

Now, Mr. Chair, I'm just trying to remember when we first heard about all of this. I think it was actually back in – sorry; I'm just checking for dates here – 2009 when we first heard about the tragic, tragic passing of Betty Anne Gagnon. Recently, when it came to the sentencing of the offenders who were convicted as a result of this tragic set of circumstances, new documents came out which talked about the system that was in place and some of the decisions that were made and the way in which these so-called community partners came together or, in fact, did not come together to protect Betty Anne from an incredibly tragic passing.

It was as a result of that evidence that came forward that I asked our staff to take a shot at drafting an amendment, which I am about to propose. In essence, the amendment is one – I said before that you can have a situation where everybody is involved but no one is responsible. This minister particularly likes to talk about everybody collaborating and working collectively and collaborating on particular objectives, but the Betty Anne Gagnon case is a clear example of where everyone is involved, but no one is responsible.

So I have an amendment that would deal with that, Mr. Chair, and I'd like to distribute it at this time.

The Chair: Hon. member, this will be amendment A4. If you would have the pages distribute that, we'll pause for a brief moment, and then I'll come back to you. Thank you.

Proceed, hon. member.

Ms Notley: Thank you. Now, in our offices we've been working on ways to bring about and to craft this amendment, and I do want to offer my thanks to our always hard-working research staff for putting this together because this was not a small task. Basically, I said to them: you know, what I would like to see us be able to do is to find a way to amend this legislation so that we can impose a duty of care on the government, which has now brought to itself all of the responsibilities that were previously delegated to the PDD boards, and to impose on that government a duty of care so that we don't have the situation where everybody is involved but no one is responsible.

The way in which this amendment goes about doing that is by amending section 8(5) by renumbering the proposed section 1.2 as section 1.2(1) and adding a reference to being able to establish developmental disability through the regulations by restating that "the director must develop a plan in consultation with the adult, the adult's family or guardian, or existing service provider" so that the disabled adult is clearly and statutorily included in the plan development process and by then adding section 1.3(1).

9:50

I mean, I will say that it may be possible that some drafters could come up with a better approach to this than we did. We put a lot of work into it, but I'm not saying that it's the best approach. What we essentially did was that we went to the family enhance-

ment and child protection act and amended the duty-of-care language that is found there. It basically lays out the situation that if the director, who is named under the act, receives information in the form of a report or any other allegation that an adult is at risk or is endangered or is neglected or in need of care, it imposes on the director an obligation to take action.

Now, Mr. Chair, there is nothing that the tragic, tragic case of Betty Anne Gagnon does better, I suppose, than demonstrate the need for this government to accept ultimate responsibility for ensuring the basic health, safety, and well-being of those Albertans who are not able to assure that themselves. When it comes to adults in this province who are unable to care for themselves for reasons as identified in the draft that we're proposing, there is a potpourri of mechanisms in place. They may be able to rely on their family, they may be subject to the public guardian, or they may, as in the case of Betty Anne Gagnon, simply fall through the cracks.

Now, I suspect most people here remember the details of what happened to Betty Anne, but suffice it to say that she had been subjected to months and months of cruelty and neglect before she finally died as a result of that cruelty and neglect. What is particularly compelling for the discussion that we're having right now are the documents that were disclosed at the sentencing hearing of Michael and Denise Scriven. One of the documents states that on September 23 there's a note by the PDD worker. I guess I should back it up a little bit. In February of '09 the developmental disability worker received phone messages from Betty Anne's sister saying "that she is no longer able to care for Betty Anne & needs her out by March ... She states she has been caring for [her] for 3½ years w/out support & can't do it any longer." She says "that she is very stressed" and unable to care for her.

Similar calls are made to the PDD worker about a week or two later where "Denise states she is in a state of emergency & not able to care for Betty Anne anymore. She would like to see her move into a group home ... [She's] desperate for supports & firm on her March 31 deadline." There are so many here. It states "Betty Anne cannot cook" and requires 24-hour support and that she has no approved funding or supports at this time.

So this is something that staff with the government are aware of and is reflected in their documents. They're aware of these facts, yet nothing changes. Then there are two or three calls from family and, ultimately, from the caregivers themselves saying that they can't take it and that they are worried about their safety, and I believe there's a threat of suicide in there. Throughout all of this the PDD worker takes notes, makes an attempt to find a place, is unsuccessful at finding a place, then loses contact with the family, then closes the file.

Now, Mr. Chair, if this file were brought into this Assembly after a three-year-old baby had been found in the circumstances that Betty Anne had been found in, people would have been fired, ministers would have resigned, and I'd like to hope governments would have changed. The fact of the matter is that if that history had been brought into this Assembly, all of us, I think – I do believe all of us – would have been devastated. How can that happen?

The fact of the matter is that Betty Anne ultimately had very few other resources at her disposal, and her situation was not terribly distinguishable from – well, I shouldn't say from a three-year-old. I think it was about maybe a six- or a seven-year-old. The government knew she was in distress, they knew she didn't get the support she was needing, they knew she was in danger, and nothing happened and nothing was done.

This proposal that we are putting forward would clarify that. The minister can talk about collaborating and sharing responsibilities with people in the community, and all that kind of stuff all he wants, but there must be a final place where statutory responsibility for the health and well-being of Albertans who cannot care for themselves finally rests. That does not exist in legislation anywhere. It's our view that this is a change that has to be made and that is long, long overdue in this province.

The amendment would state that if the director receives information that an adult with a developmental disability is endangered or neglected and is in need of care, the director must investigate unless the information is unfounded or malicious or provided without reasonable grounds. It defines endangerment as when the adult has been or is at risk of physical abuse, emotional abuse, sexual abuse or that the guardian of the adult has subjected the adult to cruelty, unusual punishment, or unusual treatment or that the guardian of the adult is unable or unwilling to provide the adult with the necessities of life.

Subsection (3) states that if the director's investigation finds that "the adult is endangered or neglected and in need of care, the director must take whatever action . . . appropriate, including the provision of services and supports, to ensure the safety and personal dignity of the adult."

The most appalling aspect of Betty Anne's case is that the department was aware that her family was no longer able to cope. They also knew that she required 24-hour support but was not receiving those funds or supports. This is one of the most appalling parts of this whole story. Then we find the department losing touch with the sister, and nobody driving out to check on the sister, and the police not being called to check and see how Betty Anne was doing.

This is not, ultimately, a failure on the part of government staff. This is a failure on the part of the legislation and the responsibility that exists in legislation at this time because the fact of the matter is that right now there is no clear set of authorities, there's no clear responsibility in legislation, so ultimately everyone is involved and no one is responsible. That's the legislative framework that exists right now in this province.

In response to the situation PDD sent an explanation to CBC news, and they said: oh, well, PDD can arrange an inspection of a family home if someone thinks there's something wrong. But the fact of the matter is that that only actually occurs where someone is living with paid workers. There's an opportunity and an ability to inspect where someone lives with paid workers. There is no similar opportunity or ability to inspect where someone is living with family.

It's interesting to note, Mr. Chair, that in fact the government is moving more and more to family-managed care arrangements. The limited safeguards that exist now like the Protection for Persons in Care Act don't apply to those situations, so where someone is worried about the well-being of an adult with a developmental disability who's in a group home, the PPIC mechanism can be triggered, but it can't be triggered where someone is living with their family.

10:00

This is, I know, a very meaty amendment and proposal for change, but this is the opportunity to bring it forward. I mean, I know that there's a judicial review or a fatality inquiry, I believe, still to come on this matter, but I think that the documents that have been disclosed through the criminal process are adequate to highlight that we have a systemic problem in this province right now. Rather than wait for another tragedy to occur, we are currently in the process of making major changes to our PDD

legislation, so now would be the time to seriously consider injecting this duty of care into the legislation in order to ensure that we don't have a repeat of this tragedy. Right now there is nothing in legislation that can prevent it in the future.

I'm hoping members of this Assembly will join me in voting for a change that will change that and ensure it doesn't happen again. Thank you.

The Chair: Are there others? Speaking to the amendment, the hon. Minister of Human Services.

Mr. Hancock: Thank you, Mr. Chairman. I do want to speak briefly to this proposed amendment. I appreciate the spirit in which the hon. member brought it forward. I am constrained somewhat in engaging in debate in the manner that she has simply because I don't believe the appeal period has actually expired yet on that particular case. But I would say this. This bill, Bill 30, is not actually intended to be a substantive review and amendment of the PDD act. It really is about dissolution of the board and the necessary amendments to the PDD act to change the board governance model, with one additional exception, and that is taking the opportunity to do a bit better alignment of the appeal processes.

While there might be some suggestion that there needs to be or could be or should be an in-depth review of the PDD act itself, I wouldn't want to do that piecemeal, and I certainly wouldn't want to do that on an ad hoc basis. I think that would be something that one really ought to engage – the hon. member in a previous suggestion talked about the need for direct engagement and involvement of the people involved and their families, and that is something that should be done. A review of the PDD act, and it might be an appropriate thing to do, should actually be done after some fairly intensive consultation with the people involved.

So I would be reluctant, first of all, just having seen this at the moment and not being able to review how it fits into the act and how it might impact. That's why I often say to members opposite – and I appreciate that they're reluctant sometimes to share amendments because often it's difficult to discern between those amendments that may be just sort of political in nature and those that might actually be intended to enhance the quality of a bill. But I do say in good faith always that if you share the amendment ahead of time, I can review it with people. And sometimes I mean to get permission of caucus, but most of the time what I'm talking about is to say: how does this fit into the structure of the bill, and how does it work with the bill? Amendments can cause problems. I have had experience with that, where you haven't had a chance to actually take a look at how they fit into the bill.

You know, I appreciate the sentiment of the member in bringing this forward. I think that I can give her some assurance that there has been a significant review of the matter and the tragic circumstances that she's raising and the learnings from that with respect to operations. I think, as always, there's a lot more behind the story in terms of all the things that happened than might be encompassed in one agreed statement of facts. But I'd say to the hon. member that I'd be happy to take a look at this amendment not in the context of this bill because that's not what this bill is for but in the context of whether we should be talking about a more thorough review of the PDD act and perhaps whether it needs some modernizations and some learnings. Certainly, when that happens, I would be happy to have input from the hon. member.

I would also say that I think the meat of this amendment is something which I can say is practice in terms of when calls come in. While I can't recommend accepting this amendment in the context of this bill, I think it's certainly something that we can

look at as we go forward, to say: how do we inform and improve practice, and what of that needs to be embodied in legislation? That's something that we would certainly want to look at going forward.

The Chair: Are there others?

Ms Notley: Well, as I say, I do appreciate the fact that it is a somewhat meaty amendment that we're putting forward. As the minister is fully aware, we have a small staff and we've been scrambling to write amendments on all the bills that have been brought forward. I believe this one only got final approval a couple of days ago. Those time constraints are the kinds of things that lead to amendments being brought forward without enough consultation.

That being said, it's not really about that. It's about the principle that we're trying to inject here. It's about the issue of – and I'm going to say it again. The minister is going to hear it from me a lot, a lot, a lot over the next, well, probably the next few years. His social policy framework talks about government being less of a funder and a regulator and more of a partner and convenor. That's the phrase that I love to pull out of the social policy framework. This case is the perfect example where if we're all partners and convenors, then the cracks just grow wider and more and more people fall through them, and Betty Anne is one of those people.

You know, we did engage in a very detailed review of the trustee and guardianship act. I think it was in 2008 or 2009. I was on the committee that did that. One of the things that we failed to do at that time was to impose a positive obligation on anybody where there was an issue of safety with somebody who's not equipped, for reasons that are described in this amendment, to preserve their own safety and their own health.

Now, the minister said that that's not what the purpose of this bill is, and it is interesting because I do have another amendment coming forward, but this bill is more than just setting up the councils and eliminating the PDD boards and changing the appeal process. We're also repealing sections of the act which identify the minister's role to provide strategic direction, set standards for services, co-ordinate the provision of services, ensure reasonable access, promote the inclusion of adults with developmental disabilities, establish policies to ensure consistency of services, and allocate funding and resources. Those are all pieces that are no longer going to be in the act because of this so-called . . .

Mr. Hancock: Because they're not needed anymore. It defines the role of the minister and the role of the board.

Ms Notley: Well, the minister says that it's not needed for there to be any statutory obligation for him to ensure reasonable access, promote the inclusion of adults, establish policies, allocate funding and resources.

As one who's done the ever-so-rare judicial review application, back in the day when I actually practised law, I do know that in order to actually compel the government to do a thing, to bring a writ of mandamus against the government if they fail to do something, one needs a piece of legislation that actually puts a positive duty on the government. I appreciate that the government would like all pieces of legislation to be enabling so that they could fulfill their duties entirely on a discretionary basis. However, that's not what we believe, and I don't think that's what most Albertans would believe.

I think most Albertans would like to see the government say: "You know, you're right. We have to take responsibility for these most vulnerable citizens in our society who are represented by the tragic case of Betty Anne Gagnon." We need to act better, and it

can't be discretionary, and it can't be a question of internal bureaucratic practices. There needs to be a statutory obligation on us as the recipients of the collective decision to ensure that our most vulnerable citizens are always going to be cared for. That's why this section is required.

10:10

So I would argue that the act is not quite as cosmetic in these other areas as the minister would suggest and that, instead of backing away from the minister's positive obligations to do things like allocate resources and provide reasonable access, what we should be doing is embracing the minister's obligation to protect people like Betty Anne now and in the future.

The Chair: Are there others? The hon. Member for Calgary-Shaw.

Mr. Wilson: Thank you, Mr. Chairman. I really want to say thank you to the Member for Edmonton-Strathcona for bringing this amendment forward. It's timely. It's accurate in what it is intending to do. And I think that under the circumstances, considering that there is a piece of legislation in front of us that is dealing with the PDD system and the way in which it operates and that there will be a director put in place to oversee and this director will be in contractual obligations with clients and service providers across this province, that it is eminently reasonable to include a list of actions that that director needs to be accountable for and, ultimately, the government needs to be accountable for.

Just as a response to the minister's comments about how he understands the intent and sees that there would be value in having something along this line if they were ever to open up the PDD act, you know, I think that this is a perfect time to include something like this. If the hon. minister feels that he needs to have his caucus approval and/or discuss this with his caucus, I would suggest that we adjourn debate on Bill 30 right now and he take the opportunity to have that discussion with his caucus.

At the end of the day this is incredibly important. We've already seen and witnessed in this province what the results can be without something like this in place. I understand the precedents of the House, and I know that we're not supposed to necessarily talk about the case, but the reality is that we have a situation that we need to deal with. I think that what the Member for Edmonton-Strathcona and the NDP caucus has come up with here deals with it. As she suggested, it may not be the perfect wording, but perhaps the minister can take this away and find a way to incorporate this into the act because, quite frankly, I think everyone in this House and everyone in this province doesn't want to see another tragedy like we did. If we're not doing everything in our power to ensure that we do not, then I believe that we're failing Albertans.

I would with that conclude my comments on this. Again, well done, member.

The Chair: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you very much, Mr. Chair. I rise to speak in favour of this amendment and to highlight some of the points that my colleague from Edmonton-Strathcona made. I think we have an opportunity here that would be quite tragic, in all senses of the word, if we passed it up. This amendment, you know, has a very sobering and quite tragic example of Betty Anne Gagnon. I think that this amendment is crucial and that the opportunity that lies before us is one where we shouldn't pass it up. I do respectfully disagree with the minister that this bill doesn't open up the PDD act. I think that, again, we have an opportunity.

I think that this amendment has two very important parts to it or it amends section 8(5) to accomplish two very important things. First of all, it indicates that a plan to provide services to an adult with a developmental disability must be developed in consultation with the adult, his or her family, their guardian, or existing service provider, which is one of the ways that we can ensure that there will be a plan in place, that there will be an adequate plan in place, an acceptable plan in place but also that the caregiver or adult or their family have provisions and a voice in ensuring that their loved one is properly taken care of.

The second very important part to this is establishing that duty of care. You know, I do really want to impress upon all members of the Assembly that this definition of duty of care that I'll go through shortly was derived from the duty of care to children requiring intervention services, and that is in legislation in the Child, Youth and Family Enhancement Act. The definition of duty of care is based on that, on existing legislation. It was not something that was just drafted in the flash of a moment, and I think it's something that is very crucial.

I'll speak again about the tragedy that befell Betty Anne Gagnon, which should not have ever happened. It's quite shocking when one learns the details of how there were numerous attempts or cries for help, which were largely ignored, again, not by the front-line government workers but by the fact that there is and was no policy to ensure that it didn't happen and that there was adequate follow-up.

Again, with the current definition or how it's defined in this amendment, it basically states, Mr. Chair: "If the director receives information . . . that an adult with a developmental disability may be endangered or neglected and is in need of care, the director must investigate." There is a clause there: unless the information is unfounded or malicious or provided without reasonable grounds. That might calm some of the concerns that members may have that the director will have to act, you know, if grounds are provided that seem quite unreasonable. But it does ensure that there is action.

As well, in this amendment, Mr. Chair, there is a definition of endangerment or neglect because, again, we ought to be very careful in this Chamber when we're passing bills to provide definitions of terms that may be interpreted in several different ways. In this amendment endangerment or neglect is defined as: the adult has been or is at risk of physical abuse, emotional abuse, or sexual abuse; the guardian of the adult has subjected the adult to cruelty, unusual treatment, or unusual punishment; and the guardian of the adult is unable or unwilling to provide the adult with the necessities of life.

Further to that, Mr. Chair, subsection (3) states that if the director's investigation finds "that the adult is endangered or neglected and in need of care, the director must take whatever action . . . appropriate, including [providing] services and supports, to ensure the safety and personal dignity of the adult." This provides a very, very important fail-safe mechanism. I want to reiterate, Mr. Chair, that we've already had a major tragedy in this province because there wasn't this type of legislation in place to ensure that that wouldn't happen, and I believe it's our duty as legislators to do everything within our means to ensure that a tragedy like what happened to Betty Anne Gagnon does not repeat itself. Again, I urge the minister to reconsider his position in accepting this amendment on the grounds that we have an opportunity before us right now to amend the current bill as it sits to include this.

When I go through the story, it's quite appalling how this happened, and I think it's of utmost importance that we do what we can to ensure that this doesn't happen again. You know, the

most appalling aspect of this tragic case is that the department was aware that her family was no longer able to cope with a family member who required 24-hour support but was also not receiving approved funds or supports from the department, but nothing was done to ensure that she received the care and supports that she needed in order to sustain life and to continue.

10:20

As my colleague from Edmonton-Strathcona pointed out, there are documents dating back to February 11, 2009, that show that the department was made aware that her caregiver was no longer able to continue providing care and would need a new arrangement. Again, from February 11 till March 31 the information was repeated on numerous dates. In fact, on February 18, 2009, the department was made aware that Betty Anne, who the department knew required 24-hour support, was being left alone for hours, unfortunately, when her sister had to work and couldn't take care of her.

The Chair: Hon. member, if I may, just a little bit of caution. I think the minister mentioned earlier that there may still be some appeal. This matter is still at some stage before the courts. I'd just caution you, maybe, on some of your detail. If you would speak in general terms, I think it probably would be wise.

Thank you.

Mr. Bilous: Sure. Okay. Point taken, Mr. Chair.

As we move forward with the calendar and look at the events and how they transpired, my point is that the flags were raised, and the alarm bells were going off. There were numerous opportunities for the department to take action. They were aware of what was going on, yet because there isn't a plan in place or through legislation requiring action, she fell through the cracks. Again, I do want to note that this was not a failure or an oversight on behalf of the government staff. I'm not laying blame in any way, shape, or form to those front-line service providers.

The issue here goes back to the heart of this amendment, which is putting duty-of-care requirements into this bill. I think that's the point that I really want to drive home today, Mr. Chair, that again we have an opportunity. This is an amendment that – well, for lack of better words coming to my mind at the moment, I mean, it's very, very crucial. It's very necessary. It puts in place safeguards for future situations so that they do not repeat themselves as in this case. I think, you know, especially when we look at the fact that duty of care already exists in other legislation, it is clearly defined. The definition that we've put forward is based on existing legislation.

We have an opportunity to improve this bill and, again, to send a message to families and those affected with developmental disabilities that the tragic case of Betty Anne Gagnon will not repeat itself in the future. I urge all members of this Assembly to strongly consider and support this amendment.

The Chair: The hon. associate minister.

Mr. Oberle: Yes. Mr. Chair, I'd just point out that the purpose of the act that we're debating is to establish these engagement boards. The purpose of the particular clause that we're trying to amend right at the moment is to remove that role from the boards back to the government under the care of a director.

Now, insofar as restructuring those engagement boards, I'm pretty confident that – we've held consultations out there. We talked about it in every public meeting we had, as a matter of fact. The members opposite pointed out numerous times in the last few discussions that consultation is pretty well key. This amendment

would have us modify the PDD act beyond the establishment of the councils. It actually modifies how the disability services system functions. While I don't for a second negate the intention here, I am really reluctant to agree or recommend to this House that we do that without having consulted on what the new act should look like. The members opposite will know because we talked pretty freely about what our intentions are: seamless, you know, birth-to-death delivery of services based on need rather than diagnosis, all of things that we talked about. Obviously, it requires a much more well-thought-out approach to renewing the act and other associated acts than by way of an amendment here in these short hours. For example, in this case the duty of care doesn't fall just to the director. What about the disability worker?

I think this is a much bigger issue, and the renewal of this act, which I don't for a second deny has to be done – I don't think this is the time or the place to do it. So I'm not in favour of this amendment, and I would recommend the same to the House, Mr. Chair.

The Chair: Are there others speaking to the amendment?

Ms Notley: Well, I would just simply say that ultimately the duty of care, as with children, should rest with the director. The last thing that I would want to see is a fractured duty of care, split up between a nonprofit provider over here and a for-profit provider over there and a family member over there. Ultimately there needs to be one place with the duty of care. That is the critical part of this, Mr. Chair, because otherwise we end up with a situation where everybody is involved and no one is responsible. That points to an issue that the minister here is aware that I had with respect to his changes to the Child, Youth and Family Enhancement Act, that we were diluting the duty of care there.

In my view, there needs to ultimately be one place. There can be delegation, but that delegation needs to be done very clearly under the terms of statutory authority. You can't simply put the duty of care in a whole bunch of different people, particularly when you have as fractured a system as we currently have in place for the provision of care for adults with developmental disabilities in Alberta. That's why it's imposed on the director. That is very intentional and very thoughtful, and we think that's the way to go.

As for the issue of consultation, it's true, you know, that it's the kind of thing that could potentially benefit from consultation, but something that this government has often done and has often used in the past is: we can pass the act now, and we can consult before we proclaim it; we can consult on the regulations, and we can consult on the process of implementation. Indeed, there's a long list of acts that never were proclaimed because consultation ended up showing that that wasn't the way to go.

Now, I'm not suggesting that would be the case here because this is a very narrow thing. This was not the subject of the consultations over the summer because that was about a very different topic. People were very, very worried about the impending significant loss of funds for their loved ones, so they were not talking about this issue. That does not make this issue less important. I think that if you were to go into a room of people, whether they be members of the PDD community, service providers, self-advocates, families, or interested citizens, and run them through what happened with Betty Anne and say, "Did you know that we actually have no statutory regime for anyone being responsible ultimately for the well-being of Betty Anne or someone like her?" they would be shocked, and they would think it was a good idea to move forward on establishing such a provision.

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

Dr. Swann: Thank you very much, Mr. Chair. I'll speak briefly on this recommended amendment. Having heard the discussions back and forth, I guess it's very clear to me that this duty of care – and one could also call it, I suppose, a responsibility to report, followed by action – is very clearly stated in terms of children and child abuse issues. There's no question, whether this has been explicitly raised as a feature of this act or in any other context of consultation with people who are vulnerable, that there is no one who would not accept this as a standard and important and vital part of any bill that purports to provide service, care, and assistance to people with disabilities.

At the very least, whether or not it fits into section 8(5) in this bill or not, I think it prudent and very astute if this government were to at least adopt the statement that if the director receives information in any form on abuse or neglect, the director must investigate an act. It's that simple. Even a preamble or incorporating it into the early aspects of this bill would send a very strong message to the community that this government takes it seriously.

10:30

Again, it's a question of sincerity. It's a question of credibility. If this government wants to build credibility and a real connection, meaningful engagement with the very community that it says it wants to serve with this bill, this is an opportunity to simply at least put in a statement. The review of the act is going to be how long? One, two years or more? This is an opportunity, I think, to at least put in a statement, including that important reframing of family and community care, that this government takes it seriously, that it recognizes that there's an absence of this duty of care and requirement to report, and that by identifying it early, even if not fleshing it out, there is a clear communication that this is a responsibility that they take, that it's delegated, and that the government can be held accountable for it. The director can be held accountable for this. It sends a very strong message, I think, to this most vulnerable community, that has a difficult time being heard, a difficult time feeling seriously engaged and responded to. This would send a very good message, I think, that would add to the government's ability to engage and to work in a progressive way with this community with this new act.

That's all I need to say, Mr. Chair. I think this is something that could enhance the bill, could enhance credibility, could enhance the relationship with this very community and in a very simple statement recognize a gap in existing legislation.

The Chair: Thank you.

Are there others?

Seeing none, I'll call the question on amendment A4.

[The voice vote indicated that the motion on amendment A4 lost]

[Several members rose calling for a division. The division bell was rung at 10:33 p.m.]

[One minute having elapsed, the committee divided]

[Mr. Rogers in the chair]

For the motion:

Bilous	Rowe	Wilson
Notley	Swann	

Against the motion:

Allen	Fawcett	McDonald
Bhardwaj	Fraser	Oberle
Brown	Fritz	Olesen
Calahasen	Goudreau	Pastoor
Cao	Hancock	Quest
Casey	Horner	Sarich
Cusanelli	Jansen	Starke
DeLong	Jeneroux	VanderBurg
Denis	Johnson, L.	Weadick
Donovan	Kubinec	Webber
Dorward	Leskiw	Xiao
Drysdale	Lukaszuk	

Totals:	For – 5	Against – 35
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[Motion on amendment A4 lost]

The Chair: We're now back to the main bill. The hon. Member for Calgary-Shaw.

Mr. Wilson: Thank you, Mr. Chairman. I have another amendment that I would like to table.

The Chair: Please circulate that and just pause for a brief moment.

This will be amendment A5, hon. members.

Please proceed, hon. member.

Mr. Wilson: Thank you, Mr. Chairman. This is an amendment that I kind of like to call the put-your-money-where-your-mouth-is amendment. As we went through the spring and we had a number of sessions that the hon. associate minister led around the province, one of the things that I heard him say on numerous occasions was how – and maybe this isn't the right word; I will be paraphrasing somewhat – offensive it was that the current legislation and the current act within the regulations defined intellectual capacity at a certain number, I believe at 70 IQ, and that therefore individuals who are tested as higher than 70 IQ did not qualify for supports under the PDD system.

10:40

He repeated this over and over at pretty much every meeting that we went to, which is why I found it rather strange, when this bill was tabled, that again here in the regulations under section 23 it suggests that the minister may make regulations “describing the limitations in intellectual capacity.” I'm really just, I guess, looking for clarification as to why the ministry feels like it is necessary to have the verbiage in the bill that suggests that they can still do that after months and months of listening to the minister decree their own legislation and the regulations' ability to define what the limitations in intellectual capacity can be.

This amendment simply takes out the option or the opportunity for the act to in regulation define intellectual capacity. With that, I'd be happy to hear the minister's response.

The Chair: The hon. associate minister.

Mr. Oberle: Yeah. Mr. Chair, I think there's a rather simple explanation here. I don't think I ever said that we were going to remove the words “intellectual capacity.” What I said was that the IQ of 70 was an unfair barrier to service, and I would like to remove that although I also said that the first thing I've got to do is align the system so that services are allocated based on need. The member will know that we've done a lot of work in that regard.

I'm not prepared right now to say whether those words should appear in an act or not. The words "intellectual capacity" don't define the barrier; the number 70 does at the moment. I'm not prepared to because I haven't even talked to any medical experts on this. In effect, you're asking me to completely eliminate the definition of disabled from the act. I think my problem with the amendment and I think my explanation of the question he asked is that I haven't done any consulting on renewing the act, and the purpose of the legislation before us here is to establish engagement councils, not to renew the PDD act. I am not prepared to do that. I haven't consulted anybody, medical experts or families or caregivers or anybody else, and I think this is absolutely the wrong time to start talking about redoing the act, changing definitions. I just cannot proceed without having done those consultations.

I stand by what I said this spring, and I will move in that direction, absolutely, but it's got to be done in a reasoned and thoughtful manner, backed up by consultations and budgets, I might add. This is not the time to renew that act.

The Chair: Are there others? The hon. Member for Calgary-Shaw.

Mr. Wilson: Sure. Perhaps you can help me understand, Minister, how removing that changes the definition of someone living with a disability. All that this would revise regulation sub (a) to say is that the minister may make regulations "describing adaptive skills for the purposes of the definition of developmental disability." You're still able to define what you believe to be or what is medically defined as adaptive skills for developmental disability. It just removes, I guess, my interpretation of the language of putting an actual number on what intellectual capacity is. I guess this may be a situation where we agree to disagree, but it seems a little odd that this would be something that you would be opposed to at this point.

The Chair: The hon. minister.

Mr. Hancock: Thank you. Mr. Chair, I would give to the member again the same explanation as I gave before. This bill has essentially the purpose of disestablishing PDD boards and CFSA boards and bringing the service operation directly into government but continuing to do that on a regional basis and then creating a community governance model. We have not proposed in this bill to make any substantive changes to the PDD act.

When the hon. Member for Edmonton-Strathcona, for example, says, "Yes, you're deleting the role of the minister," the act very clearly defines the role of the minister and the role of the board. It needs to be because when you have a board governance model and you've given the board certain authorities, you have to then indicate what authorities the board has and what authorities the minister has. When you don't have a board, all of those authorities are the authorities of the minister, so you don't need that definition. That's not a substantive amendment to the act. That's the disentanglement of the board governance model, and that's precisely what this does.

The regulation piece that's there, section 15, which is repealing section 23 and replacing it, essentially is a rewrite of the regulations, again, to take out all of the board governance pieces to it but not change anything substantive in the rest.

I think the associate minister has explained quite clearly that there are lots of things that we would like to do relative to the understanding of need and how you serve need and how you define that need. One of those things is the IQ requirement of 70, which the associate minister has spoken of a lot. Now, there are

many other pieces of intellectual capacity, but that's not the point. The point is that we have not proposed to or purported to do any substantive amendments to the PDD act.

The sole purpose of this act is the disentanglement, the disestablishment of the PDD boards. What we're doing in this act is rewriting those portions of the act which are needed to take out the board governance model and institute the operational model in government and then set up the regional councils. We are not making any substantive amendments to the PDD act, with the one exception that I mentioned, and that is a tweak to the appeal process to make it fairer and more aligned with the existing appeal process in the CFSA area by allowing for administrative appeal and mediation and arbitration processes and those things, which are enhancements, I would admit, to the appeal process. But that's merely an alignment with what we have already.

I would ask members to honour the purpose of the act, which, again, is not an opening of the PDD act to deal with things which have not been discussed with the community, which have not been raised in terms of going out and saying: we're amending the PDD act. What we have discussed quite thoroughly is setting up regional engagement councils and disestablishing the CFSA and PDD boards as operating authorities. That's what this act purports to do, and that's what we should be focusing on.

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

Ms Notley: Yes. Just briefly, I mean, I really need to engage in this point because this is becoming a common refrain. I have to say that I simply disagree with the minister in terms of how he is characterizing this. The fact of the matter is that the PDD boards were the primary purveyor of services to people with developmental disabilities in the province. In the course of eliminating those boards, the government has redefined and/or failed to define its role in the absence of these PDD boards. It's not simply: we've removed the boards, and everything else is the same.

The fact of the matter is that what it could have said before was, "The boards will do this, and everything the boards don't do is the government's responsibility," but it didn't. Before it said, "The government shall do A, B, C, D, E," and now it no longer says anything about what the government shall do. So that is substantive, and it is substantive in the absence of all those things that the government no longer is compelling itself to do like ensure access to programs, provide funding and resources, coordinate services, all those things. There was a positive obligation before; there is not anymore.

To suggest, "Oh, that's simply coincidental to the elimination of the PDD boards" is not accurate from a legal standpoint, and I believe the minister knows that. There is a difference in terms of how the legislation is written now, and the minister knows that. It is substantive, and it does go beyond simply the creation of their little public relations councils. So we have a right to raise amendments that speak to the work that the government needs to do and did do through the PDD boards. To suggest that that's not appropriate in this setting is in itself not appropriate.

In speaking to this particular amendment, I will say that I think there are a number of different ways to define and measure intellectual capacity, so I'm not necessarily in support of this amendment. I understand that the purpose of the amendment is to challenge the government and the minister on his apparent conflicting statements over the spring and summer around eliminating the IQ cut-off on one hand and theoretically expanding access on the other while actually reducing services to that smaller group that are actually currently covered as a result of

the smaller configuration of people who are eligible using the IQ definition.

10:50

We all agree that the IQ definition is not helpful. It wasn't helpful when the government lowered the IQ rate two or three years ago, thereby restricting the number of people who were eligible for PDD services. That was unwise. Using IQ as a means of excluding people from eligibility for PDD services is unwise because there are a number of people out there with IQs above 70 who are in desperate need of PDD services because they don't otherwise have the intellectual capacity and/or the adaptive skills to function without support. So addressing that issue is a good, important issue.

Yet I think, really, where the member is going is: as much as the minister kept saying that, he was saying that at the same time he was purporting to take \$45 million out of the system, when anyone who knows anything about the system knows that to fix that problem, what needs to happen is that there needs to be more resources put into the system, not fewer. There was that contradiction that those of us who were following the issue for several months observed month after month after month, and it created a great deal of frustration and inconsistency on the part of what we were hearing from the government. I think, really, in many ways that's what this member is going after with this motion, and I certainly respect the sentiment in that regard.

The Chair: The hon. Member for Calgary-Shaw.

Mr. Wilson: Thank you, Mr. Chairman. Just to perhaps conclude my points on this, I think that what we're witnessing tonight is that there is a clear need to open up that PDD act. You know, considering the fact that the government is transitioning the whole way in which services are being delivered, the fact that a minister has probably been more engaged right now at this point in time in Alberta than we've seen in quite some time, specific to the PDD community, I think the time is now.

I would just challenge the Human Services minister and the associate minister for persons with developmental disabilities to consider opening that act at their earliest possible convenience. The consultations must be clearly under way and a certain understanding that the minister must have of the shortcomings of the system, areas that need to be changed. We've identified at least a couple of amendments right now that would strengthen this system, and I just believe that it should be incumbent upon this government to at the earliest possible opportunity open that act back up. Let's take a good look at it.

The Chair: Are there others? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. I rise to support this amendment, and I won't be repetitive. You've heard all the arguments. It is something that I would hope that the minister would take into consideration and act upon. I think it's reasonable to presume that everyone in this House wants to do what's best for these Albertans that are special needs and need our attention and assistance for a better quality of life. I think with that intention and much of what's been said, particularly if this government is willing to act upon that, we can improve upon what we have already today.

Thank you very much.

The Chair: Are there others?

Seeing none, I'll call the question.

[Motion on amendment A5 lost]

The Chair: Back to the main bill. The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you, Mr. Chair. I'm pleased to rise and refer an amendment to Bill 30, Building Families and Communities Act.

The Chair: If you'd have that distributed, send the original to the table, please. Hon. member, this will be amendment A6.

Proceed, hon. member.

Dr. Swann: Well, thank you very much, Mr. Chair. This amendment to the Building Families and Communities Act would amend section 6 by adding the following after subsection (3):

- (4) The Minister shall receive all reports, advice and information from a Council in good faith and act on any recommendations as soon as practicable.
- (5) If, after receiving a report, advice or information from a Council where a recommendation is made or implied, and more than one year elapses without the Minister acting on that recommendation, the Minister must provide an explanation to the Council in writing.
- (6) A copy of any written explanation made pursuant to subsection (5) must be laid before the Legislative Assembly by the Minister if it is then sitting, or if it is not then sitting, within 15 days after the commencement of the next sitting.

The purpose of this, clearly, Mr. Chair, is simply to provide extra assurance, encouragement, and accountability for the efforts of these councils, that they not only be heard and seen but that they be seen to be heard and seen, that there is a response, that there is a requirement to respond both back to the council and, in the case of subsection (6), to the Legislature. It's, again, a measure of accountability. It's a measure of assurance to the community, a community that lacks a voice, that lacks a sense that they are influencing this government, an assurance that there will be results from the efforts they make to communicate to this government. I think they're pretty self-evident. They're not onerous. They're simply what one would expect from a respectful relationship between government and a service provider and individuals who are vulnerable and needing to know very clearly that they are heard and respected and responded to.

Thank you, Mr. Chair.

The Chair: Are there others? The Member for Edmonton-Beverly-Clareview, speaking to amendment A6.

Mr. Bilous: Thank you, Mr. Chair. I rise in support of this amendment. Again, I think, as the hon. Member for Calgary-Mountain View has stated, that the purpose of this is really to ensure that there is a correspondence, that there is a response from the minister. This provides a voice for the council, that there is an ongoing dialogue that the minister will – and I think it's important to note in this amendment that the minister will respond “in good faith and act on any recommendations as soon as practicable,” giving the minister that leeway, not restricting him to action within a certain time frame per se but making sure that any advice or information or reports that are made from a council do get a response and get an explanation in writing so there is a record there. I mean, for the most part I think that this amendment just ensures communication on both sides and that the work the board is doing does not go unrecognized or does not fall by the wayside but that there is a process for them to hear a response back from the minister.

Thank you, Mr. Chair.

The Chair: Are there others? The Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. I rise also in support of this amendment. It's consistent with the reports and advice under section 6, and what it purports to do is to give some sort of direction or finality to what's going to happen when a report is actually delivered. "On a date . . . set by the Minister, the co-chairs of each Council shall submit to the Minister an annual report." The minister has control over that. "The Minister may, at any time, request from any Council a report or [any] information", which is a good thing, so there's some continuity. What this does here is then provide direction on what happens to those reports once they are filed. Basically, the minister shall receive the reports "in good faith and act on any recommendations as soon as practicable." That only makes sense. That's logical.

11:00

So that gives direction, and then in section (5) it talks about where the recommendations made are implied and more than one year elapses without the minister acting because this is important. You have a recommendation, and if there is no action taken on the recommendation within a year, somebody needs an explanation why. Was it a bad recommendation? Did circumstances change? It gives consistency so the minister now must return information back with an explanation to the council in writing, explaining why there was no action taken on a report.

There may be legitimate reasons, or there may have been an error that needs to be corrected, so there's some sort of continuity here to make sure that the action is a two-way street. Then, of course, the Legislature has the ability to get involved with the copy of any written explanation pursuant to subsection (5).

I don't want to belabour this point of the prescriptive versus permissive, but I don't see where this is too prescriptive on the minister or the minister's office. If it is, I would like an explanation why because what it does is just say that the minister is going to be able to do these things with the council to get information, and what this does is follow through and say: okay; once the information is received, this is how it should be handled. It provides some clarity on what the process will be. In a way it's an agreement between the council and the ministry, very much so.

These volunteers, who are going to be putting in the effort, will see some sort of closure or some sort of action taken as a result of their recommendations that they made. There's no guarantee that their recommendations are going to be put into force, but at least you'll have an explanation why. They'll know that the work that they put in was validated in one form or another.

That's not to say that the minister doesn't intend to do that. This just puts it into the legislation. I'm anxious to hear how the minister feels about this and what their objections would be to adding this into this section.

With that, thank you very much, Mr. Chair.

The Chair: Thank you.

The hon. Minister of Human Services.

Mr. Hancock: Thank you, Mr. Chairman. Simply put, in discussions with my critics in earlier stages before the bill was brought to the House, there was actually a very good suggestion made by the hon. member who brought forward this amendment, and that suggestion was that the report should be publicly laid before the Legislature.

I think you can see in 6(3) that I adopted his suggestion and put it into the bill. It hadn't been contemplated to put that in specifically because we don't intend to be that prescriptive relative

to these things, but the idea was to have an open place where people could actually see the work of those committees. So I thought that was a very good suggestion, and I put it in the bill.

Obviously, as a matter of practice when a report comes, there's a response to report. If the Child and Youth Advocate files a report – and I now have a couple of them – I have to deal with the recommendations that are made there. I have to respond to those recommendations, and we do that. But we don't do that because there's a requirement to file in House. There's no legislative need to do that. There's just a sort of moral obligation to do that. If we don't do that, the House will hold us accountable for it. I've had on occasion in the past people say: what's happened to those recommendations? So this amendment takes it a step too far in terms of the prescriptive nature of it.

The reality is that the bill requires those reports to be placed before the House, and they will be, but there's no need to put into the record of the House every step of what happens on those things. That's not something that we need to clutter the Legislature Library with. That's something which, once the report is tabled, members of the opposition can raise questions on if they feel like they haven't been raised. They can hold us to account in the House on it. That's what the House does, hold the government to account for its actions. But we don't need to be prescriptive about it. We don't need to legislate what the minister should do on any given day about every given thing. That would require volumes of legislation, and Albertans, quite frankly, don't want to read that much legislation.

Ms Notley: Well, I would suggest that it's really that this government doesn't want to be accountable for that much legislation. I think Albertans are perfectly happy with legislated standards to which their elected officials could be held. I think we're just going to have to agree to disagree on what it is that Albertans want. I think we all know these guys want the one, the omnibus bill – thou shalt make legislation – and that would be it. I'm pretty sure that that's where they're going.

But I support this amendment, and I rise to support this amendment. I think it's a thoughtful amendment. It's interesting that the minister talked about the children's advocate report because as one who's been the critic of that area since I was elected in 2008, I really have been interested to note the frequency with which the children's advocate repeats recommendations over and over. There really isn't a clear response from the government about what they're doing with respect to those particular recommendations. You often do see those recommendations over and over and over again.

An Hon. Member: Like the Auditor.

Ms Notley: Well, I leave it to the Auditor General because at least with the Auditor General there is a more formalized process for establishing whether progress has been made or not made or that kind of thing. I find that helpful, and I think most Albertans find that kind of information helpful.

I want to go back to what it is that these committees are theoretically achieving apart from, you know, ending poverty as we know it and eliminating world hunger. They are going off into the communities to do all of this engagement and to get everyone engaged in discussions about social policy, and they're going off to do that with, as I've said before, no resources and no authority. So there's going to be some question as to the degree to which they're going to really be able to get the meaningful players in the community out to something. I actually think that if those councils were able to say to folks in the community, "Listen; let's talk, and

the things that we talk about that there's an adequate consensus around will make their way into our report, and it will compel the government to give us some response, for us to know that they've turned their mind to it and they've heard what you've said," that would be a tool for these engagement councils to get people to show up to their meetings and to engage because they would know that there was a direct line of accountability.

The minister refers to: oh, well, we don't need another, you know, report collecting dust in the Legislature Library. Well, I'm afraid that the annual report that is currently constructed will do just that. It will collect dust. It will say that we met with these people; we met with those people. Here are some glossy pictures. We're building Alberta. I'm sure that somewhere building Alberta will find its way into that report. Call me crazy. Yet that's all there will be in it whereas if there was a legislated requirement for the minister to make a formal response, you might actually find people thinking: hey, this might actually be a bit of a tool that we can use in our advocacy efforts, and maybe it is worth while engaging.

I actually think that it would support the work that the minister suggests that these councils are supposed to be doing and it would support the work that the minister suggests is the primary purpose of this bill but that by steadfastly refusing to commit to responding to the recommendations that come from these councils, I think that he, unfortunately, ends up putting a highlighter over the very concerns that we've raised about the likely effectiveness of these councils and the likely role of these councils and the likely outcomes of the work that they engage in because, really – really – if there's no connection back to the people who have the resources and the people who make the decisions, people are going to disengage from the engagement process really superquickly.

As the minister himself has pointed out, we're all busy people, and activists know that when they're trying to do something as important as fight poverty, they've got to use their resources wisely. Sitting around rooms getting their pictures taken for fluffy reports that nobody responds to is not a wise use of their time. I think that the motion put forward by the Member for Calgary-Mountain View would bring about a substantial improvement in the efficacy and salience of these councils and that in the absence of that so, too, is their efficacy and their salience.

Thank you, Mr. Chair.

11:10

The Chair: Are there others? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. I agree with the minister. We don't want to be so prescriptive that we want to detail every step of the way what the minister should be doing, and I don't read that into this amendment. What I read into this amendment is that it details what should happen with the report. It tracks the report that is filed, that the minister himself gets to ask for any other time according to this section 6. So I view this and the interpretation of this amendment as not so much directing the actions of the minister but directing the steps of what happens to the report.

I'm trying to look at this from the view of somebody who has volunteered, put in a lot of effort, and there's no reason to not presume that this minister is going to do exactly as he says he would do. But as we all know, ministers change, governments change. Well, we want government to change in another two years, but the fact is the individual itself. So it gives direction to the office. It gives direction to the office, whoever is in the chair. What the amendment does is give the consistency to the reports

from beginning to end, how the reports are required or asked for and what is done with the reports.

That's how I look at this. I don't look at this as detailing the very actions of the ministers themselves or everything a minister should be doing, but it does connect the dots of how you track a report and what actions are taken on the report. It's not really that prescriptive. I mean, it gives an entire year to act on a report. It gives a tremendous amount of flexibility. What it asks for is that if there is no action on a report, there be some sort of closure for the volunteers or the issue itself, why the report was not acted upon. That's how I would view it. I wouldn't view it as prescriptive as, say, the minister would. I would ask the hon. member to maybe take another look at this amendment.

Thank you, Mr. Chair.

The Chair: Are there others speaking to the amendment?

Seeing none, I'll call the question.

[Motion on amendment A6 lost]

The Chair: Back to the main bill. The hon. Member for Edmonton-Strathcona.

Ms Notley: Thank you, Mr. Chair. I've lost my notes. Okay. Just a second. On this bill I do have another proposed amendment, which I will take the opportunity to distribute while at the same time looking for the notes that I have on it.

The Chair: We can have those distributed, please. That will be A7, hon. member. If you'd just pause for a brief moment.

Is the amendment on its way, hon. member?

Ms Notley: It is. I apologize.

The Chair: Please proceed, hon. member.

Ms Notley: Thank you, Mr. Chair. This motion is to amend Bill 30 in section 8 by striking out subsection (7) and substituting the following:

(7) Section 9(1) is amended by repealing clauses (g), (h), (j) and (k).

(7.1) Section 9(2) is amended by striking out "a Community Board" and substituting "any other organization".

(7.2) Sections 9.1, 11, 13 and 14 are repealed.

As currently written, the bill repeals sections 9, 9.1, 11, 13, and 14 of the act. What we're proposing to do here, as we've already kind of touched on in previous discussions this evening, of course, is to facilitate the elimination of the PDD boards, which we all talked about earlier as being something that we agree with, but to not do the additional things that this legislation is doing, which is to stop talking about the positive obligations which exist for the minister. As things stand right now, section 9 states that the role of the minister is to provide strategic direction, set standards for service, work to co-ordinate provision of services, ensure reasonable access, promote the inclusion of adults with developmental disabilities in community life, establish policies, ensure consistency of services, and allocate funding and resources.

It also eliminates section 9(2), which states that the minister may provide or arrange for the provision of services in any region. So those are the things that are being eliminated.

Now, the minister has already stated that, oh, well, this is being eliminated because the reason those obligations were laid out was to distinguish the role of a minister from the role of the PDD boards. The problem, in my reading anyway, is that the way the act is now constructed, we just go silent on everything. I know that's what the minister likes. I know that what this government

likes is that they just want to have everything enabling. It's like the minister shall do whatever occurs to him to be a good thing when he wakes up in the morning. But the rest of Albertans want to know that there is a positive obligation there, particularly given the debacle that we observed this spring and over the summer with respect to the government venturing into some major changes in the provision of PDD services. We need to know that there is clarity. This comes down to – you're quite right, and the minister is quite right – in large part a discussion about the value of enabling legislation versus prescriptive legislation.

The fact of the matter is, Mr. Chair, that the opposition and, frankly, the people of the province are going to continue to lobby for greater and greater prescriptiveness in the legislation as the level of trust between this government and the citizens of this province decreases. We know that the level of trust between this government and the citizens of this province is on the decrease. You need only look at the latest public domain poll to know that that is the case. We also know that in this particular sector that level of trust has been seriously, seriously compromised, notwithstanding the subsequent efforts of the ministers to re-establish that.

As I said before, I think this is part and parcel of sort of the larger objective that the minister has laid out in some of his, you know, first drafts of the social policy framework and, in particular, that piece which I mentioned before and will mention again and again because it sends off so many incredible warning lights for me and others who have worked as advocates in this sector in the past: this notion that the government believes that the government's role as a funder and a regulator should decrease and that we should see more work of the government as a partner and a convener. Again, that is the kind of stuff that creates the patchwork systems that ensure duplication of services in some cases and an absence of service in others and a profound lack of co-ordination in most cases. That's the kind of thing that Albertans don't want to see.

Our attempt, then, is to continue the object of the act around eliminating the boards – absolutely still there with you, completely onside – but at the same time maintain some definition and some description around what the minister does.

11:20

As I mentioned before, back a long time ago when I did do a little bit of administrative law, there would often be people that would come to us and would say: "The government is not doing this. How can we make them do this?" There was this principle that, you know, if there's a piece of legislation that says that the government should do something, it's actually possible for the citizens of a province, if they can afford the incredibly expensive lawyers, to go into the courts within a year or two of making the application to ask the government to actually do what its legislation says that it should do or says that it will do. One of the ways the government avoids those situations, apart from, of course, allowing lawyers to become prohibitively expensive so that the average person can't actually access our courts anymore or allowing our courts to become so bogged down that they have to wait for years and years to get in there – but another thing the government can do to stop these kinds of applications, of course, is to write legislation that says that the government shall do whatever it thinks is best in their discretion at any given time, depending on the seasons, the phases of the moon, or that kind of stuff. So we're trying to avoid that.

It's not just an old complaint; it's actually what I would suggest is good governance, is a feature of a strong sense of accountability. Ultimately, as much as the government likes to think, Mr.

Chair, that it is accountable through the consultation things that they set up and through their public relations campaigns and their press conferences with strategically selected participants, as much as they like to think that's what accountability is, the fact of the matter is that we have this thing in Alberta, this parliamentary system that's as old as the province and, in fact, several hundred years older than that, and it's here because over many years – I'm going back to the associate minister's concern about our lack of experience – generally speaking, everyone has concluded in this jurisdiction that this is the absolute best means of ensuring accountability. So why it is that the government wants to delink its accountability measures from probably the most effective institution in our nation for ensuring accountability – I don't know – unless it's the fear of same?

I would suggest that good legislators and those who are interested in promoting good public policy, who are interested in restoring, if possible, the trust between them and the citizens of the province and, also, actually moving forward on previously made promises around transparency and accountability would embrace the opportunity to establish strong linkages between their legislation and their proposed actions in a way that can give Albertans a strong sense of confidence that their government really is accountable and that there really are measures in place to keep them that way.

That is why we are making this amendment, supporting the elimination of the boards but wanting to maintain and retain some fairly general principles with respect to the work that the minister ought to engage in and be willing to hold himself accountable for.

Thank you.

The Chair: Speakers to the amendment? The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you, Mr. Chair. I'll be brief. I think the intent here is clear. We want to enhance the credibility of this bill among the people who are most deeply affected. We want to see a clear statement of deliverables, accountability. One could say that that's too prescriptive, but without some clarity around the role of the minister, the councils, and those involved in the decision-making as well as providing advice, there needs to be substantive, clear deliverables and accountabilities. That's in the government's best interest to build any sense of confidence with the stakeholders, and it's clearly to the benefit of those most vulnerable, who are supposed to benefit from this, that they be clear about what they can expect and who they can hold accountable and in what timeline they should be able to require this government to provide that information or that change or the existing service that's supposed to be there.

So I think it would behoove the government to look at this seriously and incorporate a means of providing greater clarity around the roles and responsibilities of deliverables, and I hope all in the Legislature will examine this and see it for the enhancement that it will provide to the bill.

Thank you, Mr. Chair.

The Chair: Are there others? The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Mr. Chair. I'll be brief with my comments here. Again, I rise to speak in favour of this amendment. I think it's important, especially when we're talking about responsibilities and powers that the minister has and, in this case, the role of the minister within this act, that it is spelled out. I think that, unfortunately, with the bill as it's currently written, repealing

several sections of the act is really throwing the baby out with the bathwater.

You know, section 9 I think is very important in defining the role of the minister. We're talking about setting standards for services, providing strategic direction, working to co-ordinate the provision of services, ensuring that there is reasonable access. Again, you know, to hammer on a point that we raised earlier this evening, to promote the inclusion of adults with developmental disabilities in community life I think is important in addition to a consistency of services and allocating funding and resources.

I think it's a little far reaching that the bill as it's currently written has removed reference to the role of the minister in this act. I mean, that's something that is causing more and more alarm, I think, at least within the Alberta NDP but, I would also argue, also with the other opposition parties, the mandate and the powers that the ministers are ascribing themselves through bills. We see this as a recurring theme, where instead of limiting their powers and responsibilities, in fact, they're getting more and more broad, and all we're given is the assurances that: well, regulation will hammer out the details.

Again, the concern which I've raised on numerous occasions in this House, Mr. Chair, is that there may be a minister that's currently holding that position who doesn't abuse their powers or their role and responsibility as minister, but as soon as legislation comes to pass where they're given either broad, sweeping powers or there aren't checks and balances on the minister and their decisions, then the challenge or the concern is that future members who occupy that chair may not be either as levelled or controlled in their decision-making and may abuse their position.

You know, I think the unfortunate part in removing these sections is that it did explicitly lay out some of the roles of the minister, which makes it clear not only for legislators here in the House but, you know, for folks who are going to be affected and who are affected by this piece of legislation to know exactly the role of the minister is. Whether we're talking about supports, access, standards, that is now questionable as far as whose role it is. Again, where does the accountability lie?

In closing, Mr. Chair, I think this amendment clearly defines what the minister is and isn't doing, and I think it's quite important not only for this bill but for much legislation that we've seen and that I suspect we'll continue to see come through the House.

Thank you, Mr. Chair.

11:30

The Chair: Thank you.

Are there others?

I'll call the question on amendment A7.

[Motion on amendment A7 lost]

The Chair: Back to the main bill. The hon. Member for Calgary-Shaw.

Mr. Wilson: Thank you, Mr. Chair. I will table another amendment, please.

The Chair: We will refer to this one as amendment A8, hon. member.

Please proceed, hon. member.

Mr. Wilson: Thank you, Mr. Chair. I'll be very brief. The intent of this amendment is to prevent what I would like to call the AHS

effect, where we have a ballooning bureaucracy that started out with some well-intentioned ideas. This amendment is very straightforward.

Currently in the bill it suggests that "the Minister may designate one or more employees involved in the delivery of social-based programs and services under the administration of the Minister to liaise with the Councils." The phrase that worries me a little bit in here is "one or more employees." So the intent of this amendment is to simply limit the number of employees that the ministry can hire in order to liaise to not more than the actual number of councils that are developed. I can't imagine why a single, full-time employee couldn't handle one liaising with a council.

That basically sums up the intent of the amendment, and I'd be happy to hear the minister's thoughts on that.

Mr. Hancock: Once again, Mr. Chair, the perils of trying to accommodate advice from opposition critics. This, again, is an amendment that was made in the drafting of the bill after I consulted with the opposition. I think this one was actually that member's contribution – but it might have been Calgary-Mountain View's contribution – saying that, you know: "Are these boards going to have any direct relationship to the operations in their region, to have feedback? If they're going to play an assurance role, will there be direct liaison?" I went and took that and said: "That was a very good piece of advice. Yes, we contemplated they would. We'll build that into the act." So we built it into the act, and now he's coming back and saying: but not too many.

Well, Mr. Chairman, I think, again, this is getting really overly prescriptive. You know, if you do that, then you have to start going through silly interpretations that we sometimes get, like: what if the liaison goes on holidays and there's a replacement liaison; does that breach the act? I mean, is the work such that you maybe need to have two people from time to time?

The concept here in the act is a clear one, and it came as a suggestion from – I don't remember which of my critics made it when we were briefing on the bill.

Mr. Horner: You have many.

Mr. Hancock: Yeah. One of my many critics.

The suggestion, you know, was one that we fully intended, that these community engagement councils will operate within their regions. But in order to do their assurance role, they do have to be able to liaise to understand exactly what's going on. That's a communication role. The amendment to limit it actually could be an inhibiting amendment. I understand the individual's purpose. We all want to be fiscally prudent, and I can assure the hon. member that I do not have a surplusage of resources in the department to overstaff unnecessary spots.

The Chair: Are there others? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. I rise in support of my colleague on this bill, to help the minister conserve his resources so that he would not have to assign any more than one person. It's not an overwhelming restrictive prohibition or prescriptive statement. What it's designed to do, just exactly as the hon. member has said, is to sort of limit, as one might say, the influence.

You know, the thing is that the word "liaise" is an interesting word in itself because it doesn't prevent anyone else from making contact, but the actual definition of being the liaison or to liaise with the council is – when you look at it on a purely pragmatic

basis, it should never really take more than one anyways or at any one time. It's interesting because it doesn't make an assignment that it has to be one designated person, who is identified. It's just no more than one at any given time. The designation can change from employee to employee.

So I don't see the overprescriptiveness, but I do see the intent of keeping the bureaucracy down. I understand where that comes from.

With that, I support my colleague's amendment, and I would hope that the minister would reconsider. Thanks.

Ms Notley: Well, you know, being a big government kind of person, I actually have to speak against this amendment. I think governments can be good. I know it's hard to imagine because I'm faced with one that I don't really think is, but the fact of the matter is that in principle government can be very good.

In fact, you know, if these councils were really to achieve the objects that the minister purports that they will be able to achieve, to consult with all these organizations, which have a lot of work to do and a lot of opinions to offer and a broad, broad range of issues to address, and then actually compile them in a way to get the attention of the minister so that there was any sort of meaningful feedback into the decision-making process – and all these folks are volunteers – I've got to think that they're going to need a bit of staff support to do their jobs even somewhat well.

In some regions – let's face it – the regions are huge, and the people that they would be consulting with are huge. To analyze and render useful a lot of the advice they receive would be a huge job, not to mention sort of just giving them advice on what the current status of things is so that they don't recommend reinventing the wheel every year because nobody told them that that particular wheel had been invented nine or 10 times before and was, you know, currently living in the Legislature Library on a dusty shelf. I mean, who knows exactly? You know these are the kinds of things that the staff working with these folks would do. So if we're going to assume that there's going to be any kind of feedback, you have to give them the benefit of the doubt.

Now, if those staff end up being communications folks from the Public Affairs Bureau who end every sentence with “and that's why we're building Alberta,” then I absolutely agree that there will be too many staff there, but I have no doubt that if that ends up being the situation, we will find plenty of opportunities to limit that particular role.

The Chair: Are there others?

Seeing none, I'll call the question on amendment A8.

[Motion on amendment A8 lost]

The Chair: Now back to the main bill. Question?

Hon. Members: Question.

[The remaining clauses of Bill 30 agreed to]

[Title and preamble agreed to]

The Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Chair: Opposed? That is carried.

11:40

The Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I'd move that the committee rise and report Bill 30.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: I recognize the Member for Edmonton-Ellerslie.

Mr. Bhardwaj: Well, thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports the following bill with some amendments: Bill 30. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Deputy Speaker: Thank you, hon. member.
Does the House concur in the report?

Hon. Members: Agreed.

The Deputy Speaker: Opposed? That is carried.

Government Bills and Orders Second Reading (continued)

Bill 37 Statutes Repeal Act

[Debate adjourned November 18]

The Deputy Speaker: The hon. Minister of Justice.

Mr. Denis: Thank you very much, Mr. Speaker. The only thing that I wanted to add to this particular bill that I didn't mention the other day is that several years ago the Member for Calgary-Klein and the Minister of Municipal Affairs – we had talked about some of the things we wanted to achieve in the government in the time we were here. One of the things we had talked about was a reduction in general red tape for individuals and for people who do business here, and this bill is certainly a step forward in the fact that it creates a mechanism to reduce red tape. It also removes many different pieces of legislation. The exact number does evade me at this late hour, but in particular I know that we're removing the Masters and Servants Act. I'm not sure how the Member for Calgary-Shaw feels about that.

With that, I will take my seat.

[Motion carried; Bill 37 read a second time]

Bill 38 Statutes Amendment Act, 2013, No. 2

[Adjourned debate November 18: Mr. Denis]

The Deputy Speaker: The hon. Minister of Justice.

Mr. Denis: Mr. Speaker, I don't have any further comments on this particular bill.

The Deputy Speaker: Thank you.

The hon. Minister of Justice and Solicitor General has moved – are there others? The hon. Member for Edmonton-Strathcona. My apologies, hon. member.

Ms Notley: Who would have thought that I might have wanted to speak to what is effectively an omnibus bill amending 13 acts at,

oh, a quarter to midnight on Tuesday? Strange, strange decision on my part.

Okay. The Attorney General is proposing Bill 38, which amends 13 acts across a wide variety of topic areas. Most of them are fairly simple changes. You know, in the past we had sort of a practice for miscellaneous statutes amendment and things like that where there would be negotiation with members of the Assembly or the House leaders in order to move that act quickly through the process so we didn't have to spend a lot of time debating it, but the government didn't get consent for this as was typically the history. They just decided to cobble together changes to 13 acts and introduce them all together without getting our consent. Of course, as a responsible legislator I need to weigh in on the many changes that the Attorney General is attempting to make this evening.

Here's what I believe is the case, because it's not exactly a skinny act. They want to increase the number of judges at the Court of Appeal and Queen's Bench. That, of course, is a good thing, I believe, based on the comments I made previously about how long it takes to get into court in certain cases.

They're looking to provide more protection for spouses under the Dower Act and to provide protection for children's RSPs in the Civil Enforcement Act.

They want to bring some interest rate adjustment to grief damages awards in fatal accidents into legislation from regulation, which is an interesting one. It's rare that we see this government try to move something from regulation into legislation, so I'd certainly be interested in what generated that particular move.

They want to exempt aircraft, rail, and space equipment from the Alberta Personal Property Bill of Rights to align with the International Interests in Mobile Aircraft Equipment Act. Creditors can now go after these products, so it makes it easier for them to lend to investors like Air Canada for the purchase of aircraft. Yeah, I'm not quite sure what the object there is.

They want to ensure that making a finding that someone is not a parent does not impact rights or property already divided unless the court orders otherwise. I imagine there would be cases where you would have subsequent tests done where parenthood might be at issue. I'd be very interested to hear what kinds of consultations went into that particular change because I imagine it's not without its own contentious elements.

It allows parties in a vexatious litigant case the right of appeal. Again, I need a bit more information about what that is attempting to achieve.

It allows administrators to enter into a settlement agreement for hit-and-run injury claims where damages are less than \$25,000 and they are to be paid out of the general revenue fund.

Here's one that I am somewhat concerned about, shifting language from "court reporter" to "transcriber" under the Recording of Evidence Act. It includes a transitional provision to current court reporters. I am somewhat concerned about that and what impact that has on the role of court reporters and how that work is being done in our courts and how the quality of the work that those people are doing is being maintained and protected in the best interests of our justice system. It does seem that we have been reducing our reliance on court reporters over a period of time. Again, this would require the Minister of Justice to give us a rationale for this change and what it is that's being achieved through this transition.

The other thing that is somewhat worrisome for us is a change in the shift towards using more electronic documents in the courts. While that sort of sounds great for purposes of modernization, it does leave open all the questions and the answers in terms of detail around the security and the integrity and the chain of

custody and all those kinds of information about the document. So we would need the minister to provide us with a bit more information about how he anticipates that particular authority unfolding.

The amendment to the Police Act is an attempt to allow the minister to appoint commissioned officers. It may conflict with an existing definition of commission in the act. Commission under the act refers to a police commission, but the inserted section uses commission in reference to the title given to an officer under the section. We're not quite sure how that is supposed to work.

11:50

We generally support these issues, but we need some reassurances around the security and the integrity of electronic document use within the courts. It seems like we've got a lot of stuff going into an omnibus amendment bill.

I need to know more information about what the transition from court reporter to transcriber will mean for people currently employed in the judicial system doing that work.

Going into the issue of electronic documentation can be a problem because it engages the privacy of very personal data and the reliability of things we use to convict people or find people at fault, so we need to be sure that the rules around that are appropriate. We need to be clear that we have prohibitions and protections in place to ensure that electronic documents are not tampered with in some way, allowing those false documents to wrongly convict somebody. We need to know what protections are in place there.

We also need to know about private details around sexual assaults, for instance, and whether those can be protected. We seem to see nothing but breaches of electronic document security these days. With our paper documents we've had decades or more to build up policy on security protocols and to develop well-trained staff, and this bill doesn't guarantee that those same protections that we've come to expect with physical documents will be extended to the use of electronic documents in the court system.

The e-file page for the Alberta Provincial Court Charter challenge states in bright red on the actual website, "As with all technology, this system may occasionally falter." We need to see a more open process in that regard rather than leaving things solely up to the regulations that will determine the answer in the future.

I do want to say again that we need to have strong efforts made to reduce the load on our courts, and this may assist in that, but we just need to know that there is a measured and well-researched implementation plan in place because we don't quite have that yet.

Anyway, those are my preliminary observations about this bill. Again, I remain quite concerned about the number of pieces of legislation that are being amended through this. We've got, as I say, 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. That is a great deal of legislation that's being changed in one fell swoop, and I would suggest that it needn't have come to us in this format.

Mr. Speaker, that and the electronic records and the court reporters are my three primary concerns going forward with this piece of legislation. Thank you.

The Deputy Speaker: Thank you, hon. member.
Are there other speakers?

Seeing none, the hon. minister to close debate?

Mr. Denis: I would move second reading of Bill 38.

The Deputy Speaker: Thank you.

[Motion carried; Bill 38 read a second time]

The Deputy Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. We have done a very good amount of work on some very good bills, and I would, then, move that we adjourn until 1:30 p.m. tomorrow so we can come back and do some more.

[Motion carried; the Assembly adjourned at 11:55 p.m. to Wednesday at 1:30 p.m.]

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